

OVERVIEW AND SCRUTINY COMMITTEE

TUESDAY, 11TH SEPTEMBER, 2007

PRESENT: Councillor P Grahame in the Chair

Councillors B Anderson, S Bentley,
B Gettings, S Golton, T Hanley, A Harrison,
W Hyde and R Pryke

Apologies Councillor E Minkin

28 Declaration of Interests

The following Member declarations of interest were made:-

Agenda Item 11 (Minute No 34 refers) – Protocol between Scrutiny and Statutory Public Sector Partners in Leeds – **Councillor Anderson** – personal interest in his capacity as a member of the Environment Agency (Ridings Area)

Agenda Item 11 (Minute No 34 refers) – Protocol between Scrutiny and Statutory Public Sector Partners in Leeds – **Councillor Pryke** – personal interest in his capacity as a member of the Yorkshire Regional Flood Defence Committee.

Agenda Item 13 (Minute No 36 refers) – Recommendation Tracking – ‘When Contracts Go Wrong’ – **Councillor Grahame** – personal interest in respect of the Swarcliffe PFI contract in her capacity as a member of the Swardale Swarcliffe Eastwood Residents Association.

29 Minutes - 2nd July and 20th August 2007

Further to Minute No 19, 2nd July 2007, Councillor Hanley stated that he was not satisfied with the information provided in respect of debt rescheduling and requested that Members be supplied with further information and explanation regarding the dates that loans were taken out, paid off or rescheduled and how this had led to accumulated savings of some £21.8m. The Head of Scrutiny and Member Development undertook to pursue this on Members' behalf.

RESOLVED – That the minutes of the meeting held on 2nd July (x2) and 20th August 2007 be confirmed as a correct record.

30 Minutes - Executive Board - 4th July and 22nd August 2007

RESOLVED – That the minutes of the Executive Board meetings held on 4th July and 22nd August 2007 be received and noted.

31 Annual Audit and Inspection Letter, June 2007

The Head of Scrutiny and Member Development and the Chief Officer (Executive Support) submitted reports regarding the contents of the Annual Audit and Inspection Letter dated June 2007, prepared by the Council's External Auditors, KPMG, which related to Council performance, its accounts, data quality and use of resources.

This document had previously been considered by the Corporate Governance and Audit Committee on 29th June 2007, which had referred two specific items to OSC for possible further scrutiny – teenage pregnancy figures and worklessness.

Steve Clough, Head of Policy, Performance and Improvement, and Richard Foster, KPMG, attended the meeting and responded to Members' queries and comments. In brief summary, the main issues raised were:-

- **Teenage pregnancy rates** – Councillor Golton agreed that the Scrutiny Board (Health and Adult Social Care) should receive an update report on this issue. It was suggested that it might be helpful to invite back some of the witnesses who had presented evidence to the original Board Inquiry;
- The devolving of control of services to area level, e.g. the Youth Service, and the need for co-ordination to ensure that City-wide issues, such as teenage pregnancies, were not neglected in this process;
- **Worklessness** – It was reported that this was a key issue identified in the Local Area Agreement, and the Scrutiny Board (Resources), in consultation with partner organisations and large local employers, was investigating initiatives to improve the figures for the number of people in work, such as the **Jobcentre Plus 'Halfway Back to Work' initiative**. The **Aire Valley Development** was also aimed at tackling the problem;
- The reasons behind the City's ratings drop in the **CPA 'Culture' block**, due to a change in the scoring system relating to people's ability or otherwise to readily access library books, and what was being done to address the matter. The inherent tension between national targets and local priorities was remarked upon, and how these might be reflected back to the Government, as was Member involvement in the preparation and approval of the **Annual Library Plan** (reported to Council). Opening times of local libraries, and how the public might influence these, was also referred to;
- The unexpected increase in the **population weighting** element for Leeds and its impact on the CPA scores.

RESOLVED –

- (a) That subject to the above comments, the contents of the Annual Audit and Inspection Letter be received and noted
- (b) That Steve Clough and Richard Foster be thanked for attending the meeting and responding to Members' queries and comments.

32 Performance Report - Quarter 1 2007/08

The Head of Policy, Performance and Improvement submitted a report updating the Committee on performance against targets across a raft of statutory and local indicators, involving all the Scrutiny Boards' areas of responsibility. The report contained **predicted CPA scores for 2007/08**.

Steve Clough, Head of Policy, Performance and Improvement attended the meeting and responded to Members' queries and comments. In brief summary the main issues discussed were:-

- The performance report had been discussed with individual Scrutiny Board Chairs, to assist in identifying areas which might benefit from further detailed scrutiny;
- **BV204 – The percentage of appeals allowed against the authority's decision to refuse planning applications** – Performance against this indicator continued to cause concern, but due to the length of time taken to determine appeals, the effects of the recent training for Members in this area would be slow to show through in the performance indicators;
- **Waste and Recycling** – The performance figures for waste and recycling for the period 1st April to 30th June 2007 were very positive, with the highest rate of recycling and composting ever recorded. However, this was a tough target, the aim being to recycle over 50% of Leeds waste by 2020, and the penalties for failure to meet Government targets were swingeing.

Fly tipping was highlighted as an issue, and there was a specific performance indicator in relation to this issue, based on the speed with which the authority dealt with reported instances. It was suggested that this was an issue which the Scrutiny Board (Environment and Neighbourhoods) might wish to look at;

- **Direct Payments** – OSC to consider at its October meeting;
- **LKI-EO1 – Number of staff declaring that they meet the DDA disability definition as a percentage of the total workforce** – Identified as a hard to achieve target, which a Scrutiny Board might wish to pursue;
- The actual targets themselves – were they challenging enough?

RESOLVED – That the report be noted, and Scrutiny Chairs, in consultation with their Boards and the Scrutiny Support Unit, decide which key areas of under-performance they wish to investigate.

33 Consultation on Leeds Strategic Plan

The Committee considered a report from the Assistant Chief Executive (Planning, Policy and Improvement) regarding recently approved changes to the Council's corporate planning framework, which involved the merger of the **Local Area Agreement** with the Council's **Corporate Plan** to form a single document to be known as the **Leeds Strategic Plan**. The report explained the implications for the scrutiny process.

RESOLVED –

- (a) That Option 3, as set out at Paragraph 3.3.4 of the report, be adopted, i.e. overall feedback to be sought from OSC, and on specific draft strategic outcomes and improvement priorities from relevant Scrunity Boards.
- (b) That if necessary, working groups be urgently established by the Head of Scrunity and Member Development, to look at specific areas and submit their recommendations to the October cycle of Scrunity Board meetings.

34 Protocol between Scrunity and Statutory Public Sector Partners in Leeds

The Head of Scrunity and Member Development submitted a report regarding the establishment of a proposed protocol between Scrunity Boards and the Council's statutory public sector partners in Leeds, in anticipation of the proposals contained in the **Local Government and Public Involvement Bill**, which when enacted would extend the Council's scrutiny role into the service areas of those partners.

The range of public sector partners covered by the Bill and the proposed protocol were:-

Environment Agency	Natural England
Fire and Rescue Authorities	Jobcentre Plus
National Park Authorities	Health and Safety Executive
Youth Offending Teams	Police Authorities
Chief Officer of Police	Local Probation Boards
Regional Development Agency	Joint Waste Disposal Authorities
Sport England	English Heritage
Learning and Skills Council	Highways Agency
Metropolitan PTAs	

Scrunity of the above-named public sector partners in Leeds would cover activities undertaken by them to deliver improvement targets in the **Local Area Agreement**. This included the planning, provision and operation of services commissioned and provided by these organisations.

Scrunity Boards would not inspect, audit or manage the performance of the named public sector partners, although performance information could be requested by a Board to inform an Inquiry. Arrangements for the inspection, audit and performance management of these organisations would continue to be carried out by the appropriate regulatory bodies or agencies, and would not be affected by the scrutiny function of the City Council.

In response to Members' queries and comments, the Head of Scrunity and Member Development indicated that it was not entirely clear at this stage whether the provisions would cover, say, just the Police Authority itself, or the actions of the Police, similarly whether it was just the Local Probation Board or the National Offenders Service. The list of bodies might also be subject to change as the Bill progressed through Parliament. It had been suggested that

the Scrutiny Board (Environment and Neighbourhoods) should look at one area affecting the Police, on an experimental basis, during the current municipal year.

RESOLVED – That the report be noted and the proposed protocol be approved.

35 Review of Call - In Arrangements

The Head of Scrutiny and Member Development submitted a report reviewing the Council's Call-In process, and in particular the current requirement for cross-party support before a matter can be Called-In.

The Chair undertook to seek urgent clarification regarding the alleged role of Party Whips in monitoring the current arrangements, and how this had come about.

Following significant discussion and detailed consideration of the evidence and options before the Committee, and on a split vote, it was ultimately :-

RESOLVED – That the present Call-In arrangements be re-affirmed i.e. two Elected Members of the Overview and Scrutiny Committee from any two different political parties.

(NB: Councillor Golton left the meeting at 11.40 am at the conclusion of this item)

36 Recommendation Tracking

The Head of Scrutiny and Member Development submitted a report updating the Committee on progress in implementing its recommendations in respect of two Scrutiny Inquiries from 2006/07 – '**When Contracts Go Wrong**' and '**Think Big, Act Local – Narrowing the Gap**'.

Wayne Baxter, Chief Procurement Officer, responded to Members' queries and comments on the former Inquiry, and Kathy Kudelnitsky and Andrea Tara-Chand, Leeds Initiative, and Stephen Boyle, Chief Regeneration Officer, were present to respond to the latter Inquiry.

Wayne Baxter undertook to supply Members with details of the total cost of contracts awarded under £100,000 in value during 2006/07.

RESOLVED –

- (a) That in respect of the '**When Contracts Go Wrong**' Inquiry update, the actions taken to implement the recommendations be noted and accepted as achieved, with the proviso of a further monitoring report in six months time in respect of Recommendations 4, 5 and 6 and an invitation to Paul Langford, Chief Housing Services Officer, to attend a future meeting to respond to Members queries regarding PFI contracts

- (b) That in respect of the '**Narrowing the Gap**' Inquiry update, the actions taken to implement the recommendations be noted and accepted as achieved, with the proviso of a further monitoring report in six months time in respect of Recommendations 1, 4 and 5.

(NB: Councillor Pryke left the meeting at 12.02 pm during the consideration of this item)

37 Overview and Scrutiny Committee - Work Programme and Draft Terms of Reference for Proposed Inquiries

The Head of Scrutiny and Member Development submitted a copy of the Committee's work programme, updated to reflect decisions taken at previous meetings, together with a relevant extract from the Council's Forward Plan of Key Decisions for the period 1st September to 31st December 2007. Also attached to the report were the proposed draft terms of reference for two OSC Inquiries in 2007/08 – '**Support to Group Offices**' and '**Responding to the Needs of Migrants and their Families**'.

RESOLVED –

- (a) That approval of the proposed Terms of Reference for the '**Support to Group Offices**' Inquiry be deferred pending the Chief Democratic Services Officer's review of this area;
- (b) That the draft Terms of Reference of the '**Responding to the Needs of Migrants and their Families**' be approved;
- (c) That a working group be established comprising the Chair and Councillors Hanley, Harrison and possibly Anderson (subject to clarification on his position reference his interest in this matter as a Director of Leeds West/North West Homes ALMO Board) to draft Terms of reference for the proposed **ALMO Structure Inquiry**;
- (d) That Mike Evans, Chief Officer, Adult Services be invited to attend the next meeting in October to discuss the proposed **Direct Payments Inquiry**;
- (e) That subject to the above, the Committee's work programme be approved.

38 Dates and Times of Future Meetings

Tuesday 9th October 2007
Tuesday 6th November 2007
Tuesday 11th December 2007
Tuesday 8th January 2008
Tuesday 5th February 2008
Tuesday 11th March 2008
Tuesday 8th April 2008

All at 10.00 am (pre-meetings at 9.30 am)