Time commenced – 6.00pm
Time finished – 8.05pm

SCRUTINY MANAGEMENT COMMISSION
7 DECEMBER 2010

Present:	Councillor Carr (in the Chair) Councillors Barker, Davis, Dhindsa, Harwood and F Khan
In attendance	Councillors Naitta, F Winter and M Lawrence Co-opted Member Children and Young People Commission

64/10 Apologies for Absence

Apologies for absence were received from Councillors Bolton and Redfern.

65/10 Late items introduced by the Chair

There were no late items.

66/10 Declarations of Interest

Councillor F Khan declared a personal interest in item 9 because he had a child attending a Derby school.

67/10 Minutes

The minutes of the meetings held on 9 and 22 November 2010 were agreed as a correct record and signed by the Chair.

68/10 Call-in

There were no items.

69/10 Councillor Call for Action

There were no items.

70/10 Refinement of the Overview and Scrutiny Commissions

The Commission considered the resolution from Council which dispensed with the Resources Commission and allocated its functions to the Scrutiny Management Commission. It also created a Safer Communities Commission, which it designated as its Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006. The resolution also set out the terms of reference of the Safer Communities Commission.

Resolved to note the report.

71/10 Responses of Council Cabinet to the Reports of this Commission and Former Resources Commission

The Commission considered a minute extract from Council Cabinet setting out responses to items on 'Budget Strategy: Impact of the Comprehensive Spending Review', 'Climate Change Update' and Succession Strategy for Derwent New Deal for Communities Programme'.

Resolved to note the report.

72/10 Consideration of Events Leading to the Closure of School Kitchens

The Commission considered a report setting out the events leading to the closure of school kitchens. Jo Davidson, Sarah Edwards, Phil Derbyshire, John Tyler, Nigel Parkes-Rolf and Andrew Muldoon attended the meeting to answer questions from members.

Concerns were raised about why it had taken so long to carry out safety checks following the incident in December 2009 in which a school kitchen employee was injured. It was explained that the two were not linked.

A member of the Commission asked if safety checks had been carried out why suddenly there had been so many kitchens identified with problems. It was explained that checks were carried out on a regular basis and problems identified either rectified or equipment disconnected if it was found to be unsafe and could not be repaired.

As part of the 'options appraisal for school meals' a condition survey was undertaken of school kitchens to identify problems relating to:

- Adequacy of ventilation
- Provision of make up air
- Lack of gas interlock equipment (a failsafe mechanism which prevented the continued use of gas when insufficient ventilation was present and stopped gas flow in the event of failed ignition).

Following this survey of 60 school kitchens, 35 were classed as high risk, 22 as medium risk and 3 schools where no action was required. Details of the findings and subsequent actions were set out in the report. The survey carried out was to identify works needed to bring kitchens up to date.

Commission Members were concerned about the quality of checks carried out. The checks had been continuously undertaken by Council staff, although these employees had very recently transferred to Derby Homes management. An explanation of the change from CORGI to GasSafe accreditation schemes was given. An inspection only said that an appliance was safe on the day it was checked and did not guarantee its safety for the following twelve months. Some equipment found to be faulty had been checked on some two months earlier.

There were concerns about health and safety issues. It was reported that HSE guidance was followed and the GasSafe contractor verified where concerns had been found. Much of the equipment was out of date and did not meet current standards but was still safe to

use.

It was noted that 23 kitchens were now back in use but 13 were still closed.

An explanation of actions taken once these problems had been found was then given. Priority had been given to contingency arrangements rather than contacting each individual Head personally. An e mail was sent to all involved but some did not pick this up until the Monday morning.

Members of the Commission understood and supported the reasons for closing the school kitchens but expressed concerns about the adequacy of check undertaken previously and whether they were carried out correctly. They requested that a further report be provided to the Commission following the conclusion of the investigation to see if adequate gas safety checks had been carried out. They requested that a timeline be drawn up to report back on the issues raised.

It was reported that advice was being given to schools on where responsibilities lay in relation to school kitchens. How schools provide school meals was an issue for the individual schools governing body to decide.

Resolved

1. **The Commission requested that an investigation be carried out about the adequacy of safety checks carried out over a long period of time.**

2. **To request a separate report after the investigation had concluded to find out if adequate gas safety checks had been carried out.**

3. **To request a timeline to establish a report back on the various issues raised.**

4. **To note that a lawyer was looking into the different landlord and tenant responsibilities of the Council and of schools in respect of school kitchens and request that both this Commission and the Children and Young People Commission receive a report back when the task was concluded.**

73/10 Derwent New Deal for Communities

The Commission were informed that all the required information had not been received and that a meeting had been arranged with the Government Office for the East Midlands for 13 December 2010. It was therefore proposed that the item be deferred. The importance of having the chief executive of the PCT present when the Revive Healthy Living Centre was discussed was referred to. It was noted that while this Commission could only request such attendance, if it were declined the same issue could be dealt with by the Adults, Health and Housing Commission which held statutory powers as the designated NHS scrutiny committee.

Resolved

1. **To defer consideration of this item pending the meeting with the Government Office for the East Midlands.**

2. **To authorise the Chair to write to the Chair and Chief Executive of the PCT to**

formally request their attendance at the next meeting.

74/10 The Derby Plan 2011-26 and Council Plan 2011-14

The Commission received a presentation on the Derby Plan from Clare Labram from Derby City Partnership and Council Plan from Heather Greenan.

Resolved to note the presentation.

75/10 Forward Plan

There were no items requested.

76/10 Forward Plan Analysis – Quarterly Report

The Commission considered a report detailing the Key and Budget and Policy Framework decisions made by Council Cabinet which were and were not included on the Forward Plan at its meeting in September 2007.

Following this meeting the Commission made the following recommendations to Council Cabinet:

- That for items which had previously appeared on the Forward Plan, the Forward Plan reference number and the date that the item was placed on the Forward Plan is included on all reports to Council Cabinet on those items, and in the minutes of any subsequent decisions relating to the items.

- That wherever practicable items were retained on the Forward Plan for a minimum of three months before a decision was made by Council Cabinet.

- That before any non-urgent decision on a Forward Plan item is taken, Council Cabinet confirmed that adequate opportunity had been given to anyone wishing to make representations about the item and that this was noted in the minute of the decision together with a summary of any representations that were received by the officer identified in the Forward Plan.

- That the list contained in Table 2 of the report, or a list of similar content, was maintained and was made accessible through the Council's Committee Information Website (CMIS)

On 20 February 2008 a meeting was held between the Chair and Vice Chair with the Leader and Deputy Leader to discuss Commission recommendations for the Forward Plan.

The Leader and Deputy Leader gave assurances that procedures would be tightened up and an audit trail be made available.

This report detailed the Key and Budget Performance Framework decisions taken by Council Cabinet during the period 28 September – 23 November 2010.

Where it had been possible to do so, the Council Cabinet decision has been related to the

relevant Forward Plan item. In these cases the time between the item being placed on the Forward Plan and the decision being made by Council Cabinet was shown in the table.

When an item had not been included on the forward plan, the report author was asked to provide an explanation for its absence. These responses were provided in the table in appendix 2 of the report.

Since 29 January 2008 this report had been a regular standing item on the Scrutiny Management Commission's agenda. This enabled the Commission to ensure that the Forward Plan was being used correctly by officers and helped all Commissions to plan their work programmes effectively.

Members of the Commission expressed concerns that some items could have been included earlier and that this should be tightened up.

Resolved to request the Leader of the Council to meet with the Chair and Vice Chair of the Commission to discuss the concerns.

77/10 Retrospective Scrutiny

There were no items requested.

78/10 Matters Referred to the Commission by Council Cabinet

There were no items.

Chair of the next ensuing meeting
at which these minutes were signed