

Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Wednesday, 19 January 2011.

PRESENT

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

Mr. R. Blunt CC	Mr. P. G. Lewis CC
Mr. G. A. Boulter CC	Mrs. R. Page CC
Mrs. R. Camamile CC	Mr. B. L. Pain CC
Dr. R. K. A Feltham CC	Mrs. P. Posnett CC
Dr. S. Hill CC	Mr. R. J. Shepherd CC
Mr. Max Hunt CC	

In Attendance:

Cllr. D. Jennings, Blaby District Council (For Minute 144)
Mr. M. Honeywell (For Minute 144)
Mr. D. Slater CC (For Minute 146)

136. Minutes of the meeting held on 15 December 2010.

The minutes of the meeting held on 15 December 2010 were taken as read, confirmed and signed.

137. Question Time.

**Dr. Matthew O’Callaghan asked the Chairman the following questions under Standing Order 35:-
Licences for Pavement Cafes**

- “1. Could the Chairman give the date of the implementation of this policy for each of the major towns in Leicestershire (ie Loughborough, Melton, Coalville, Harborough, Hinckley, Blaby etc)?
2. Could the Chairman give a breakdown by district of the amount of income received by the County Council in this financial year for these pavement cafes?
3. How many local authorities are responsible for highways similar to the County Council, and of these how many require licences for pavement cafes and how many do not?
4. What section of the legislation does the licensing of pavement cafes come under? Would the Chairman detail this section of the legislation?”

The Chairman replied as follows:

- “1. At its meeting on 8 May 2007 the Cabinet set a policy to introduce a requirement for licences for street cafes as part of wider arrangements to provide effective management of the highway street scene. This was implemented with immediate effect across the whole County, including all market towns.

Enforcement action against those not complying with a licence or encroaching or obstructing the highway without the benefit of a licence will always be on the basis of managing the risks against the available resources. Concerns regarding these matters are usually raised initially by the local community and relate to the management of the whole street scene including shop front displays and "A" boards for which guidance is also provided in the Cabinet report of 8th May 2007. This was the case in Melton Mowbray and clearly it is reasonable for the Council to take a consistent approach to management of the street scene be that shop front displays and "A" boards falling outside the guidelines for reasonable use or licensing of street cafe.

It remains the intention of the Council to support the prosperity of our excellent market towns and villages by permitting reasonable use of shop front displays, "A" boards and street cafes, which enhance the street environment using the guidelines and licences to ensure a balance with the needs of pedestrians and to provide local traders with a certainty of arrangement to invest in good quality displays and furniture.

2. Income received in 2010/11 is £700 in Charnwood and £150 in Harborough Districts with several more application enquiries currently being processed.
3. Most other local authorities require a licence for a street cafe. Details of several East Midland authorities are shown in the table below:

Authority	First Year Fee	Renewal Fee
Derbyshire County Council	£300 up to 6 chairs £50 each chair thereafter	50% of first year fee
Leicester City Council	£225	£225
Nottingham City Council	£300	£150
Nottinghamshire County Council	£225	£225
Lincolnshire County Council	1 – 9 chairs £50 10 – 25 chairs £150 26 and over £500	£10 £15 £50

As this demonstrated Leicestershire was taking a consistent approach, further research has not been undertaken.

4. Pavement Café Licences are issued under Section 115E of the Highways Act 1980.

The County Council may licence occupiers of premises adjoining the highway to provide refreshment facilities, including seating and chairs subject to a consultation process with neighbours. A notice has to be displayed on the premises for 28 days before a decision is made to

issue any Licence. If occupiers of premises do not obtain a license, they may be at risk of committing an offence if obstructing the highway. I have arranged for the County Solicitor to send a copy of the relevant sections to Dr. O'Callaghan."

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

Mr. Max Hunt CC asked the Chairman the following questions under Standing Order 7:-

(A) The Big Society

"Is the Chairman aware that Dorothy Francis, Chief Executive of the Leicestershire Co-operative and Social Enterprise Development Agency, has recently been voted Leicestershire Business Woman of the Year and will he invite her to address members so that we can all understand more about the Big Society which she has practiced in this County over several years."

The Chairman replied as follows:

"Yes, I am aware. I think this is a matter which would be best dealt with by the Big Society Scrutiny Review Panel and so, subject to the Commission agreeing the recommendations of the Panel's interim report to be discussed later in the agenda, I shall ask Mr. Pain to follow up this request as part of the Panel's ongoing work."

(B) PR and Communications

"Will the Chairman please confirm:

1. When Westco Ltd. was originally engaged by the County Council, with what brief, over what period and at what cost?
2. What the original budget for this department was for the financial year 2010/11 and what the current estimated out-turn is?
3. That the budget for communications will be cut by 40% and indicate the anticipated budget for 2011/2?
4. What contracts were agreed following the failure to appoint a new head of service?
5. How much Westco Ltd. has been paid to date and how long their current contract has left to run and at what cost?
6. How much the current Interim Head of Communications is being paid a month and for how many days per week? What expenses are being paid on top of this and how much these come to each month?
7. What Mr. Fergus Sheppard's current role is, for how long will it continue, and how much he is being paid a month, including expenses and whether this falls upon the communications budget?

8. What staff report directly to the Leader of the Council?
9. Whether he appreciates the irony that whilst Westco Ltd. specialises in public relations, our association with that company has had a negative effect upon our reputation?
10. Whether any steps have been taken to correct any inaccuracies or misrepresentations in the recent coverage of our PR/Communications contracts in the press? If so, what are they and what has been said?
11. When it is anticipated the department will have a new Head of Communications and how this is to be achieved?"

The Chairman replied as follows:

"I have been provided with the following information to enable me to reply to these questions, as I am required to do under Standing Order 7. However, this is not an issue about which I have any direct knowledge. Therefore, should there be any supplementary questions, I will not be in a position to reply, but will undertake to ensure that they are passed to the appropriate officers for response.

1. Westco was appointed in August 2009. Their brief was to undertake a review of the Council's communications and marketing activities, to assess current performance against best practice and to make recommendations about how improvements in the effectiveness and value for money of communications could be achieved.

The review, which included a one-off survey of Leicestershire residents, concluded in December 2009 at a total cost of £43k.

2. In the year 2009/10, total Council spending on communications, marketing, design, information provision and non-recruitment advertising was £3.5m, including staffing costs in all departments and running costs. Of that £3.5m, the 'corporate' teams (PR Unit, Design Unit and Corporate Internal Communications) accounted for £1m.

A new centralised Communications Team has been created which incorporates staffing and budgets from across the authority. The new teams became operational on January 4th 2011. The current forecast is that the team will come in on budget.

3. The overall spending on communications (including communications, marketing, design, information provision and non-recruitment advertising) will be reduced by 28% in 2011/12, rising to 52% by the end of 2012/13, against the figure of £3.5m.

The total 2011/12 communications budget will be £2.3m, reducing to £1.7m in 2012/13.

4. The arrangement with Westco for the provision of communications advice and interim management was extended to April 2011.

5.

	Gross costs	Net costs¹
Review and related survey	£43k	£43k
Interim management	£90k	£29k
Expenses	£5k	£5k
Total	£138k	£77k

¹ Net of cost of vacant Head of Communications post.

6. The current Interim Head of Communications is employed by Westco and is paid directly by them. The Council covers the cost of the interim manager's accommodation of between £350 and £690 per month, depending on offers and discounts. No expenses are paid other than the cost of accommodation.
7. His role is to work with the Head of Communications, in particular facilitating access to national media in promoting LCC as a well-respected, innovative and leading local authority. This work forms part of the current arrangement with Westco. No expenses are paid as part of this work.
8. None.
9. As I am sure Mr. Hunt will appreciate, I, as Chairman of the Scrutiny Commission, have an obligation to respond to questions from members in an appropriately factual manner. If Mr. Hunt wishes to raise matters for political debate, his questions would be better addressed elsewhere.
10. Accurate information has been given to the media in response to their questions on the arrangement.
11. The recruitment of a permanent Head of Communications is currently being considered in light of the new structure and the financial context."
139. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.

There were no urgent items for consideration.

140. Declarations of interest in respect of items on the agenda.

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

Mr. B. L. Pain CC declared a personal, prejudicial interest in respect of item 11 (Report "E") as the owner of a taxi company which was affected by the proposals contained within the report (Minute 146 refers).

Dr. S. Hill CC and Mrs. P. Posnett CC each declared a personal, non-prejudicial interest in respect of item 13 (Report "G") (Minute 148 refers).

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

There were no declarations of the party whip.

142. Presentation of Petitions under Standing Order 36.

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

143. Licences for Street Cafés.

The Commission considered a report of the Director of Environment and Transport concerning a response to a petition submitted by a local resident in Melton concerning the Council's proposals to charge for street café licences. A copy of the report, marked 'B', is filed with these minutes.

With the consent of the Chairman, Dr. M. O'Callaghan (Lead Petitioner) addressed the Commission and made the following key points:

- Until recently street cafes had operated without obstruction to enhance the culture and economy of villages and towns, such as Melton;
- Owners of small cafés felt aggrieved at having to pay such a relatively high price for a licence;
- The proposed reduction in charge was welcomed, though the policy itself was seen as ill-conceived and impractical – particularly in respect of the siting of furniture. Greater flexibility was requested.

The Director of Environment and Transport addressed the Commission and made the following key points:

- There was a risk that, without a stringent policy, there would be dangers to users of the highway, particularly disabled people;
- The policy was operated on a "common sense" basis and the rules contained therein were based on national best practice;
- Each street café would be assessed on a case by case basis and, in doing so, some of the rules within the policy in regard to the siting of furniture were flexible, depending on the particular nature of the particular piece of highway concerned;
- The proposals to reduce the licence charge would require the agreement of the Cabinet.

In response to the issues raised, members made the following points:

- Public spaces were now more occupied than ever before and so it was essential that there was proper regulation of the highway. However, it was welcomed that discretion was exercised in the use of the policy;

- It was important that disabled groups were properly consulted as part of proposals for a street café, particularly where the use of barriers was concerned.
- It was felt that a 'Light Touch' review would be helpful in coming to a view on the policy, particularly in respect of the siting of furniture and consultation with disabled people.

RESOLVED:

- (a) That it be noted in response to concerns now expressed that, subject to (b) below, the proposed reduction in charges for street café licences be supported;
- (b) That a 'Light Touch' review be established prior to reporting to Cabinet to look at the licencing policy to consider the issues of particular concern to the Commission, as follows:
 - (i) Requirements as to the siting of tables and chairs under the policy;
 - (ii) Whether it was appropriate for a license fee to be charged regardless of the extent of the proposed use;
 - (iii) Arrangements to ensure engagement with disabled people in consideration of an application.
- (c) That Mrs. Page CC and Mrs. Posnett CC be nominated to serve on this review.

144. Review of Locally Based Voluntary and Community Sector Infrastructure Services.

The Commission considered a report of the Chief Executive concerning an independent consultant's report on the effectiveness of locally based voluntary and community sector infrastructure services, currently provided under separate contracts by Voluntary Action Leicestershire (VAL), seven Community Hubs (CHs) and three Local Resource Centres (LRCs). A copy of the report, marked 'C', is filed with these minutes.

The Chief Executive reported that Mr. Honeywell, an independent consultant, had carried out the review to establish how:

- More effective support could be provided to over 3,000 voluntary organisations;
- More cost effective arrangements could be put in place;
- Duplication of effort could be removed across the sector.

The review was conducted within the context of severe financial pressures, which would see the voluntary sector budget cut from £1.5 million to around £1.1 million over the next three years. Of this reduced budget, £1.1 million would be allocated to VAL, £430,000 to the CHs and £30,000 to LRCs.

The Chairman invited Mr. Honeywell to address the Commission. In introducing the report, Mr. Honeywell outlined the following key points:

- He had worked in the voluntary sector all his life and now worked as a consultant providing links between the sector and the public;
- There were many different ‘models’ of voluntary sector support adopted across the country and there was no single ‘right’ way of providing support;
- The voluntary sector in Leicestershire was strong, though there were longstanding difficulties in regard to the way it was organised – particularly the merits of a “Countywide Infrastructure Organisation” model (the Council had contracted VAL to carry out this role) or a “Hub and Spoke” model. There was a clear need to commit fully to one way of working;
- The voluntary sector would undoubtedly face challenges in the near future with the impending Big Society agenda and changes in technology and levels of need;
- Agreement was urgently required between funders on the level of service delivery provided and who be responsible for those services;
- He recommended that the “Countywide Infrastructure Organisation” model should be pursued. Agreement in principle had been reached at a workshop organised by members of the voluntary and community sector that this was the appropriate approach for the future. An agreement between VAL and the CHs/LRC would be required regarding the extent to which services could be sub-contracted from the latter organisations;
- The contract with VAL was for one further year. He recommended that this contract should be extended for two further years in order to fully embed the new arrangements.

With the consent of the Chairman, Cllr. D. Jennings of Blaby District Council addressed the Commission to amplify a letter outlining the Council’s comments on the report. A copy of this letter is filed with these minutes.

Cllr. Jennings stated that the District Council had not been consulted about the notice of termination letter. The District Council was, however, in full support of the “Countywide Infrastructure Organisation” model.

With the consent of the Chairman, Mr. John Warren – Manager of the Lutterworth Volunteer Centre – addressed the Commission. Mr. Warren made the following key points:

- CHs were ‘on notice’ that their contracts would end on 1 April. This had caused concerns;
- The review was a good piece of work and there was full support for the “Countywide Infrastructure Organisation” model, on the basis that it

would allow support to be decentralised (“subsidiarity”).

In response to questioning from members, the following points were noted:

- The funding provided to VAL was for ‘infrastructure support’ and not community development/service delivery. A range of outcomes were expected of VAL as part of this contract. It was important, firstly, that there was an agreement between VAL, the CHs and LRCs on the role they would each play in providing support – the outcome of which would be needed by early February and require the endorsement of the funders;
- Mr. Honeywell had been asked to review the implementation of the “Countywide Infrastructure” (VAL) model, hence little of the report was concerned with the “hub and spoke” model. The County Council’s Cabinet had previously resolved to pursue the contract with VAL;
- The voluntary sector had been inadequately supported for some time. The contract with VAL had significantly improved support to the sector, however it was clear that further improvements were needed;
- The arrangements would have to be lean and agile to respond to the Big Society agenda and changing developments in the future;
- The proposal for a peer review body that would review areas of disagreement was supported;
- It was important to reach a clear understanding of the implications of the subsidiarity model and whether that meant that in principle services which could be delivered locally should be delivered in that way in the context of the need to ensure value for money and efficient ways of working.

RESOLVED:

- (a) That Mr. Honeywell’s report be welcomed as a way forward in providing efficient and effective support to the voluntary and community sector;
- (b) That the “Countywide Infrastructure Organisation” model be supported in principle;
- (c) That the recommendations contained within the report be commended, particularly those for a peer review body with an independent chairman to adjudicate in disagreements between the single delivery vehicle and the CHs/LRCs and proposals for a full review of the performance management framework and regular review by funding bodies;
- (d) That some concerns remain regarding to the extent to which the voluntary sector would be able to reach agreement regarding the balance of activities to be carried out by VAL and the CHs/LRC in localities (the “subsidiarity” model) under these new arrangements and that it is the view of the Commission that the Scrutiny Commissioners should discuss this further with the Leader of the Council or his

representative;

- (e) That the outcome of any subsequent discussions should be addressed at the Commission's next meeting on 2 February.

145. Report of the Scrutiny Review Panel on The Big Society.

The Commission considered an interim report of the Scrutiny Review Panel on the Big Society. A copy of the report, marked 'D', is filed with these minutes.

The Chairman invited Mr. B. L. Pain CC, Chairman of the Review Panel, to address the Commission. Mr. Pain made the following key points:

- The report being considered by the Commission was 'interim' due to the demanding timescale placed on the review which required the report to be presented alongside the external consultant's report on the voluntary sector (Minute 144 refers);
- The Panel had been unable to consult with a number of key witnesses (as outlined in the recommendation of the report) and sought the agreement of the Commission to continue its work in order to address these issues;
- The Big Society concept was viewed as a paradigm shift in government and there were a number of risks to the delivery of services as part of this change.

In response to the report, the following points were noted:

- The local media would play an important role in publicising the Big Society and it was felt that representatives from this industry should be involved in any second phase review. Local businesses and the Chamber of Commerce were also identified as possible witnesses;
- Ongoing funding was seen as important to the success of this policy. The intended £500,000 growth bid outlined in the MTFS for the Big Society was welcomed.

RESOLVED:

- (a) That the interim findings of the Panel be supported and referred to the Cabinet for its consideration;
- (b) That the need for the Panel to reconvene in 2011 to continue its work be supported and that the second phase of the review should focus on:
- (i) The Localism Bill and other key emerging documents;
 - (ii) Evidence from various voluntary organisations, the Interfaith Forum for Leicestershire, District and Borough Councils and County Council departments;
 - (iii) Consideration of the risks associated with the effective delivery of

the 'Big Society';

- (iv) Consideration of the measurability of outcomes;
 - (v) Further information about mutuals, social enterprises and co-operatives;
 - (vi) Consideration about the "rights and responsibilities" inherent in the 'Big Society' concept;
 - (vii) Engagement with the business community.
- (c) That detailed terms of reference and a project plan be drafted by officers for the second phase of the review having regard to the issues outlined in (b) above.
 - (d) That members of the existing Big Society Panel be asked to serve on the reconvened Panel and that Mr. B. L. Pain CC be requested to continue to serve as its Chairman.

146. Report of the Scrutiny Review Panel on Home to School Transport.

The Commission considered a final report of the Scrutiny Review Panel on Home to School Transport. A copy of the report, marked 'E', is filed with these minutes.

The Chairman invited Mr. D. Slater CC, Chairman of the Review Panel, to address the Commission. Mr. Slater outlined some of the principal recommendations contained within the report, as follows:

- The current method for assessing whether routes are 'available' was reasonable, as the criteria for assessing routes must give officers freedom to exercise their trained professional judgement;
- In particular, the Panel felt that there should be no fixed minimum width for footpaths and street lighting should not be taken into account in assessing routes. The Panel had identified the need for a more robust appeals mechanism for people to request a route to be reassessed;
- As Historic Exception services were provided free and outside of policy requirements they were no longer justified and those existing Historic Exceptions should come to an end at the end of the current academic year: July 2011;
- Implementation of the new and more accurate distance mapping software should take effect from the end of the current academic year; July 2011.
- Arrangements should be made for parents and schools to be advised of any changes to services at the earliest opportunity, and of alternative arrangements that may be available to them;
- There was a need to provide more information to schools regarding policy, to make information relating to policy more accessible to all users (including

establishing links on the County Council website) and for the County Council to continue working with schools to implement and maintain effective School Travel Plans to build on the good work which was being undertaken by schools and the County Council.

In response to the report, the following points were noted:

- The report did not make clear that the review did not affect special school transport. It was felt that it would be helpful to stress this point;
- Traffic Regulation Orders should be used to enforce no parking on zigzag lines outside of school premises;
- It would be important for the Chairman of the Panel to follow up the recommendations contained within the report with the Cabinet Lead Member in September.

RESOLVED:

- (a) That, subject to the comments now made, the findings of the Panel be welcomed and submitted to the Cabinet for consideration;
- (b) That the recommendations of the Panel be reviewed through the Chairman of the Panel with the Cabinet Lead Member for Environment and Transport in September 2011.

147. Corporate Complaints - 2010-11.

The Commission considered a report of the Director of Corporate Resources concerning the Corporate Complaints made against the Authority in 2010-11. A copy of the report, marked 'F', is filed with these minutes.

The Director reported that it was important for Scrutiny to be consulted on complaints made in order to ensure that lessons were learnt and that there was consistency across the Authority in responding to those complaints.

It was noted that the Adults and Communities Department and the Children and Young People's Service had statutory procedures in place in regard to complaints and that a separate report was required of both departments in order that they could report to their respective Overview and Scrutiny Committees.

It was suggested that, in future, the Corporate Complaints report would be better dealt with at the Budget and Performance Monitoring Panel.

RESOLVED:

- (a) That the report be noted;
- (b) That, in future, 12 monthly update reports on Corporate Complaints should be considered by the Budget and Performance Monitoring Scrutiny Panel and that these reports should be seen within the context of reports relating to the operation of the statutory complaints

procedures for Adults and Communities and the Children and Young People's Service.

148. Safer Communities Agreement 2008-11 - Update.

The Commission considered a report of the Chief Executive concerning the updated Safer Communities Agreement for 2010-11, which was presented to the Commission to enable it to carry out its function as Crime and Disorder Scrutiny Committee. A copy of the report, marked 'G', is filed with these minutes.

The Chief Executive reported that it was unknown at this stage whether there would be a reduction in the Safer and Stronger Communities Fund. An announcement was expected imminently from the Home Office. It was felt that any reduction would have a bearing on the priorities contained within the report.

A revised version of the Agreement would be submitted to the Commission in the Spring.

RESOLVED:

That the report be noted.

149. Work Programme Issues.

The Commission considered a report of the Chief Executive concerning work programme issues. A copy of the report is filed with these minutes.

The Chief Executive reported on progress made in respect of discussions between Prospect Leicestershire and Leicestershire Promotions. Meetings had been held between Council officers and both companies and it had been agreed to establish an interim board to make decisions on practical issues faced in the process of merging the two companies. It had already been agreed that the two companies would share back-office functions and would co-locate to Town Hall Square.

The Cabinet would consider a report on the arrangements at its next meeting and it was noted that this report would be brought to the Commission's next meeting for consideration.

RESOLVED:

- (a) That the proposed revisions to the Commission's provisional work programme for February and March, as appended to the report, be approved;
- (b) That the establishment of a review panel on personalisation, together with the terms of reference outlined in Appendix B to this report, be agreed and that Mr. Max Hunt CC be nominated to serve as Chairman of the Panel;
- (c) That the intention to bring a report to the March meeting of the

Commission on a review to look at 'Securing the Post Office in the Digital Age' be noted.

150. Date of next meeting.

It was NOTED that the next meeting of the Commission would be held on 2 February 2011 at 2.00pm.

10.00 am - 1.15 pm
19 January 2011

CHAIRMAN