

Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Wednesday, 30 May 2012.

PRESENT

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

Mr. D. C. Bill MBE CC  
Mrs. R. Camamile CC  
Mrs. J. A. Dickinson CC  
Dr. R. K. A Feltham CC  
Mr. T. Gillard CC  
Mr. G. A. Hart CC

Dr. S. Hill CC  
Mr. A. M. Kershaw CC  
Ms. Betty Newton CC  
Mrs. R. Page CC  
Mr. R. J. Shepherd CC

In Attendance:

Mr. J. T. Orson JP CC, Cabinet Lead Member for Safer Communities (Minute 277 refers)

268. Appointment of Chairman.

RESOLVED:

That it be noted that Mr. S. J. Galton CC has been appointed Chairman of the Scrutiny Commission for the period ending with the Annual Meeting of the County Council in 2013 in accordance with Article 6.05 of the Constitution.

269. Election of Deputy Chairman.

RESOLVED:

That Mr. A. M. Kershaw CC be elected Deputy Chairman of the Scrutiny Commission for the period ending with the date of the Annual Meeting of the County Council in 2013.

270. Minutes.

The minutes of the meeting held on 2 May 2012 were taken as read, confirmed and signed.

271. Question Time.

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

272. Questions asked by members.

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

273. Urgent Items.

There were no urgent items for consideration.

274. 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. D. C. Bill CC declared a personal, non-prejudicial interest in respect of the item on the Safer Communities Commissioning Plan as a member of Hinckley and Bosworth Borough Council's Crime and Disorder Reduction Panel (Minute 277 refers).

The following members, who were representatives of district or borough councils each declared a personal, non-prejudicial interest in respect of the item on Troubled Families (Minute 280 refers):

Mr. D. C. Bill CC  
 Mrs. R. Camamile CC  
 Mr. S. J. Galton CC  
 Mr. T. Gillard CC  
 Mr. G. A. Hart CC  
 Dr. S. Hill CC  
 Ms. M. E. Newton CC  
 Mrs. R. Page CC  
 Mr. R. J. Shepherd CC

The following members each declared a personal, non-prejudicial interest in respect of the item on the proposed acquisition of the Fire HQ, Glenfield as members of the Combined Fire Authority (Minute 283 refers):

Dr. R. K. A. Feltham CC  
 Mr. T. Gillard CC  
 Mr. W. Liquorish CC  
 Ms. M. E. Newton CC

275. Declarations of the Party Whip.

There were no declarations of the party whip.

276. Presentation of Petitions.

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

277. Leicestershire Safer Communities Board Commissioning Plan 2012/13.

The Commission considered a report of the Chief Executive concerning the Safer Communities Commissioning Plan 2012/13. A copy of the report, marked 'B', is filed with these minutes.

The Chairman welcomed to the meeting the Cabinet Lead Member for Safer Communities, Mr. J. T. Orson JP CC, who was present to respond to any questions raised by the Commission. In his introduction, the Cabinet Lead Member reported that it had been necessary to average out, over an 18 month period reductions in Government funding in 2012/13 equivalent to 60% of the overall budget in order to deliver a managed reduction in the Service. From 2013, the Community Safety funding would transfer to the Police and Crime Commissioner (PCC) and a dialogue on the future of these services would need to take place when the PCC had been elected in November.

Arising from the discussion, the following points were noted:

- It would be crucial to establish a relationship with the PCC at an early stage in order to gain an understanding of his/her intentions for the future of the County's Community Safety function. The reductions in central grant funding had put pressure on more effective joint working and there was an increased emphasis on accessing mainstream funding sources;
- Currently, the district councils used a combination of mainstream and grant funding to support Community Safety projects. The funding allocated to some District Councils for Domestic Abuse Outreach services was an interim arrangement, pending a full Service Review on how best to commission domestic abuse services in the future. This funding would also transfer to the PCC;
- Arising from reviews carried out in the wake of the Fiona Pilkington case in 2011, there was now a greater focus on the 'vulnerability' of victims. Risk assessments aimed to improve the identification of vulnerable people had been rolled out across the sub-region, along with a single anti-social behaviour database for those cases which needed to be pro-actively case managed;
- It would be important, prior to the election of the PCC, to prepare documentation that clearly set out the achievements of the Council's Community Safety work. The Safer Communities Strategy Board had commissioned an evaluation of the use of the Community Safety Fund for this purpose. There were commonalities between the work carried out in the County, the City and Rutland. As the PCC funding would be allocated on the sub-regional basis, it would be important to clearly identify needs and outcomes for each area;

- At present, there was a lack of clarity around how best Scrutiny might engage with the Police and Crime Panels (PCPs). It was clear however that elected members would continue to have a role to play in the work of the PCPs and Community Safety more widely, not least with the Commission continuing to act in its capacity as Crime and Disorder Committee for the County Council;
- A booklet was currently being prepared for the PCC which would bring together the workstreams of all key agencies in respect of Community Safety, as well as identifying key priorities and the current use of funding that was due to transfer to the PCC. A draft was expected by the beginning of July. The booklet would be shared with elected members when finalised;
- It was recognised that further work could be done to publicise some of the success stories of the Youth Offending Service, however this was not always possible due to the sensitivities of identifying the individuals involved, some of whom were young offenders.

RESOLVED:

- (a) That the report be noted;
- (b) That a report on performance against the Commissioning Plan be submitted to a future meeting of the Commission.

278. Home to School Transport - Legal Implications.

The Chairman welcomed to the meeting David Morgan, County Solicitor who had been requested to attend to clarify the legal position in relation to Home to School Transport and the implications of the decision of the Cabinet to defer the report on a number of transport related matters. Tony Kirk, Sustainable Travel Manager from the Environment and Transport Department, was invited to join the discussion on this issue.

The County Solicitor advised the Commission that the Cabinet, at its meeting on 8 May, had decided to defer consideration of the report. As yet, it was unclear when the issue would be reconsidered.

With regard to the specific issue relating to the assessment of walking routes to schools, he advised that the Ombudsman was considering whether the County Council's policy adequately reflected guidance issued by the then Department of Education and Skills (DES). The Chief Executive intended to exercise his delegated powers to ensure that the County Council's policy was amended to ensure compliance with the DES guidance.

With regard to Home to School Transport the County Solicitor advised the Commission of the legal requirements as follows:

- The Local Authority had a responsibility to ensure an adequate supply of high quality school places;

- The Local Authority was required to make such arrangements as it considered necessary for the transport of pupils to schools.

To date, the County Council had discharged these responsibilities through maintaining schools and by determining the catchment areas for these schools and aligning the Home to School Transport policy to those catchment areas.

The introduction of Academies and their ability to determine their own catchment areas prompted the review. By way of example, the County Solicitor advised that the existing arrangements relating to the schools in Melton and the Vale of Belvoir could mean:

- A potential challenge by an Academy in Melton Town to the County Council's existing policy of transporting children to school in the Vale of Belvoir. A similar successful challenge had been made by an Academy to the transport policy of Suffolk County Council.
- In the event that all the schools in the Melton and the Vale of Belvoir decided that their catchment area would cover the whole of the District, County or parts of neighbouring authorities, Authorities would be required to provide free transport to any child living more than three miles from a school of their choice.

The consequence of the second scenario would mean that the County Council could face substantial increases in the transport budget and have no means of managing such demand. The proposals therefore put forward in May were that the County Council should provide transport to the "nearest available school", irrespective of if it was in the County or not. It was acknowledged that this might not have been clearly understood by respondents to the consultation, despite the fact that the consultation referred to "nearest available school" and not "nearest available County School".

In response to questions, the Commission was advised that:

- The consequences of the Academies agenda on home to school transport had been drawn to the attention of the Department for Education (DFE) by a number of authorities. It was hoped that the DFE would provide guidance on the matter but to date this had not happened;
- The implications of the "nearest school" policy would mean, for example, that some children in the County who lived within three miles of a City School or a school in a neighbouring county would no longer be entitled to free home to school transport to a Leicestershire School;
- The current arrangements in relation to 'feeder primary schools' would no longer apply, as the transport entitlement would be based on the nearest school;

- Schools converting to Academies were required to retain existing policies and arrangements for two years. The proposals that had been put forward in May, and which were not taken on board, had been intended for introduction in 2014, thereby allowing time for schools and parents to adapt to the new arrangements;
- Pupils would be able to go to the school of their choice, but parents would need to have regard to the consequences of their decision in relation to availability of transport. A number of schools currently had in place their own transport arrangements paid for by parents.

On the specific issue of risks facing the Council, the Commission was advised that the challenge was to develop a policy for implementation by 2015 which:

- was consistent and equitable across all of the County and which was not susceptible to challenge and was then consistently applied;
- did not leave the Council open to unbudgeted pressures as a result of the existing policy which might require transporting pupils great distances to schools of their choice.

The Commission was further advised that discussions were on going between officers and members of the Cabinet on this issue.

RESOLVED:

- (a) That the information now provided be noted;
- (b) That the issue of home to school transport be kept under review;
- (c) That consideration be given at the Scrutiny Workshop (referred to in Minute 284) on what role, if any, Scrutiny could play in relation to this issue.

279. Park and Ride - Update.

The Commission considered a presentation of the Director of Environment and Transport concerning the performance of Park and Ride schemes in Leicestershire. A copy of the slides forming the presentation is filed with these minutes.

Arising from the presentation, the following points were noted:

- 376 parking spaces at the Meynell's Gorse site at the Braunstone Crossroads, Leicester had been sold to staff based in businesses at the nearby Grove Park. This had raised £250,000 of revenue to support Park and Ride and reduced the level of subsidy required to fund the Park and Ride services. As part of the sale, it was stipulated that businesses had to develop a green travel plan;
- There had been a 27% increase overall in passenger numbers at the three sites (Birstall, Enderby and Meynell's Gorse);

- It was known that traffic numbers going into the City had recently fallen significantly, though it not known whether this had been as a direct result of Park and Ride schemes or other factors, such as the recession. Changes in travel journey times were also difficult to monitor;
- Members had received complaints about the withdrawal of Park and Ride services around the time of Leicester Tigers/Leicester City matches. It was explained that services had been withdrawn as part of the removal of the City loop in July 2011 and it was noted that buses were overly full during these times which had meant that other users had sometimes been unable to access the service. The reintroduction of these services could be considered at some point in the future.

RESOLVED:

- (a) That the presentation be noted;
- (b) That consideration be given at the Scrutiny Workshop (referred to in Minute 284) on what role, if any, Scrutiny could play in relation to the ongoing performance of Park and Ride.

280. Troubled Families.

The Commission considered a report of the Chief Executive concerning the Community Budget for dealing with Troubled Families. A copy of the report, marked 'C', is filed with these minutes.

Arising from the ensuing discussion, the Chief Executive reported the following:

- In regard to paragraph 28 of the report, it was noted that the number of families who would be supported by the Leicestershire Troubled Families Programme would now be 1,600. £10.5m had been pooled by Leicestershire Together partners to achieve this level of service which was considered to be a good result for Leicestershire;
- In regard to Appendix 8 to the report, it was reported that the Government would now be supporting the Programme with up to £2.6 million. This was made up of an attachment fee and "payment by results" funding. It had been assumed that 50% of the payment by results funding would be achieved, providing £2.2m in all. The funding would enable the County Council to work with 400 families in 2012. Leicestershire's 'troubled' families had been located by integrating the systems of the various services and agencies and through more effective sharing of cross-agency data;
- The County Council would have three key roles in delivering the Programme:
  - Acting as the accountable body, it would be responsible for claiming funding from the Government and managing the community budget for local partners;
  - It would directly manage referrals and performance, provide an audit trail for the work of the Programme and ensure Family Support Workers worked to the same standards and training;

- It would be responsible for employing some Family Support Workers, although others would be employed by other services/agencies involved in the Programme.
- Some District councils were expected to take responsibility for co-ordinating the work of the Family Support Workers in their area and handle the locality governance of the Programme;
- The Programme would have to demonstrate within two years that it had achieved improved outcomes and the necessary savings for troubled families in Leicestershire if it were to secure continued funding. It was anticipated that, in the long-term, the Programme would be funded from “mainstream resources” and would therefore become sustainable;
- It was hoped that this integrated approach would be replicated in other service areas to achieve further savings as part of the public sector reform programme.

RESOLVED:

- (a) That the proposals now outlined for a Community Budget to cater for the needs of “Troubled Families in Leicestershire” be welcomed;
- (b) That a report on the progress made and the impact of the Programme be submitted to the Commission in twelve months’ time.

281. Overview & Scrutiny Annual Report 2011/12.

The Commission considered the Overview and Scrutiny Annual Report 2011/12, which was due to be submitted to the full County Council for approval on 4 July 2012. A copy of the report, marked ‘D’, is filed with these minutes.

Though the Annual Report was primarily a web-based document, it was suggested that its publication should be publicised as widely as possible, including via the Council’s flagship newsletter, “Leicestershire Matters” and at Community Forums.

RESOLVED:

- (a) That the Overview and Scrutiny Annual Report be commended to the full County Council for consideration at its meeting on 4 July;
- (b) That, subject to (a) above, the Annual Report be circulated to Community Forums and an article be included in “Leicestershire Matters” to spread awareness of its publication and the work of Overview and Scrutiny.



282. Scrutiny Review Panel on the Big Society - Final Report.

The Commission considered the draft Final Report of the Scrutiny Review Panel on the Big Society. A copy of the draft Final Report, marked 'E', is filed with these minutes.

The Chairman of the Review Panel, Mr. Shepherd, commended the Panel's recommendations to the Commission and hoped that they would go some way toward extending the reach of the Big Society in Leicestershire. The priority recommendation which asked for a further £30,000 of funding to better support social enterprise would require a growth item to be included in the Medium Term Financial Strategy. The Panel were conscious that the budget had already included £500,000 to support the Big Society and so it was hoped that the request for further funding would be considered within the context of other demands being placed on the budget.

RESOLVED:

That the Review Panel's Final Report be commended to the Cabinet for consideration at its meeting on 12 June.

283. Proposed Acquisition of Fire & Rescue Services HQ, County Hall Site.

The Commission considered a report of the Director of Corporate Resources concerning a proposal to purchase the Fire HQ building at the County Hall site in Glenfield. A copy of the report, marked 'F', is filed with these minutes.

It was reported that the intended uses of the building were for the Registrars' department and the Council's Learning and Development functions. It would also have additional capacity for other uses.

It was noted that it would be necessary to gain planning approval for the change in use of the building prior to completion of the purchase.

The value of the building was currently being negotiated. The purchase was subject to approval by the Combined Fire Authority at its meeting scheduled for 20 June.

RESOLVED:

That the proposed acquisition of the Fire HQ site at County Hall, Glenfield be given the full support of the Commission when it is considered by the Cabinet at its meeting on 12 June.

284. Date of next meeting.

It was noted that the next meeting of the Commission would be held on 5 September at 2.00pm.

It was further noted that a Scrutiny Workshop for Commissioners, Deputy Commissioners and Chairs and Deputy-Chairs of Overview and Scrutiny Committees would be held on 11 June at 10.00am to discuss the work programmes of Overview and Scrutiny Committees and future priorities for scrutiny more generally.

2.00 pm - 4.30 pm  
30 May 2012

CHAIRMAN