

Time commenced - 6.00 pm
Time finished - 8.45 pm

**SCRUTINY MANAGEMENT COMMISSION
27 JANUARY 2009**

Present: Councillor Graves (in the Chair)
Councillors Batey, Bolton, Hird, Hussain, F Khan, Poulter and Webb

In attendance: Climate Change Commission – Councillor Graves, Ingall, Hird,
Keane, Peter Robinson
Councillor Care
Councillor Rawson

91/08 Apologies for Absence

Apologies for absence were received from Councillors Tuplin, Carr, Jennings and Jones.

92/08 Late items introduced by the Chair

There were no late items

93/08 Declarations of Interest

There were no declarations of Interest.

94/08 Minutes

The minutes of the meetings held on 18 November 2008 were agreed as a correct record and signed by the Chair.

95/08 Call in

The Commission agreed to consider the three call-in items following consideration of the budget items.

Resolved under OS51 that the Community Commission will consider the following call-in:

Municipal Golf Contract

Items for Discussion

96/08 Detailed Revenue Budget 2009/10-2011/12 Proposals

The Scrutiny Management Commission and the Climate Change Commission considered a report detailing the draft Revenue Budget proposals relating to their portfolio areas.

The Commissions resolved to make the following recommendations in respect of the detailed draft Revenue Budget proposals:

Recommendation 1

The Commission recommends that the Adult Social Services budget is adjusted to appropriately reflect the increase of 3.9% awarded to the Council as part of the three year settlement by central government.

Reasons for the Recommendation

The Chair of the Adult Services and Health Commission and the other members of the Scrutiny Management Commission were unclear from the information provided by Resources Department officers as to how the 3.9% increase had been accounted for in the budget figures.

Recommendation 2

- a) That Council Cabinet note and adopt the recommendation of the Climate Change Commission to reconsider the proposal to open an energy shop (Recommendation 1 on page 7 of this report)**
- b) That the expenditure saved by not opening an energy shop be used to offset the costs incurred by keeping the cash office in the Council House open for a further period.**

Reasons for recommendation:

- a. For the reasons given on page 7 of this report in respect of Recommendation 1 of the Community Commission.**
- b. To enable the cash office to be kept open longer in order to give more customers an opportunity to adopt other methods of payment.**

Recommendation 3

That the Revenue Budget should be amended to include the proposal, contained in Councillor Banwait's motion to Council on 21 January 2009, that the Council should promote Income Support Mortgage Interest through its advice services and literature to ensure that as many Derby homeowners as possible benefit from this scheme.

Reasons 3

To ensure that as many Derby homeowners as possible benefit from the Income Support Mortgage Interest scheme.

Recommendation 4

That the Environmental Services Department should apply for funding for the Department of Health's free schools meals pilot scheme before the scheme deadline.

Reason 4

To improve Derby young people's access to high quality nutrition.

Recommendation 5

That Council Cabinet make arrangements within the Revenue Budget to 'top slice' the Highways Maintenance Budget in order to provide Neighbourhood Boards with the funding necessary to address their highway priorities.

Reason 5

To enable Neighbourhood Boards to address highway priorities within their areas.

Recommendation 6

That Council Cabinet amend the proposed increase in burial charges to reduce the extent to which burial charges are subsidised by cremation charges.

Reasons 6

To ensure that the relative costs of burials and cremations are more evenly balanced.

97/08 Capital Budget 2009/10-2011/12

The Commission considered a report from the Corporate Director – Resources detailing the corporate capital programme 2009/10-2011/12.

Resolved to note the report.

98/08 Environmental Services Capital Programme 2009/10-2011/12

The Scrutiny Management Commission and the Climate Change Commission considered a report from the Corporate Director – Environmental Services detailing the Environmental Services Capital Programme 2009/10-2011/12.

The Chair stated that it would have been useful to compare the report with the figures from last year to determine what had been taken out and what had been added in. Don McLure, Corporate Director, Resources responded that this could be done for future budget rounds. This could also be done for revenue budgets.

Councillor Webb asked for details of the proposed development in Markeaton Park. It was agreed to forward details of the scheme to Councillor Webb.

Resolved to note the report.

99/08 Recommendations Made by the Other Overview and Scrutiny Commissions on the Revenue and Capital Budget Proposals 2009/10-2011/12

The Commission considered a report from the Corporate Director of Corporate and Adult Services detailing the recommendations of the Overview and Scrutiny Commission on the draft revenue budget 2009/10 – 2011/12.

Resolved to accept the recommendations of the Overview and Scrutiny Commissions on the draft revenue budget 2009/10 – 2011/12 and to ask Council Cabinet to consider the recommendations detailed in the report as part of the budget process.

100/08 Call-In - Modernisation of the Cashiers Service

In accordance with Overview and Scrutiny Procedure Rule OS36, the Monitoring Officer had called in for scrutiny a decision in respect of the Modernisation of the Cashiers Service (Minute Number 187/08) taken by Council Cabinet at its meeting on 13 January 2009.

The request for call-in had been made by Councillors Willoughby, Wood and Jennings.

The Commission was provided with copies of the report considered by Council Cabinet on 13 January 2009, the notices requesting the call-in, an extract of the Council Cabinet minute 187/08 and a copy of the Protocol on Call-In of Executive Key decisions.

The call-in letters stated that in taking the decision the Council Cabinet had breached the following principles of decision making as set out in Rule OS33 of the Constitution:

- a) proportionality
- b) due consultation and the taking of professional advice from officers
- e) Clarity of aims and desired outcomes

And that relevant issues do not appear to have been taken into consideration

In accordance with the protocol Councillors Willoughby, Wood and Jennings were invited to, but did not, attend the meeting.

The reasons for call-in were those stated on the call-in notice. Kath Gruber – Assistant Director, Customer Services and Councillor Care who was representing the Cabinet Member for Direct and Internal Services responded to the points raised on the call-in notice. The Commission asked questions of the Assistant Director and the Cabinet Member.

The Commission considered whether the decision of the Council Cabinet had breached any of the principles set out in Rule OS33 of the Constitution.

Resolved to ask Council Cabinet to reconsider its decision of 13 January 2009 (Minute 187/08) on the grounds that, in making the decision, the Council Cabinet breached the following decision making principle:

a) Proportionality

In that the decision to close the cash counter on 27 February would have an adverse effect on a significant number of customers. The Commission recommends that Council Cabinet defer its decision to close the cashier's office for a further six months so that more customers can make other payment arrangements.

101/08 Accommodation Strategy

In accordance with Overview and Scrutiny Procedure Rule OS36, the Monitoring Officer had called in for scrutiny a decision in respect of the Accommodation Strategy (Minute Number 190/08) taken by Council Cabinet at its meeting on 13 January 2009.

The request for call-in had been made by Councillors Ingall, Grimadell and Hickson.

The Commission was provided with copies of the report considered by Council Cabinet on 13 January 2009, the notices requesting the call-in, an extract of the Council Cabinet minute 190/08 and a copy of the Protocol on Call-In of Executive Key decisions.

The call-in letters stated that in taking the decision the Council Cabinet had breached the following principles of decision making as set out in Rule OS33 of the Constitution:

- a) proportionality
- b) due consultation and the taking of professional advice from officers
- e) Clarity of aims and desired outcomes

And that relevant issues do not appear to have been taken into consideration

In accordance with the protocol Councillors Ingall, Grimadell and Hickson were invited to attend the meeting. Councillor Ingall was not present when the call-in was discussed and Councillors Grimadell and Hickson did not attend the meeting.

The reasons for call-in were those stated on the call-in notice. Michael Foote – Corporate Director of Corporate and Adult Services, Chris Edwards – Assistant Director, Property Services and Councillor Care who was representing the Cabinet Member for Direct and Internal Services responded to the points raised on the call-in notice. The Commission asked questions of the Director, Assistant Director and the Cabinet Member.

Resolved to agree that no principle under rule OS33 has been breached.

102/08 Vacancy Control

In accordance with Overview and Scrutiny Procedure Rule OS36, the Monitoring Officer had called in for scrutiny a decision in respect of Vacancy Control (Minute Number 189/08) taken by Council Cabinet at its meeting on 13 January 2009.

The request for call-in had been made by Councillors Grimadell, Ingall and Hickson.

The Commission was provided with copies of the report considered by Council Cabinet on

13 January 2009, the notices requesting the call-in, an extract of the Council Cabinet minute 189/08 and a copy of the Protocol on Call-In of Executive Key decisions.

The call-in letters stated that in taking the decision the Council Cabinet had breached the following principles of decision making as set out in Rule OS33 of the Constitution:

- a) proportionality
- b) due consultation and the taking of professional advice from officers
- e) Clarity of aims and desired outcomes

And that relevant issues do not appear to have been taken into consideration

In accordance with the protocol Councillors Grimadell, Ingall and Hickson were invited to attend the meeting. Councillor Ingall was not present when the call-in was discussed and Councillors Grimadell and Hickson did not attend the meeting.

The reasons for call-in were those stated on the call-in notice. Rod Wood – Assistant Director, Human Resources, Don McLure – Corporate Director, Resources, Michael Foote – Corporate Director of Corporate and Adult Services and Councillor Care who was representing the Cabinet Member for Direct and Internal Services responded to the points raised on the call-in notice. The Commission asked questions of the Directors, Assistant Director and the Cabinet Member.

The Commission considered whether the decision of the Council Cabinet had breached any of the principles set out in Rule OS33 of the Constitution.

Resolved to ask Council Cabinet to reconsider its decision of 13 January 2009 (Minute 189/08) on the grounds that, in making the decision, the Council Cabinet breached the following decision making principle:

- e) Clarity of aims and desired outcomes

In that the Commission felt that the budgetary reasons for implementing the Vacancy Control were unclear. The Commission recommends that Council Cabinet retracts the decision to implement vacancy controls and that they should look at other options for controlling staffing budgets.

MINUTES END