

COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE

THURSDAY 10 JANUARY 2002 AT 2.00 PM

PRESENT: Councillor Ellis (Chairman), Councillors Aldersey (as substitute for Councillor McMillan), Boaden, Mrs Fisher, Knapton, Mallinson J, Toole and Weber.

ALSO

PRESENT: Councillor Guest attended the meeting in his capacity as Chairman of the Corporate Resources Overview and Scrutiny Committee in respect of Agenda item A.5 – Smartcards Review.

Councillors Bloxham, Firth and Mrs Pattinson attended the meeting as observers.

COS.5/02 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor McMillan.

Apologies were also received from the Chairman and Vice-Chairman of the Infrastructure Overview and Scrutiny Committee who had been invited to attend the meeting during consideration of Agenda item A.5 – Smartcards Review.

COS.6/02 MINUTES OF PREVIOUS MEETINGS

The Minutes of the meetings held on 24 October and 29 November 2001 were signed by the Chairman as a true record of the meetings.

COS.7/02 DECLARATIONS OF INTEREST (INCLUDING DECLARATIONS OF "THE PARTY WHIP")

Councillors Aldersey, Mallinson J, Toole and Weber declared non-pecuniary interests in accordance with the National Code of Local Government Conduct in the item of business relating to Cumbria County Council's Corporate Strategy Review 2002/05.

COS.8/02 CALL IN OF DECISIONS

RESOLVED – That it be noted that there were no matters which had been the subject of call in.

COS.9/02 MONITORING OF THE FORWARD PLAN

The Head of Corporate Policy and Strategy presented report TC.8/02 highlighting Forward Plan (1 January to 30 April 2002) issues which fell within the ambit of this Committee.

The Director of Environment and Development and Director of Housing then provided background information regarding the items on Food/Environmental Legislation and Asylum

Seekers respectively.

A Member stressed the importance of the six District Councils and the County Council working together to address the issue of Asylum Seekers.

RESOLVED – That the issues contained within the Forward Plan for 1 January to 30 April 2002 and which fell within the ambit of this Committee be noted.

COS.10/02 WORK PROGRAMME

The Head of Corporate Policy and Strategy submitted an Overview and Scrutiny Work Programme for 2001/02, which took into account matters scheduled to be dealt with by this Committee. He commented that Performance Indicators had been included in the Programme for the first time and were an important part of the Committee's workload.

RESOLVED – That the 2001/02 Work Programme for the Community Overview and Scrutiny Committee be noted.

COS.11/02 REFERENCE FROM THE EXECUTIVE – QUEEN'S GOLDEN JUBILEE CELEBRATIONS

Pursuant to Minute COS.35/01, copies of the Executive's response to this Committee's comments regarding the Queen's Golden Jubilee had been submitted.

A Member suggested that commemorative coins could be issued to children to mark the occasion and it was agreed that the relevant Portfolio Holder should be requested to investigate the matter.

RESOLVED – (1) That the response of the Executive be noted.

(2) That the Community Activities Portfolio Holder be requested to investigate the possibility of issuing commemorative coins to children to mark the occasion of the Queen's Golden Jubilee.

COS.12/02 SMARTCARDS REVIEW

Pursuant to Minute COS.36/01, the Head of Corporate Policy and Strategy presented report TC.5/02 taking forward the first stage of the agreed terms of reference for the review of Smartcards.

The Head of Corporate Policy and Strategy indicated that there were four current or planned existing service applications of card technology within the Council, namely:

- Leisure Access Cards
- Tullie Cards
- Housing Rent Payment Cards

- Concessionary Fares Cards

He then gave an outline of each of these applications in turn, together with details of the next steps for progressing the review, and responded to Members' questions.

The Chairman of the Corporate Resources Overview and Scrutiny Committee was present at the meeting and commented that the Council was moving towards a more corporate approach to the issue. He stressed the need to increase promotion, whilst complying with the requirements of the Data Protection Act.

RESOLVED – (1) That the report be noted and retained by Members as background information for the remainder of the review.

(2) That the next stage of the review should be to consider information from "pilot" authorities and, if possible, receive a presentation from such an Authority.

COS.13/02 IMPLEMENTING AN EQUAL OPPORTUNITIES POLICY

The Director of Housing submitted report H.4/02 concerning the requirements placed upon the Council in the production and publication of a Race Equality Scheme. He informed Members that the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000) placed a general duty on a wide range of public authorities to promote race equality. Such authorities would need to have properly timetabled and realistic plans in place by 31 May 2002.

The Director outlined the legal framework, together with the general and specific duties set out in the Act. He also provided details of the Equality Standard for Local Government, being a framework to allow the authority to set up a way of working which would make mainstreaming equalities into service delivery and employment an issue for all aspects of its work.

He added that the timetable was fairly tight, with the draft Race Equality Scheme needing to be prepared by 25 March 2002 to allow for consultation and approval by the Executive. It was therefore proposed that a Working Group be set up immediately comprising the relevant Executive Portfolio Holder and Officers.

The Director then responded to Members' questions.

RESOLVED – That the report be noted.

COS.14/02 HOUSING DEPARTMENT ELDERLY SERVICES BEST VALUE REVIEW – ACTION PLAN UPDATE

The Director of Housing submitted report H.1/02 concerning the implementation of recommendations contained within the consultant's final report on the Best Value Review of Elderly Services.

The consultant's overall conclusions were that in best value terms the three main services provided for older people by the Housing Department (Careline, Sheltered Housing and the Housing Visitor Service) were performing well, but with some scope for improvement. The services were economical and, in cost terms, comparable with other service providers with the level of user satisfaction being extremely high. However, the report contained a number of recommendations which would help improve the quality of services provided and better target resources to those in greatest need.

The Director outlined the large amount of work already undertaken, adding that certain items could only be completed once the outcome of the stock transfer process was known.

The Manager, Supported Housing Services, was present at the meeting and responded to Members' questions.

In considering the matter Members congratulated the Director and Officers on their positive response to the recommendations made in the Review.

RESOLVED – That the report, together with work undertaken to implement the recommendations contained within the Best Value Review of Elderly Services be noted.

COS.15/02 INFRASTRUCTURE OVERVIEW AND SCRUTINY COMMITTEE

Consideration was given to a reference from the Infrastructure Overview and Scrutiny Committee (Minute IOS.18/01(b) refers) requesting that the Community Overview and Scrutiny Committee nominate a representative to attend the next meeting of that Committee when dog fouling would be considered.

RESOLVED – That Councillor J Mallinson be nominated to attend the meeting of the Infrastructure Overview and Scrutiny Committee on 31 January 2002 when the issue of dog fouling would be considered.

COS.16/02 CONSULTATION PAPER ON QUALITY TOWN AND PARISH COUNCILS

Pursuant to Minute OSM.33/01, the Head of Corporate Policy and Strategy presented the Overview and Scrutiny Management Committee's comments in respect of a consultation paper on Quality Town and Parish Councils, copies of which were also submitted.

The paper had been issued jointly by the Department for Environment, Food and Rural Affairs (DEFRA), the Department of Transport, Local Government and the Regions (DETR), the Local Government Association, the Countryside Agency and the National Association of Local Councils (NALC) in consultation with the Audit Commission, and set out detailed proposals for Town and Parish "Quality Councils".

He drew Members' attention to the summary of the proposals contained in the Consultation Paper, together with the list of questions upon which views were sought. He added that the closing date for responses was 31 January 2002.

Members then raised the following points:

With regard to the list of possible functions which may be considered for delegation to all Parish and Town Councils, it was felt that the vast majority of people who serve on such

Councils were volunteers and would not want to take on additional responsibilities.

When vacancies arose on Parish Councils they often proved difficult to fill. In addition, smaller Parish Councils would not wish to be amalgamated with neighbouring ones.

At present good relations existed between the City Council and Parish Councils and it would be a matter of regret if that were jeopardised.

RESOLVED – (1) That this Committee endorses the comments made by the Overview and Scrutiny Management Committee.

(2) That the observations of this Committee, as set out above, be forwarded to the Executive for consideration when formulating a response to the consultation document.

COS.17/02 CUMBRIA COUNTY COUNCIL CORPORATE STRATEGY REVIEW 2002/05

Councillors Mallinson J and Weber, having declared a non-pecuniary interest in this matter did not speak or vote thereon.

Councillors Aldersey and Toole, having declared a non-pecuniary interest in this matter, participated in the discussion.

The Head of Corporate Policy and Strategy presented an Executive Summary of Cumbria County Council's Corporate Strategy Review for 2002/05 upon which comments were sought.

He informed Members that the Strategy set out the strategic direction for the County Council in 2002/05 and beyond and highlighted the priorities which the organisation would be working towards in partnership with local communities and key public, private and voluntary sector bodies. He added that the Strategy was positive at a strategic level and expressed the hope that it would work well in practice.

RESOLVED – That the County Council's Corporate Strategy Review 2002/05 be noted.

COS.18/02 GOVERNMENT WHITE PAPER – "STRONG LOCAL LEADERSHIP – QUALITY PUBLIC SERVICES"

The Head of Corporate Policy and Strategy presented an IDeA summary, DTLR response to IDeA questions and LGA summary and comment on the Government's White Paper entitled "Strong Local Leadership – Quality Public Services".

The White Paper followed the 1998 White Paper – Modern Local Government: In Touch with the People – which laid the foundations for legislation on best value and new political management arrangements. It had also been preceded by the Local Government Finance Green Paper, published in September 2000, which proposed a number of reforms to the Local Government finance system which were now confirmed in Part II of the White Paper.

The Head of Corporate Policy and Strategy outlined the LGA key messages and next steps, stressing that the Town Clerk and Chief Executive would be arranging a presentation to all Members of the City Council on the matter. He then responded to Members' questions.

In considering the matter, a Member commented that the White Paper contained a radical set of proposals which should be considered in the light of the implications arising from the proposed externalisation of the Leisuretime service.

RESOLVED – (1) That the documentation be noted.

(2) That the Executive be requested to bear in mind the implications for the Council of the proposed externalisation of the Leisuretime service when considering the Government White Paper.

COS.19/02 PERFORMANCE INDICATOR REPORT : APRIL – SEPTEMBER 2001

The Performance Officer presented report TC.238/01 providing details of how the City Council had performed against the Best Value and local indicators during the period April to September 2001.

The Performance Officer outlined the background for Members' information, commenting that it was anticipated that the number of indicators would be reduced next year. In addition, it was proposed that future reporting would be matched to the various portfolios and again by Overview and Scrutiny Committee in order to clarify the responsibilities of individual Committees.

In considering the matter, Members felt that the absence of relevant background information rendered the indicators difficult to understand. It was agreed that in future background information be also provided on a Portfolio area by Portfolio area basis in order to assist Members in reviewing performance.

RESOLVED – (1) That the report be noted.

(2) That in future when Performance Indicators were reported to this Committee background information be included, one Portfolio at a time, to assist Members in reviewing performance.

COS.20/02 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information, as defined in the paragraph number (as indicated in brackets against the Minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

COS.21/02 LEISURETIME COMPETITIVE PROCESS DOCUMENTATION

(Public and Press excluded by virtue of Paragraph 9)

The Director of Leisure and Community Development submitted report LCD.96/02 providing the detailed documentation which would be issued to contractors tendering for the

Leisuretime Competitive Process.

In addition, the following documents were also submitted:

- (i) the Minutes of the meetings of the Leisure Consultative Group held on 4 December 2001 (together with the Director's comments on the points raised at that meeting) and 9 January 2002; and
- (ii) the views of the City Solicitor and Secretary with regard to the contract conditions.

Officers presented and outlined in detail the documents referred to above, and responded to Members' questions.

In discussion, the following points were raised by Members:

Section One – Prospectus

With regard to the submission of a bid from the in house team, assurance was sought that staff working for Leisuretime had not been involved in the competitive process. The Director confirmed that there had been no input or exchange of information, it being of paramount importance that the tendering process was undertaken on a level playing field.

Concern was expressed regarding the Council's duty to undertake Best Value Reviews every five years and the implications that would have on a contract for the provision of Leisure Services up to a period of fifteen years. It was suggested that it may be better to rely on Performance Indicators, rather than Best Value Reviews. The Head of Legal Services referred to the City Solicitor and Secretary's comments which dealt with the issue, stressing the need to ensure that the Council was not put in a position of difficulty with regard to Best Value.

Section 2 – Specification

The question of measurement of performance of the services under the contract by the contractor by reference to a number of Performance Indicators arose, in particular the possible implications which that may have on profitability. The Director commented that the Council had a legal obligation to monitor performance. The Head of Legal Services added that the documentation had been drafted to take on board such issues. Performance Indicators may be imposed by the Government which may cost money, and any prospective contractor would have the opportunity to raise concerns in that regard. If agreement was subsequently reached on such concerns, the position would be reflected in the contract documentation.

Discussion arose regarding the requirement in paragraph 2.1.6 to programme a minimum entertainment programme. Opinion was split between the feeling that the requirement was too restrictive upon the contractor and that subsequent negotiation should be allowed, and the need to be specific (on all aspects) as to what was expected/required of the contractor in order to safeguard the Council's position.

The Portfolio Holder for Health and Well Being was present at the meeting and, with the permission of the Chairman, commented that this point had been discussed by the Leisure Consultative Group the day before. It had been recommended that subsequent negotiation with the contractor over the specific number of particular types of entertainment per year

should be allowed.

Contract and Comments of the City Solicitor and Secretary

A Member expressed the view that a contract spanning fifteen years was too long and suggested that five years may be more appropriate. The Director commented that the term of the agreement would be a minimum of five years and a maximum of fifteen, the final length being dependant upon negotiations with the contractor and the capital, revenue and service benefits to the Council.

The option of renewal of the contract arose and the Head of Legal Services indicated that, in order to avoid any expectation on the part of the contractor, it had not been written into the documentation. There was, however, nothing to prevent the Council from doing so following appropriate negotiation towards the end of the contract period.

Members expressed concern at the potential for problems to arise regarding the provision of a Pension Scheme for those staff presently engaged in providing the Leisuretime Service. The Director indicated that the successful tenderer would be required to provide a Scheme at least equivalent to that provided by the Council. In addition, it may be possible for staff to remain within the Council's Pension Scheme if the new organisation gained admittance.

Lease

No particular recommendations were made on the lease proposals.

Evaluation Method and Matrix

Members felt that the weighting of factors taken into account in the Evaluation Matrix required amendment to reflect, in particular, the importance of best value, customer relations, and marketing and advertising plans and strategies.

Contract Monitoring

The attempt to simplify the contract monitoring arrangements from those under CCT was recognised.

RESOLVED – That the Leisuretime Competitive Process documentation be noted and the points raised above referred to the Executive for consideration.

COS.22/02 SUSPENSION OF COUNCIL PROCEDURE RULE

During consideration of the Leisuretime Competitive Process Documentation, the Head of Corporate Policy and Strategy advised that the meeting had been in progress for three hours and, under the Council's Procedure Rules would have to be adjourned immediately unless the majority of Members present voted for it to continue.

RESOLVED – That Council Procedure Rule 9 in relation to the duration of meetings be suspended in order that the meeting continue over the time limit of 3 hours.

[The meeting ended at 5.05 pm]