

Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Wednesday, 7 March 2018.

PRESENT

Mr. S. J. Galton CC (in the Chair)

Mr. D. C. Bill MBE CC
Mr. L. Breckon JP CC
Mr. M. H. Charlesworth CC
Dr. T. Eynon CC
Mr. D. Jennings CC

Mrs. R. Page CC
Mr. A. E. Pearson CC
Mr. T. J. Richardson CC
Mrs B. Seaton CC
Mr. D. Slater CC

71. Minutes.

The minutes of the meeting held on 7 February 2018 were taken as read, confirmed and signed.

72. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

73. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

74. Urgent Items.

There were no urgent items for consideration.

75. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mr Galton and Mrs Page each declared a personal interest in the report on the Lutterworth East Strategic Development Area (minute 81 refers) as they were members of Harborough District Council, which was responsible for approving the Local Plan, including the Lutterworth East Strategic Development Area. They also served on a Panel at the District Council which was looking at the Local Plan.

76. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

77. Presentation of Petitions under Standing Order 36.

The Chief Executive reported that no petitions had been received under Standing Order 36.

78. Delivery Review of the Updated Three Year Youth Justice Strategic Plan: 2016 - 2019.

The Commission considered a report of the Director of Children and Family Services which provided an update on the delivery of the Youth Justice Plan 2016 – 2019. A copy of the report marked 'Agenda Item 8' is filed with these minutes.

Arising from discussion the following points were raised:-

- (i) The Crime and Disorder Act 1998 set out the statutory partners in delivery of youth justice services and required them to make a contribution to the service. The level and nature of the resource that partners should contribute was not defined. Locally, funding was agreed annually by the Youth Offending Services Management Board, although for organisations such as the National Probation Service a national agreement was in place. There were some risks to the ongoing levels of partnership funding but these were mitigated by the fact that a large proportion of the work was statutory.
- (ii) It was expected that the 2018/19 budget would be similar to that of the previous year. Notification of partner contributions had been received although confirmation of funding from the Youth Justice Board was still awaited. The Youth Offending Service was accustomed to these circumstances and had a good track record for management of its budget.
- (iii) Members welcomed the reduction in custodial sentences for young offenders but sought assurance that robust alternatives were in place. It was confirmed that a breadth of community-based alternatives to a custodial sentence were available and that the Magistrates' Courts had confidence in the recommendations of County Council officers and their ability to deliver. The re-offending of young people who had been given a community sentence was monitored and could be compared with re-offending rates where a custodial sentence had been given.
- (iv) The Commission was pleased to note the strength of arrangements in the Youth Offending Service for oversight and audit of caseloads, along with the strong performance management culture. The increased complexity of cases meant that a holistic, partnership approach to service delivery was being developed. Work to prevent young people from entering the youth justice system also helped with caseload management, although it was noted that reductions in funding made the delivery of preventative work more challenging.
- (v) The Early Help Review would provide an opportunity to align early help services to support the Youth Offending Service. The Plan would not need amending in the light of the review as it was not expected to alter the strategic objectives for the service.
- (vi) The improvement in the numbers of young people in education, employment and training at the end of supervision was noted and assurance sought that this was sustainable. The Commission was advised that the conversion of schools to academies had initially affected performance in this area, but that once new

arrangements were in place performance had improved. There was confidence in the quality of provision as the affected young people would not engage unless it was meaningful.

- (vii) There was a nationally agreed protocol in place for when a young offender was placed in another local authority area. Arrangements under this protocol were felt to work well.
- (viii) Out of court disposals were used to keep young people out of the criminal justice system and to deal with their offence in a proportionate manner such as through restorative work or a warning. National guidance on their use had been issued. Locally, it was not felt that pressure was applied on young people to accept an out of court disposal, acknowledging that this would become part of a criminal record.

RESOLVED:

That the update on the delivery of the Youth Justice Plan 2016 – 2019 be noted.

79. Midlands Connect - Sub-National Transport Body.

The Commission considered a report of the Director of Environment and Transport which would be submitted to the Cabinet on 9 March 2018 to advise of Midlands Connect's draft proposals to become a Sub-national Transport Body (STB) and to seek Cabinet's approval of the Authority's response to the proposals, with particular reference to the consultation on the proposed STB voting options and functions. A copy of the report marked 'Agenda Item 9' is filed with these minutes.

Arising from discussion the following points were raised:-

- (i) Members welcomed the proposal as it appeared to be the only way in which Leicestershire would get funding for sizeable and meaningful transport infrastructure. The Commission was advised that the County Council had secured £92 million for transport infrastructure in the last five years but that the STB would be better placed than individual local transport authorities to lobby and bid for future funding. It would also be a statutory consultee on transport matters and would therefore be a body that the Government was required to interact with.
- (ii) The Director confirmed that officers were comfortable with the proposal that no single authority would have a veto on decisions. Only elected members would have voting rights and it was expected that decisions would normally be made by consensus, either through compromise or agreeing an approach. When a vote was required, precautions such as a super majority were in place to safeguard the position of each local transport authority. In addition, if the governance arrangements were not working effectively, the Midlands Connect Partnership Board would be able to agree to change them. The Commission suggested that officers request further details on the definition of consensus in this context.
- (iii) The Commission supported the recommendation that the Council's preferred voting option was to have voting weighted on a population base of one vote for every 200,000 people, as this was felt to be as fair as possible. Members were also pleased to note that representatives on the Strategic Board were fairly balanced between the East and West Midlands.

- (iv) The recommendation to the Cabinet to seek further clarity about the Scrutiny Committee proposal was welcomed. The Commission suggested that Midlands Connect should be advised that for transparent and effective scrutiny, membership of the Scrutiny Committee should be drawn from the scrutiny bodies of Local Transport Authorities. Executive Members of Local Transport Authorities should be excluded. It should also be possible for the Scrutiny Committee to co-opt members, for example from transport operators, other transport bodies or service users.
- (v) The Commission requested that formal arrangements for the STP to report back to its constituent bodies were developed. Currently, any decision required by Midlands Connect was the subject of a report to the Cabinet and relevant Scrutiny Committee. It was acknowledged that this arrangement would need revisiting and formalising in the light of the proposal for Midlands Connect to become an STB.
- (vi) The governance arrangements for the STB took Combined Authorities into account. If any new Combined Authorities were established in the Midlands Connect area, discussions would be held with Midlands Connect to determine how this would affect voting arrangements.
- (vii) It would be important to ensure that Leicestershire's transport priorities continued to be recognised by Midlands Connect. The Commission was pleased to note that a number of Leicestershire's priorities were included in the Midlands Connect Strategy and were therefore likely to be recognised by the Government. In addition the Council, through its membership of Transport for the East Midlands, was working to strengthen relationships across the East Midlands Local Transport Authorities and to establish an agreed position on transport priorities for the region. It was expected that this would enable East Midlands Transport Authorities to be more of an equal partner in Midlands Connect.
- (viii) It was noted that the priorities in the Midlands Connect Strategy were at different stages of development and that feasibility would be tested at each stage. It was not possible for Midlands Connect to give a definite statement of intent in relation to its priorities. With regard to the proposal to develop an A46 Expressway it was confirmed that this was a priority for the region because of its benefits in relation to connectivity, resilience, allowing growth and providing some relief to the Birmingham motorway network. To that end, a feasibility study was being undertaken. Members suggested that some evidence of confidence in the scheme's deliverability would be welcomed in due course.
- (ix) The rail priorities for Midlands Connect were high level and did not include the Ivanhoe Line. Similarly, Leicestershire County Council's rail priorities were the direct rail link from Leicester to Coventry and enhancements to the Leicester to Birmingham rail connections. The Ivanhoe Line was not a priority as the proposal faced a number of challenges, including the cost and lack of a link to Leicester Railway Station. Work however was ongoing to establish if Government's rail strategy launched in 2017 could provide any support to the development of the Ivanhoe Line proposals.

Mr Bill asked for his concern to be placed on record that, by including the A46 Expressway as a priority in the Midlands Connect Strategy, the County Council was promoting a major project without knowing its impact on the local road network, countryside and the population of Leicestershire.

RESOLVED:

- (a) That the comments now made be submitted to the Cabinet for consideration at its meeting on 9 March 2018 and that the Cabinet's attention be drawn in particular to the view that that for transparent and effective scrutiny, membership of the Scrutiny Committee should be drawn from the scrutiny bodies of Local Transport Authorities;
- (b) That officers be requested to submit a further report on the Scrutiny arrangements to the Scrutiny Commission once the arrangements have been clarified.

80. East Midlands Shared Service - Performance Update.

The Commission considered a report of the Director of Corporate Resources which provided an update on the performance of the East Midlands Shared Service (EMSS) and its strategic priorities during 2017. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

Arising from discussion the following points were raised:-

- (i) Members welcomed the improvements in performance of EMSS and the focus on growth and finding new business opportunities. The Fit for the Future project was seen as an enabler for growth. However, assurance was sought that the County Council's investment in the Oracle cloud would be recouped. It was confirmed that the business case had been approved by the Cabinet. This stated that the capital investment would be repaid in four to five years. Some of this would come from efficiencies.
- (ii) The procurement of the Oracle cloud, which was a service rather than software, would deliver a saving for the County Council and would also future-proof the service as it would be automatically updated on a regular basis, enabling it to stay at the forefront of development. It was confirmed that the contract was still being finalised. Timescales for implementation were yet to be agreed, but November 2019 was suggested as a likely 'go live' date.
- (iii) It was confirmed that the flexibility of cloud licenses was understood and that the licensing arrangements for Oracle cloud were by organisations, with a unit price for each individual employee. Specialists had provided advice on both the licensing arrangements and value for money. The new service would also be compliant with the General Data Protection Regulations which would come into place in May 2018.

RESOLVED:

That the performance of the East Midlands Shared Service and its strategic priorities during 2017 be noted.

81. East of Lutterworth Strategic Development Area.

The Commission considered a joint report of the Director of Corporate Resources, Chief Executive and Director of Law and Governance which set out progress with the East of Lutterworth Strategic Development Area (SDA), its inclusion in the emerging Harborough

Local Plan and the land assembly required to deliver the SDA. A copy of the report marked 'Agenda Item 11' is filed with these minutes.

Arising from discussion the following points were raised:-

- (i) The Commission supported the development of the East of Lutterworth SDA and sought assurance that the land required to deliver the site would be within the control of the Council by the time the Planning Inspector held the examination of the Harborough Local Plan in public, expected to be in May or June of this year. It was confirmed that none of the land required for the SDA was owned by developers and that it was hoped that there would at least be signed agreements in place with two out of the three remaining landowners by this time. However, given that Harborough District Council had agreed in principle to use its Compulsory Purchase powers these provisions were thought to be sufficient to satisfy the Planning Inspector.
- (ii) The spine road was designed to provide sufficient highways infrastructure for the planned number of homes, the industrial estate and the commercial development in the SDA but would also give some relief to Lutterworth Town Centre. It had only ever been intended as a single carriageway road. However, if Lutterworth was subject to further expansion in the period 2030 – 2051, additional highways infrastructure might be required.
- (iii) The applications to the Housing Growth Fund and the Homes and Communities Agency funding streams were through the first stage of the process. The funding would mainly be used for the bridge over the M1, although it would support some of the other highways infrastructure required by the development. The project was not reliant on receiving funding through these routes, although if the applications were successful they would accelerate delivery of the homes and therefore the capital receipts would be achieved more quickly.
- (iv) The County Council intended to be the freehold owner of the SDA and would have the option to work with private sector building contractors to develop the site. It would also be possible to have a design code for the development which would ensure harmonious design.

RESOLVED:

That the comments now made be submitted to the Cabinet for consideration at its meeting on 9 March 2018.

82. Revenue Budget and Capital Programme Monitoring Report - Period 10.

The Commission considered a report of the Director of Corporate Resources which provided an update on the 2017/18 revenue budget and capital programme monitoring position. A copy of the report marked 'Agenda Item 12' is filed with these minutes.

Arising from discussion the following points were raised:-

- (i) In response to a query regarding the overspend on winter maintenance, the Commission was advised that, given the Council's strong financial position, it was able to make decisions on gritting roads based on safety rather than cost. Any additional costs resulting from the recent cold weather would be absorbed.

- (ii) There was a national shortage of social workers. Both the Adults and Communities and Children and Family Services departments were working to improve the recruitment and retention of social workers. It was expected that there would always be a requirement for some agency staff although it was hoped that the level would be lower than was currently the case.
- (iii) Regarding the £5 million loan to Northamptonshire County Council, the Commission was advised that the Council's Treasury Management Policy was approved by both the Cabinet and full Council and was monitored by the Corporate Governance Committee. This limited the organisations the Council could lend money to. Other local authorities were on the 'approved' list as they were very unlikely to renege on repaying a loan.

RESOLVED:

That the 2017/18 revenue budget and capital programme monitoring position be noted.

83. Date of next meeting.

It was noted that the next meeting of the Commission would be held on 6 June 2018 at 10.30 am.

84. Brian Roberts.

The Chairman reported that this was the last meeting of the Scrutiny Commission that Brian Roberts would attend. He would retire as Director of Corporate Resources at the end of March. The Chairman placed on record the Commission's thanks to Brian for his contribution and support to the work of the Commission and to the Council as a whole. Members joined with the Chairman in wishing Brian a long and happy retirement.

2.00 - 4.30 pm
07 March 2018

CHAIRMAN