

Time Commenced – 18:01
Time Finished – 19:12

Executive Scrutiny Board

30 November 2017

Present: Councillor Stanton (Chair)
Councillors Barker, Bayliss, Carr, Eldret, Graves, Hezelgrave,
M Holmes, Jackson, J Khan,

In Attendance: Gurmail Nizzer, Michael Gillie, Mick McClachlan, Simon
Aitken, Heather Greenan, Clare Harrison (Democratic
Services).

45/17 Apologies for Absence

Apologies for absence were received from Councillors Pegg, Poulter and Webb.

46/17 Late Items

There were no late items.

47/17 Declarations of Interest

There were no declarations of interest.

48/17 Minutes of the meeting held on 07 November 2017

Minutes of the previous meeting held on 07 November 2017 were agreed as an accurate record.

49/17 Forward Plan

The Board considered the contents of the Forward Plan published on 07 November 2017. Members requested that Officers find out when the Adoption of Market Rights Policy would be considered by Council Cabinet. The Board discussed whether the detail of this policy would include street sellers and felt that there had been an increase in the number of street sellers in the city centre which was making some areas of the city centre, such as St Peter's Street and East Street, appear untidy.

There was a discussion around the responsibilities of the Council and the Police in relation to street sellers and the Peddlers Act and how this could be better managed. Members felt that the use of designated spaces and pop-up shops could allow street selling to be better managed.

The Board agreed that this item should be referred to the Communities Scrutiny Review Board for consideration alongside representatives for Derbyshire Constabulary.

The Board resolved to refer a review of street selling in the city centre to the Communities Scrutiny Review Board.

50/17 Performance Items and Performance Forward Plan

The Board considered a report of the Chief Executive and received a presentation on performance information in relation to the 'Delivery of the Streetpride elements of the Neighbourhood Charter to enhance the street scene and living environment of the City'.

Officers outlined the Council's commitments in relation to roads and pavements and it was reported that the Council checks and maintains 767km of roads and 1,195km of pavements, including road gullies and street-lighting. It was reported that the budgeting spend per capita has been decreasing since 2013/14 and is relatively low in comparison to the costs per capita of services in other departments, such as People's Services. Officers also explained that they have tried to undertake a benchmarking exercise against other local authorities' spend per capita, but found the data difficult to compare due to differences in financial reporting practices.

The Board was informed that although number of reported missed bins appears high, in relation to total number of bins collected the number of complaints is actually very low. The measure for emptied bins as a percentage of all household bins was currently exceeding the target at 99.94%, and it was expected to meet the year-end target of 99.85%.

In relation to parks, open spaces and trees, it was reported that during this financial year, the Council has been working to reinstate floral features at entrances to the city as well as hanging baskets in the city centre. Putting in additional resources for tree management is also one of the key priorities for the service. It was further reported that many of the outputs of the service are difficult to monitor using quantitative methods, and that customer feedback would be the most useful method of monitoring performance.

Members were informed that as part of the Neighbourhood Charter, the Council is committed to engagement with the local community, educating the local community and taking a targeting approach to enforcement.

Officers reported that the use of Community Protection Officers in Normanton has been working to educate residents and enforce against waste offences in the ward since July this year. It was reported that the team has since issued 1493 "section 46" notices relating to bins and waste storage, issued 70 fixed penalty notices for fly-tipping, made 441 casework visits and dealt with 264 reports of fly-tipping. Members acknowledged the success of this additional resource in the Normanton area and recognised the need for a higher level of resource in some parts of the city for community engagement and enforcement. However, the Board also discussed the need for a minimum

level of resource in neighbourhoods required across the city for these activities and all agreed that this was needed.

Members commented that enforcement officers and the police could go out together in Normanton to raise the visibility of enforcement and the awareness of what is being done. Members also raised queries about the sustained and prolific use of To Let Boards and how this could be tackled more creatively, involving the communities to achieve this. Members were also disappointed not to see any goals included around engagement (i.e. number of community litter picks arranged etc). Officers informed the Board that the relevant officer, the Head of Service for Partnerships and Communities, was not present at the meeting to respond, but that comments would be passed on.

The Board commended officers on their achievements and requested that the Chair send a letter from the Board praising the work of Streetpride.

The Board resolved to:

- 1) recommend to Council Cabinet to provide at least a minimum level of resource in the budget for 2018/19 for engagement, education and enforcement action in all wards across the city; and**
- 2) send a letter from the Board praising the work of Streetpride.**

51/17 Council Cabinet Response to Scrutiny Recommendations

The Board considered a report of the Chief Executive which allowed the scrutiny board to receive responses from Council Cabinet on recommendations made at the previous Board meeting held on 08 November 2017.

The Board resolved to note the report.

52/17 Council Cabinet Agenda

The Board considered a report from the Chief Executive on the Council Cabinet Agenda. Members considered the Council Cabinet Agenda in its entirety for the meeting scheduled for Wednesday 06 December 2017 and made a number of comments and recommendations to Council Cabinet.

Item 8 - Procurement of Educational Placements for Children and Young People with Special Educational Needs and Disabilities (SEND)

Members considered a Council Cabinet report of the Cabinet Member for Education and Skills and Strategic Director for People Services to approve the establishment of a procurement compliant solution for the procurement of

SEND educational placements from independent and non-maintained special schools/colleges.

It was reported that this decision was to enable the strengthening of processes around placement procedures and to enable the implementation of a dynamic purchasing system.

Members were informed that further improvements to the overall management of high cost SEND educational placements is a key priority for the People Services Directorate, as independent and non-maintained special school placements are an area of considerable budget expenditure, totalling £7,113,658 in 2016/17. It was further reported that there is also a potential future opportunity to establish a regional SEND procurement system. This is currently being explored and scoped, and structured discussions are underway with a range of Local Authorities as part of the due diligence process.

Members queried whether it was known what the Council needs or wants to procedure and were informed that the report details what the current placements and financial spend is, and this will therefore inform the procurement. Members were also informed that a robust framework would put the commissioning of these placements on a firmer footing, and would allow more agility and the potential for costs to be more contained.

Members queried the level of delegation and requested that officers check that the recommendation at 2.4 of the report is acceptable in-line with the scheme of delegation and procurement rules.

The Board recommended to Council Cabinet that officers reassure them that the delegation at paragraph 2.4 of the report is acceptable in-line with the Scheme of Delegation and Financial Procedure Rules.

Item 9 - Proposal to increase school places at Murray Park School

Members considered a Council Cabinet report of the Cabinet Member for Education and Skills and Strategic Director for People Services to approve permanent expansion of the premises of Murray Park School in order to provide additional secondary school places.

It was reported that, at its meeting on 4 September 2017, Council Cabinet considered responses to an initial consultation and approved the publication of a statutory notice for a formal consultation period running from 17 October to 14 November 2017. At this time Council Cabinet also delegated authority to determine the proposal to the Strategic Director of People Services if no objections were received or, if objections were received, required a further report to Council Cabinet for a decision.

The statutory consultation period ran from 17 October to 14 November 2017 and two objections to the proposal were received during this time. Both objections came from local residents and were focussed on traffic issues at the school.

Members queried if pupils are still attending schools local to where they live, or if placements are slipping into cross city travel. It was requested that this information be compiled and brought to the February meeting of the Executive Scrutiny Board along with the report on school place planning and horizon scanning.

The Board requested further details on cross-city school travel to be included in school place planning and horizon scanning report scheduled to be brought to the February meeting of the Executive Scrutiny Board.

Item 10 - Contract and Financial Procedure Matters Report

Members considered a Council Cabinet report of Cabinet Member for Finance and Governance and Chief Executive outlining a number of items that require reporting to and approval by Council Cabinet under Contract and Financial Procedure rules.

Members of the Board were extremely unhappy that there were no officers present to explain the details contained in the report.

Members were also unhappy about the lack of detail included in the report which made it difficult to know exactly what funds were required for, if they were considered value for money, if the time for investing in equipment was the right time and if items over key decision levels had received approved Council Cabinet approvals.

The Board felt that without further detail in the Contract and Financial Procedure Matters Report it would be difficult for Council Cabinet to make robust decisions on the items included and the use of public funds.

The Board resolved to recommend that Council Cabinet:

- 1) reject the recommendations in the report unless further details are provided, included breakdowns of; what funds are required for; if the purchase of equipment is considered value for money; if the time for investing in equipment is the right time; and for any relevant background information to be provided, including if items over key decision levels have received relevant Council Cabinet approvals.**
- 2) asks for all aforementioned information to be included in all future Contract and Financial Procedure Matters Report, including the relevant Officer details for each decision to enable Members to request further information if needed.**

MINUTES END