



## **Council Cabinet Response to Scrutiny Recommendations**

### **SUMMARY**

- 1.1 This report outlines the recommendations made by the Executive Scrutiny Board to Council Cabinet and Council Cabinet's responses to these recommendations. The relevant responses have been extracted (and condensed where appropriate) from the Council Cabinet Minutes and included in Section 4 of this report.

### **RECOMMENDATION**

- 2.1 To note the responses from Council Cabinet recorded in the Council Cabinet Minutes.

### **REASON FOR RECOMMENDATION**

- 3.1 To ensure that the Executive Scrutiny Board receives a response from Council Cabinet to the recommendations made.

### **SUPPORTING INFORMATION**

#### **Council Cabinet Meeting of 12 July 2017**

##### **4.1 195/16 Recommendations from Corporate Scrutiny and Governance Board**

The Council Cabinet considered a report on Recommendations from the Executive Scrutiny Board. The Board met and discussed items contained within the Council Cabinet Agenda. The report enabled the views and recommendations resulting from these discussions to be formally shared with Council Cabinet. These were submitted to Council Cabinet as Appendix 2, prior to commencement of the meeting.

#### **Council Cabinet Decision**

1. To receive the report and consider the recommendations alongside the relevant report.

## Key Decisions

### 4.2 25/17 Libraries Strategic Review: New Service Delivery Model

The Executive Scrutiny Board made the following recommendations to Council Cabinet:

- 1) In order to be transparent and expedite early agreements it is recommended that Council Cabinet agree to commission a condition survey and costed property maintenance programme for those elements of the potential CMLs that the Council will not be responsible for. This will enable communities to understand:
  - a) what their responsibilities are;
  - b) what is outside of the scope of their responsibilities; and
  - c) the likely cost of these responsibilities over the coming years.
- 2) To recommend to Council Cabinet that a Service Level Agreement is developed between the Council and CML managers. This is with an aim to clarify and formalise the level of services that communities can expect to receive from their CML and ensure review and scrutiny mechanisms are in place to allow an appropriate level of checks and balances.
- 3) To recommend that the Cabinet Member for Leisure, Culture and Tourism:
  - a) consults with ward Councillors for the proposed CML areas on the mechanisms to be put in place to ensure the involvement of the Councillors in the proposals for setting up CMLs; and
  - b) ensure that they are able to communicate with individuals and volunteers expressing an interest in being involved.

Officers ensure that taking part in the pilot does not damage the Council's good reputation for adoption placements.

The Board's concerns are noted in relation to the lack of an inspection framework for the pilot and hopes that appropriate mechanisms are in place for inspections when the time arrives.

Request an update report on progress of the pilot in early 2018.

### Council Cabinet Decision

1. To note the final report of the phase 2 consultation, which was included at Appendix 2, the petitions outlined at paragraph 5.11 and the other notable submissions outlined at paragraph 5.12 of the report. The text of the comments and other submissions received was available for members to review.
2. To reject Options A, C and D.
3. To note that, based on results of the phase 2 consultation:
  - Option B was judged to be the option that best provided a firm foundation upon which to build a new service delivery model.
  - It was judged that Option B could be improved by responding constructively

to the feedback received during the consultation. Option B *Plus* is firmly rooted in Option B, but with some amendments in response to the findings of the phase 2 consultation.

4. To reject Option B, and to approve Option B *Plus*, as the new service delivery model for Derby's libraries.
5. Subject to Cabinet's approval of the Council House Reconfiguration Project as a whole on 21 June 2017, and of Option B *Plus*, to approve the recommendations relating to Riverside Library (details of which were set out at paragraph 6.15 of the report).
6. To approve expenditure up to a value of £160k to increase the stock holding capacity at Alvaston, Mickleover and Pear Tree Libraries, as outlined at paragraph 7.9 of the report, funded through the Property Rationalisation funds, delegating authority to the Strategic Director of Communities and Place following consultation with the (Interim) Director of Finance, to add the relevant elements of the £160k to the capital programme as appropriate.
7. To approve the template wording for CML leases (details of which were set out at Appendix 9 of the report) and to delegate to the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Leisure, Culture and Tourism, authority to agree the final terms of Lease, Management and Grant Agreements for libraries identified by the report as potential CMLs.
8. To approve provision of the Minimum Standard Resource, as set out in Appendix 10 of the report, as the minimum criteria to qualify for a CML Grant.
9. To agree in principle, subject to key decisions and other constitutional considerations that may apply at the time, to consider indemnities for CMLs for specific TUPE liabilities if they arise.
10. To approve the recommendations set out in paragraph 8.14 of the report regarding the Grant to organisations / community groups taking on the running of CMLs.
11. To approve Enhanced Support Packages (1) and (2), as outlined in Appendices 12 and 13 of the report respectively, noting that although CMLs accepting Enhanced Support Packages would work closely with the Council and within many of its procedures, this was a voluntary choice, and organisations / community groups could provide the Minimum Standard Resource without accepting the Packages.
12. To approve the provision of ongoing training and guidance to CMLs, accessible on a voluntary basis, in relation to routine library operations, processes and activities by creating a permanent Community Library Development Team within the Council's structure.
13. To establish a one-off CML pump-priming fund of £90k (the purpose of which was described in paragraph 8.25 of the report) in accordance with the Council Cabinet decision of 15 February 2017, and to delegate to the Strategic Director

of Communities and Place, following consultation with the Cabinet Member for Leisure, Culture and Tourism, authority to develop and implement a mechanism for allocating the pump-priming fund.

14. To note the range of support that is proposed to inform and assist groups / community organisations completing an Expression of Interest and preparing to run a CML.
15. To approve the outline process for transferring some libraries from Council control to community management, as described in paragraphs 8.34 to 8.39 of the report, and to delegate to the Strategic Director of Communities and Place, following consultation with the Cabinet Member for Leisure, Culture and Tourism, authority to refine the process and make final decisions on Expressions of Interest / Applications.
16. To commission a review, with a particular focus on levels of Grant, the Grant allocation mechanism and the Enhanced Support Packages, to take place between October 2020 and March 2021. Any changes resulting from the review would be implemented from April 2022 meaning that groups / community organisations running CMLs would receive 12 months' notice of any changes.

*17. To reject the recommendations of the Executive Scrutiny Board.*

#### **4.3 26/17 Corporate Fraud Prosecution Policy**

The Executive Scrutiny Board made no recommendations to Council Cabinet on this item.

#### **4.4 27/17 Post 16 Home to School Transport Consultation Outcome**

The Executive Scrutiny Board recommended to Council Cabinet that the new proposals are developed in consultation with the group identified from the consultation who wanted to be involved and had ideas on how best the scheme could operate and felt that the most productive results would be achieved from doing this.

#### **Council Cabinet Decision**

1. To approve scoping of alternative options for SEND Post 16 transport savings.
2. To approve the continuation of the successful Independent Travel Training Initiative.
3. To accept the recommendation from the Executive Scrutiny Board that the new proposals are developed in consultation with the group identified from the consultation who wanted to be involved and had ideas on how best the scheme could operate, and felt that the most productive results would be achieved from doing this.

#### **4.5 28/17 Compulsory Purchase of Empty Homes**

The Executive Scrutiny Board supported the recommendations and noted the report.

#### **4.6 29/17 Budget Outturn 2016/17**

The Executive Scrutiny Board resolved to monitor the Capital Programme at the mid-year review and recommend to Council Cabinet that more careful consideration is given to the setting of Capital Programme for 2018-19 to ensure that is a more accurate and realistic reflection of what can be achieved in the year.

##### **Council Cabinet Decision**

1. To note the revenue outturn and key budget variances set out in the report in section 4 and the savings delivered in the year in section 5.
2. To note the capital outturn and the capital expenditure incurred during the year summarised in section 6 of the report.
3. To note the reserves position at the year-end as set out in section 7 of the report.
4. To note the Council's treasury position at the year end and performance in the year, set out in section 8 of the report.
5. To note the Dedicated Schools Grant position and balance at the year-end summarised in section 9 of the report.
6. To delegate authority to the s151 Officer to reflect any changes to the financial outturn arising from the External Audit of the Council's 2016/17 Statement of Accounts and report these to the Audit and Accounts Committee.
7. *To accept the recommendation of the Executive Scrutiny Board that more careful consideration was given to the setting of Capital Programme for 2018-19 to ensure that was a more accurate and realistic reflection of what could be achieved in the year.*

##### **Performance**

#### **4.7 30/17 Performance Monitoring 2016/17 – Year End Results**

The Executive Scrutiny Board made no recommendations to Council Cabinet on this report.

#### **4.8 31/17 Contract and Financial Procedure Matters**

The Executive Scrutiny Board made no recommendations to Council Cabinet on this report but resolved to request further information be provided on the detail on the Cashless Parking System, in particular relation to any option for card payments as well as internet or pay-by-phone payments.

<b>OTHER OPTIONS CONSIDERED</b>
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5.1 None.

**This report has been approved by the following officers:**

<b>Legal officer</b>	N/A
<b>Financial officer</b>	N/A
<b>Human Resources officer</b>	N/A
<b>Service Director(s)</b>	N/A
<b>Other(s)</b>	David Walsh – Democratic Services Manager

<b>For more information contact:</b>	Clare Harrison 01332 643648 <a href="mailto:clare.harrison@derby.gov.uk">clare.harrison@derby.gov.uk</a>
<b>Background papers:</b>	Council Cabinet Minutes and Reports 12 July 2017.
<b>List of appendices:</b>	Appendix 1 – Implications

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 Costs associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Legal**

- 2.1 Rule OS23 of the Council's Constitution relate are relevant to this report in its final submissions to Council Cabinet. Rule OS23 states that the Council or Council Cabinet shall consider the report of the overview and scrutiny board within one month of it being submitted to the proper officer.
- 2.2 Legal implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Personnel**

- 3.1 Personnel implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**IT**

- 4.1 IT implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Equalities Impact**

- 5.1 Effective scrutiny benefits all Derby people and the very nature of the Scrutiny Board's work means that equality issues are addressed.

**Health and Safety**

- 6.1 None directly arising from this report.

**Environmental Sustainability**

- 7.1 None directly arising from this report.

**Property and Asset Management**

- 8.1 Asset management and acquisition implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Risk Management**

- 9.1 Risks management implications associated with implementing the recommendations associated with this report would need to be determined by relevant officers following decisions made by Council Cabinet.

**Corporate objectives and priorities for change**

- 10.1 Our aim is to work together so that Derby and its people will enjoy a thriving sustainable economy, good health and well-being and an active cultural life.