

Response of the Council Cabinet to Scrutiny Reports and Recommendations

SUMMARY

- 1.1 The review of governance and ethical framework report presented to the Council in January 2012 made a series of recommendations to strengthen the overview and scrutiny process, including amongst others, asking the SMC to receive a quarterly report on the actions taken by the Council Cabinet to scrutiny commissions' recommendations.
- 1.2 This report lists the Council Cabinet's responses to scrutiny reports and recommendations between June 2011 and March 2012.

RECOMMENDATION

- 2.1 To consider and comment on the Council Cabinet's response to scrutiny reports and recommendations.

REASONS FOR RECOMMENDATION

- 3.1 The report is presented to SMC to deliver on one of the recommendations arising from the review of governance arrangements and ethical framework that was approved by Council on 25 March 2012.

SUPPORTING INFORMATION

- 4.1 In its review of political governance and ethical framework, SMC made a number of recommendations for strengthening the scrutiny process, including monitoring on a quarterly basis Council Cabinet's responses to and actions on scrutiny recommendations.
- 4.2 This report provides details of the Council Cabinet's responses to commission reports and recommendations between June 2011 through to February 2012.

OTHER OPTIONS CONSIDERED

5.1 None

This report has been approved by the following officers:

Legal officer	Stuart Leslie – Director of Legal and Democratic Services
Financial officer	Not Applicable
Human Resources officer	Not Applicable
Service Director(s)	Stuart Leslie – Director of Legal and Democratic Services
Other(s)	Adam Wilkinson – Chief Executive

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Background papers:	None
List of appendices:	Appendix 1 – Implications Appendix 2 - Council Cabinet consideration of Scrutiny Reports and Recommendations

IMPLICATIONS

Financial and Value for Money

- 1.1 None arising from this report

Legal

- 2.1 Rule OS 24 of the constitution requires the Council Cabinet to respond within two months of receiving scrutiny reports. This requirement is also covered in Schedule 2, Section 9FE of the Localism Act 2011.

Personnel

- 3.1 None arising from this report

Equalities Impact

- 4.1 None arising from this report

Health and Safety

- 5.1 None arising from this report

Environmental Sustainability

- 6.1 None arising from this report

Asset Management

- 7.1 None arising from this report

Risk Management

- 8.1 None arising from this report

Corporate objectives and priorities for change

- 9.1 This report affects all the corporate priorities and objectives of the Council Plan 2011-2014.

Council Cabinet consideration of Scrutiny Reports and Recommendations between June 2011 and February 2012

The review of governance and standards framework conducted by the SMC last year made a number of recommendations including amongst others asking the SMC to receive quarterly reports on the actions taken by the Council Cabinet to Commission recommendations. This reports lists the recommendations made by each commission between June 2011 and March 2012 and presents the Cabinet response in the form of a minute extract. In total the five commissions between them made 41 recommendations at 16 separate meetings.

Adults Health and Housing Commission

1. AHH Commission 31 October 2011

Revenue Budget Proposals 2012/13 – 2014/15

Adults, Health and Housing Commission recommended :

1. That the current level of staff resource at Derby Advice is maintained. The Cabinet is proposing to a reduction of £22k in each of the two years 2012-2014, however the Commission feels that Derby Advice provides effective advice to residents which has protected or generated approximately £4.3m of savings for the benefit of the local community.
2. The Commission is provided with further information on the proposed saving in the Supporting People budget. The Commission was informed that the non statutory services are taking a bigger share of savings in this years budget and since Supporting People falls in the non statutory category, it is making a significant contribution to the savings. However the Commission felt there was insufficient information on the proposed reduction in Supporting People budget to enable them to fully assess the impact this will have on local services. The Commission noted that some savings contained in last years budget proposals were still yet to be achieved after more than 6 months into the financial year.
3. The Commission recommends the Cabinet does not to proceed with the closure of Warwick House as it is not convinced that the closure will achieve demonstrable financial savings or efficiencies. Although the closure of Warwick House is not included in this years budget proposals, the Council Cabinet had taken a decision to close this home no sooner than by the end of the current financial year.
4. The Commission recognises that these are difficult times for the authority and that there will still be significant risks which have not been tested locally or nationally. Although options are limited, the Commission feels that

proposals represent a significant reduction in the volume of services delivered by the authority and was concerned about the potential impact this would have on some the most vulnerable people in the city.

Cabinet Decision 22 November 2011

To consider the recommendations of the scrutiny commissions on the revenue budget proposals as part of the budget process.

2. AHH Commission 5 December 2011

The Adults Health and Housing Commission recommend to the Council Cabinet to:

5. Reprioritise the Rosehill area for housing renewal when funding becomes available.
6. Require the Strategic Director of Adults, Health and Housing to provide Adults, Health and Housing Commission with more detail of which groups and projects will be affected by the reduction in the Supporting People programme before a final decision is taken.
7. That officers from the Council work with representatives of the Indian Community to help move forward the proposals to establish preventative older Indian Day Services within terms of Derby Compact and the voluntary grants procedure.

Cabinet Decision 21 February 2012

To note the recommendations from Overview and Scrutiny Commissions and request officers to provide a report back to a future meeting.

3. AHH Commission 12 March 2012

177/11 Call-in of a Key Decision - Voluntary, Community and Faith Sector Grant Aid Funding 2011-2015

8. The Commission found that the decision had breached one of the principles of decision making and referred the decision back to Council Cabinet on the grounds that they felt that the decision making principle of proportionality had been breached in respect of minute no 150/11.

Cabinet Decision 14 March 2012

To re-affirm the decision made by Council Cabinet at its meeting on 21 February 2012.

Neighbourhoods Commission

4. Neighbourhoods Commission 27 June 2011

15/11 Call-in of Key Decision – Public Transport Supported Services and Concessionary Fares

9. The Commission recommended to the Council Cabinet to reconsider its decision on the withdrawal of subsidies and financial support to community transport.

Cabinet Decision 28 June 2011

To reaffirm the decision made by Council Cabinet at its meeting on 7 June 2011 relating to public transport supported services and concessionary fares.

5. Neighbourhoods Commission 26 July 2011

70/11 Neighbourhoods Commission Topic Review on Libraries

10. The Neighbourhoods Commission submitted a report on the Topic Review of Libraries to Council Cabinet which contained 10 recommendations.

Cabinet Decision 27 September 2011

To note the report and request a response be brought to a future meeting.

6. Neighbourhoods Commission 9 November 2011

Revenue Budget Proposals 2012/13 – 2014/15

11. Neighbourhoods Commission recommends that Council Cabinet be mindful of the financial position of Quad and Deda and consider what action might be necessary if Arts Council funding is withdrawn or significantly reduced as to ensure the future of both organisations. Commission Members expressed concern about the future of both organisations and if they would still be able to function if both major sources of external funding were removed. There are implications for Derby if these organisations fold in terms of income for the city, loss of culture and attractiveness of Derby as a cultural centre, and the impact of having unoccupied modern purpose build structures in highly visible city centre locations.
12. The Commission requests that Council Cabinet ensure that the remaining resources available for air quality monitoring in the city be targeted to ensure that air quality monitoring is retained in current problem areas and areas which are at high risk of exceeding acceptable pollutant levels. The Commission also requests Cabinet to consider exploring the possibility of getting applicants for major planning applications to monitor air quality as a condition of their planning consent. There is a potential impact on health for the city's residents if air quality is not monitored or managed in problem and high risk areas.
13. To request Council Cabinet to consider greater co-location of services into library buildings to improve sustainability of library services. Commission Members suggested that other services could be relocated into libraries to

make better use of the venues, and that community groups could assist in the delivery of these services. Committee Members were concerned that a reduction in the provision of library services would have a negative impact on quality of life and access to key provisions such as job search facilities and access to IT services.

14. To request Council Cabinet to consider partnering libraries which are geographically close to facilitate staggering opening hours to provide a fuller and complementary service. Committee Members were concerned that a reduction in the provision of library services would have a negative impact on quality of life and access to key provisions such as job search facilities and access to IT services. By partnering libraries with some open earlier or later hours in the week, we could ensure longer opening hours at no extra cost to the Council as well as bringing benefits to the community.

Cabinet Decision 22 November 2011

To consider the recommendations of the scrutiny commissions on the revenue budget proposals as part of the budget process.

Scrutiny Management Commission

7. SMC meeting 21 June 2011

The Scrutiny Management Commission recommended that:

15. Future Asset Management Plan reports provide more detailed background information for members and the public to improve the understanding of the situation.
16. The Council have a proactive maintenance strategy with an action plan to tackle the increasing backlog of repairs and an outline report on this be considered at the next meeting.
17. The Council Cabinet to consider the full impact of savings from reducing staff as it could have implications on other parts of the Council.

Cabinet Decision 19 July 2011

To consider the full impact of savings from reducing staff as part of the budget process.

The Commission also recommended that:

18. Council Cabinet reconsider inviting the Keir Company to tender for work in the City in view of the concerns expressed with regard to the quality of work and overall performance of the company during its work on City Council properties in the past.

19. Council Cabinet defer the decision on public building and school cleaning contracts until the Commission has had an opportunity to consider a written report and consider income generation measures.
20. To request information about the cost of officer time spent in reaching this stage with the contract for the provision of school meals in the city as they felt we were no further forward than we were in July 2010.

Cabinet Decision 19 July 2011

To note the first recommendation had been dealt with at the last meeting.

To consider the second recommendation as part of minute no 36/11*.

***36/11 Cleaning and Caretaking Service Review**

- To approve the principle of putting in place outsourcing arrangements for the cleaning of the Councils public buildings, subject to the development of a detailed strategy and the approval at a future Council Cabinet meeting of a sound business case following consideration by the Scrutiny Management Commission.
- To approve that the existing contracts with external suppliers can be allowed to run their course.
- To ask the Project Board to review the caretaking arrangements in public buildings and make recommendations on the most efficient and effective way to deliver these service requirements.
- To ask the Project Board to review and make recommendations on the options for transforming the way that cleaning services are delivered to achieve short-term savings and make the service more efficient before tendering for an external supplier.
- To delegate approval of any recommendations coming out of paragraphs 2.3 and 2.4 of the report to the Strategic Director of Neighbourhoods in consultation with the Leader of the Council.
- To approve the proposal that schools and governing bodies should make their own arrangements for cleaning and caretaking from 1 April 2012.
- To approve the use of up to £250,000 from the £1,000,000 Trading Account Contingency Reserve in 2011/12.

Reasons

The one Derby, one Council Transformation Programme had included these savings in the Neighbourhoods Action Plan for 2011/2012 and 2012/2013

Derby City Council would continue to offer a sold service cleaning and caretaking package for 2011/12. Beyond 2012 schools would need to put in place a process to either provide the service themselves or to contract directly with a cleaning provider.

8. SMC meeting 20 September 2011

The Scrutiny Management Commission made the following recommendations:

21. that the Cabinet Member with responsibilities for asset management should be a member of the Strategic Asset Management Group.
22. All schools that have kitchens should have a schedule of planned maintenance that contains objective evidence of compliance and should be checked by the Health and Safety section on their inspections.
23. Funding provided for school meals provision should continue to be allocated at the current level until all school kitchens are brought up to an appropriate standard.
24. Schools opting out of local authority control should be required to maintain their buildings including kitchens as part of the opting out process. The Council Cabinet should write to the Secretary of State for Education to highlight this unfairness.
25. The reduction in staffing resources had resulted in approximately 50% fewer enquiries being dealt with by the Climate Change Team. Scrutiny Management Commission asked that the Council Cabinet reinstate climate change priorities and bring resident enquiries to the original level.

Cabinet Decision 18 October

To note the recommendations of the Scrutiny Management Commission and request a report back to a future meeting

9. SMC meeting 8 November 2011

Revenue Budget Proposals 2012/13 – 2014/15

The SMC Recommended that:

26. That an economic impact assessment is carried out, on proposals to reduce grants to arts organisations, to properly assess the effect this could have on the local economy. However, the Commission was clear it did not wish the Council to incur additional costs in carrying out the assessment, as it expects organisations affected by budget reductions to provide the necessary information, for verification by council officers. The Commission debated the potential impact of reductions to arts and culture budgets on the local economy. The Commission was informed that an event was held recently which recognised and promoted the financial contribution arts and culture organisations were making to the local economy. The Commission recommends that evidence of a proper economic impact assessment be presented to Cabinet.

Cabinet Decision 22 November 2011

To consider the recommendations of the scrutiny commissions on the revenue budget proposals as part of the budget process.

10. SMC meeting 13 December 2011

138/11 Cleaning and Caretaking Review – Approval of Business Case

The Council Cabinet also considered a report from the Scrutiny Management Commission setting out the Commission's recommendations in relation to the Cleaning and Caretaking Review – Approval of Business Case. The Commission recommended:

27. That Council Cabinet pursues Option 1, detailed in paragraph 4.1 in the supporting information of this report and in more detail within Item 7.
28. That Council Cabinet agrees to a tendering exercise to test the competitiveness of the in-house service provision
29. That Council Cabinet agrees that any initial assessment work should be undertaken by council officers rather than through external consultants.

Cabinet Decision 10 January 2012

- To approve the centralisation of Council funding that was currently used by services to fund the in-house cleaning and caretaking services, and other linked ancillary funding.
- To approve the redesign of current workspace processes and to engender ownership of workspace cleanliness, especially with regard to the future use of the Council House.
- To approve the redefining of cleaning specifications for different types of buildings to reflect the minimum appropriate levels of cleanliness required for the service and its users.
- To outsource the delivery of the cleaning services that were currently provided by the in-house cleaning and caretaking team.
- To ensure there was scope in the outsourced contract to add other premises if required in the future.
- To structure the procurement exercise to make it accessible to organisations of all size, including small/medium size local firms
- To retain a redesigned caretaking/ site management function through directly employed staff within the Facilities Management Division
- To approve the development and implementation of a consistent corporate approach to the operational management of the Councils building, including statutory duties and responsibilities.

- To delegate approval of the appointment of a preferred cleaning supplier(s) to the Strategic Director of Neighbourhoods in consultation with the Leader of the Council.
- To approve the funding of any overspend in the service in 2012/13 from the trading account contingency reserve.

Reasons

To ensure that the work to progress the review of Cleaning and Caretaking services across the Council was fully understood by Council Cabinet and that all necessary approvals were in place to progress with a procurement exercise for the cleaning services.

11. SMC meeting 13 December 2011

30. Scrutiny management Commission recommended that the Council Cabinet note the Scrutiny Management Commissions concerns regarding the impact of the reduction on staff numbers on the future operation of Neighbourhood Services.

Cabinet Decision 21 February 2012

To note the recommendations from Overview and Scrutiny Commissions and request officers to provide a report back to a future meeting.

Safer Communities Commission

12. 29 March 2011 meeting

Purple Flag Accreditation Scheme

31. The Safer Community Commission requested the Council Cabinet to state its position on the achievement of the Purple Flag Accreditation by 2013.

Cabinet Decision 19 July 2012

To request that a detailed action plan be drawn up for a future meeting.

13. 2 November 2011 meeting

Revenue Budget Proposals 2012/13 – 2014/15

32. Safer Communities Commission recommended that the Cabinet Council Cabinet conducts detailed impact assessment, in accordance with section 17 of the Crime and Disorder Act 1998, on budget proposals that could have a negative impact on crime and disorder in the city. There is a duty on local authorities to consider crime and disorder implications of its decision and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Cabinet Decision 22 November 2011

To consider the recommendations of the scrutiny commissions on the revenue budget proposals as part of the budget process.

Children and Young People's Commission

14. CYP Commission meeting 14 June 2011

33. The Children and Young People's Commission completed its topic review on 'what was being done by the Council and its partners to help children and young looked after with mental health issues and could these services be improved'. The report made 13 recommendations to improve services for looked after children.

Cabinet Decision 6 September

- To note the conclusions and recommendations set out in the topic review report, set out at appendix 2 of the report.
- To receive a further report setting out the Council's, Derbyshire Healthcare Foundation trust and Derby Hospitals Foundation Trust response to the recommendations to the meeting of Council Cabinet in November 2011.

15. CYP Commission meeting 12 October 2011 meeting

86/11 Call-in of Key Decision – Neighbourhood Nursery Childcare Provision

The Commission resolved that in making its decision Council Cabinet had not breached any of the principles of decision making.

34. The Children and Young People's Commission also resolved to recommend to Council Cabinet that ward Councillors should be notified when invitation to tender had been issued with a potential impact in their ward and that the Audit and Account Committee be asked to review the Contract Procedure Rules guidance relating to the recommended timeline for tender evaluations.

Cabinet Decision 18 October 2011

To note that no breach of the Council decision making principles had been made in relation to Council Cabinet minute no 77/11 of 27 September 2011.

To approve that ward Councillors should be notified when an invitation to tender had been issued with a potential impact on their ward. 3. To request the Audit and Accounts Committee to review the Contract Procedure Rules guidance relating to the recommended timeline for tender evaluations.

16. CYP Commission meeting 1 November 2011

Revenue Budget Proposals 2012/13 – 2014/15

The CYP Commission recommended:

35. To the Council Cabinet that services provided through Children's Centres to the most vulnerable users be protected; Commission members noted that the budgeted savings for Children's Centres are to be achieved through rationalisation of management and other efficiencies, rather than through reduction of services to those most in need. Commission will want to monitor service provision to ensure this is the case
36. To the Council Cabinet that the criteria for free schools meals be promoted to maximise take up. Commission members commented that it is in the best interests of children, parents and carers and the City Council for those who are entitled to free school meals to take up the benefit. It is one of the key indicators that can trigger additional funding.
37. To the Council Cabinet that the commission's concern that the proposed removal of 'urgent need capacity budgets' may need to be covered from corporate reserves in the event of an unforeseeable emergency be noted. Commission members noted that this significant sum is in the budget as a contingency for unforeseen major initiatives or response to emergencies that may require significant professional officer time. If there is such an occurrence in 2012/13, provision may be necessary from corporate reserves.
38. That the Chair and Vice Chair be fully briefed on the outcomes of the Schools Forum meeting, particularly those with implications for the revenue budget, and that the Chair and Vice Chair be delegated to make any response on behalf of the commission. Commission members were concerned that if the Schools Forum resolved not to accept the transfer of full costs of the Pupil Referral Units in Derby to the Dedicated Schools Grant there would be a shortfall of £250k in the directorate revenue budget.
39. That the commission be fully involved in the review of youth services provision. Commission members are keen to be involved in the review of this vital service to ensure that proposed reductions are achieved through efficiencies, rather than reductions in provision to young people.
40. That the commission be kept updated on progress in achieving the proposed savings through the reduction in numbers of Looked After Children. Commission members noted that significant savings are anticipated through an initiative to reduce the number of Looked After Children. Whilst this may be achieved in part because of the passage through a demographic peak, the commission will want to see evidence of progress against projections.
41. That the commission be kept updated on the take-up of bought services to ensure the sustainability of these services. Commission members noted that the directorate will need to be effective in selling services to the increasing numbers of academies. Reports on the success of the marketing and take

up of services will enable members to monitor the likelihood of the services remaining viable

Cabinet Decision 22 November 2011

To consider the recommendations of the scrutiny commissions on the revenue budget proposals as part of the budget process.