

**OVERVIEW AND SCRUTINY COMMISSION
12 JULY 2012
7.30 - 9.45 PM**



Present:

Councillors Leake (Chairman), Angell (Vice-Chairman), Mrs Angell, Mrs Birch, Ms Brown, Finnie, Gbadebo, Harrison, Heydon, Turrell and Virgo

Apologies for absence were received from:

Councillor McLean

Ms S Cauchi, Parent Governor Representative
Mrs C Murray, Parent Governor Representative

In Attendance:

Richard Beaumont, Head of Overview & Scrutiny
Victor Nicholls, Assistant Chief Executive
Alison Sanders, Director of Corporate Services
Simon Heard, Assistant Borough Solicitor

4. Minutes and Matters Arising

The minutes of the meetings of the Overview and Scrutiny Commission held on 3 May 2012 and 16 May 2012 were approved as a correct record.

There were no matters arising.

5. Declarations of Interest and Party Whip

Councillor Mrs Birch declared a personal interest as she was the spouse of the Executive Member for Adult Social Care, Health and Housing.

6. Urgent Items of Business

There were no urgent items of business.

7. Public Participation

There were no items submitted under the Public Participation Scheme.

8. Localism Act

The Assistant Borough Solicitor provided an update on the Localism Act 2012 with a particular focus on the implications of the Community Right to Challenge.

The Community Right to Challenge, brought into force on 27 June 2012, enabled voluntary and community bodies, a body of persons or a trust established for charitable purposes only, parish councils, two or more employees of an Authority or any other person or body specified by the Secretary of State to express an interest in

running a local authority service. The Authority on receiving an expression of interest must consider it and where it accepts it run a procurement exercise for the service. The procurement exercise must be “appropriate having regard to the value and nature of the contract that may be awarded” however at the end of the procurement exercise there was no obligation to award a contract.

Work was taking place within the Council to identify all the Council’s future contracts and where relevant map out timeframes for when expressions of interest might be received. Once this had been completed work would take place to identify when expressions of interest might be submitted for those services not already within the tendering arena.

The Department for Communities and Local Government had made a £11.5million funding pool available to support groups wishing to submit an expression of interest.

Arising from Members’ questions and comments the following points were noted:

- The criteria for rejection of an expression of interest had been quite broadly expressed by the Department for Communities and Local Government
- When a service ceased to be carried out by the local authority a service change had occurred and this should be dealt with under TUPE regulations
- Employees of a local authority could make an expression of interest before they incorporated themselves into a relevant body
- If an employee group submitted an expression of interest they could, if awarded the contract, potentially continue to work for the local authority however this would be dependent on their terms of employment and any perceived conflicts of interest
- If a procurement exercise was triggered under the Community Right to Challenge then the procurement would be open to anyone who wished to participate. Additionally, a challenger did not have to be invited to participate if the authority considered the challenge to be weak for example it was not felt to be financially viable
- It was felt that there were sufficient legislative tools available to prevent companies who were classified as non-relevant bodies from using the Community Right to Challenge legislation to their advantage
- The Act’s provisions concerning Assets of Community Value had not yet come into force

It was noted that over 30% of the Council’s services are already delivered by external companies and it was acknowledged that it was difficult to gauge the level of interest that the legislation might generate at this stage. It appeared that, to date, no expressions of interest had been received by other councils.

The Commission thanked the Assistant Borough Solicitor for his update and requested that the procurement timetable be brought to a future meeting for consideration.

9. Work Programme Update

The Commission received an update on the Overview and Scrutiny Work Programme for 2012-13.

It was noted that work was progressing well across all areas of the Overview and Scrutiny Work Programme. However the limited resources available to support the scrutiny function meant that there was limited capacity to take on the review of

School Governance and other new work, and the Chairman commented that there was insufficient officer resource to support pre-decision scrutiny. It was suggested that departments might nominate officers on an ad-hoc basis to provide additional capacity to support the Overview and Scrutiny Function exercise greater pre-decision scrutiny.

10. **Updates From Panel Chairmen**

The Commission received updates from the Overview and Scrutiny Panel Chairmen on each Panel's progress against the Work Programme.

Adult Social Care and Housing

- Following a departmental change the Panel had now assumed responsibility for scrutinising the Council's Housing function
- In advance of changes to Council Tax support, the panel was looking at the issue as a matter of urgency and would be feeding into the Council's consultation

Children, Young People and Learning

- Following the Working Group review of the Common Assessment Framework schools had been proactive in taking on board the issues raised pertaining to information sharing and additional resources had been put in place to support schools.
- The possibility of formally involving the Youth Forum in the Panel's work was being explored

Health

- The Panel was working with the Executive and officers to formulate a single response to the NHS' Shaping the Future pre-consultation proposals

11. **Quarterly Service Reports (QSR) 2011/12**

The Commission considered the Quarterly Service Reports for Corporate Services and the Chief Executive's Office for the fourth quarter, January to March, of 2011-12.

The Commission noted that it had been a particularly busy quarter for the Human Resources Section as they dealt with 66 redundancies and this had subsequently impacted on a number of the Human Resources indicators. A report providing more detail on these performance measures would be considered by the Employment Committee.

A piece of joint working between the Chief Executive's Office and Job Centre Plus had resulted in a logistics company taking the decision to relocate to Bracknell Forest. The relocation would result in the immediate creation of 88 semi and low skilled jobs. Over the next five years the company expected to expand its workforce by a further 250 jobs.

The Commission noted the reports.

12. **Corporate Performance Overview Report (CPOR)**

The commission received the Chief Executive's Corporate Performance Overview Report for quarter four (January to March) 2011-12.

The rationale behind the imposition of car parking charges at Waitrose was questioned. It was thought that in an effort to encourage the use of town centre car parks planners had requested that parking charges be levied either on the basis of the time spent parked or on the basis of a minimum in-store spend however this rationale would be confirmed.

The Commission congratulated officers on the maintaining of high levels of collection of Council Tax and Business Rates.

13. **Service Plans 2012/13**

The Assistant Chief Executive provided a briefing on the preparation of service plans for 2012/13 for the Corporate Services and Chief Executives Departments.

Arising from Members' questions and comments the following points were noted:

- Figures for the number of people responding to the Town and Country survey would be circulated
- A number of discussions had taken place over the best way of distributing Town and Country including consideration of the possibility of withdrawing paper copies
- Officers were working with a market management company to develop an approach to the market offer that works well for Bracknell both now and in the future. It was expected that these plans would be discussed with the market traders in the Autumn with a view to starting work in the spring
- The shading in Section 3 was used to differentiate between the 198 National Indicators and locally decided performance indicators
- Anti-social behaviour targets were cumulative
- When setting targets officers tried to strike a balance between setting a target that stretched performance whilst being realistic at the same time
- Responsibility for the Bus Station refurbishment was split between the Chief Executive's Office, who had responsibility for securing funding, and the Planning and Transport Teams who were responsible for delivery. More detailed information on the highway improvements at the Twin Bridges roundabout would be sent to members
- The Government are encouraging larger organisations to pay all invoices within 30 days to help stimulate the economy and support small and medium sized enterprises
- The possibility of offering net monthly invoices as part of contracts would be explored
- Staff turnover figures included staff made redundant
- The percentage of staff leaving within one year of starting was considered high and it was thought that the number of staff employed in the leisure section on a casual basis had a significant impact on this figure. The possibility of separating this indicator to show turnover rates for both casual and permanent staff would be explored

The Commission thanked officers for a particularly informative report.

14. **Executive Forward Plan**

The Commission considered items on the Executive Forward Plan relating to corporate issues, particularly postal services, insurance and community cohesion, and the following points were noted:

- It was a statutory requirement that all decision reports had to be published a minimum of seven days before the decision was made. If reports were ready before this deadline then they were published ahead of schedule. If members wished to know more about a decision before reports were available then officers would be able to provide a briefing on the matter if requested
- Long term planning was tied to the Council's Medium Term Objectives which in turn were time limited to the lifetime of the Council however many strategies did look further into the future than this

15. **Date of Next Meeting**

It was noted that the next meeting of the Overview and Scrutiny Commission would take place on 13 September 2012.

CHAIRMAN