

Time Commenced – 18:03

Time Finished – 21:25

## **Corporate Scrutiny and Governance Overview and Scrutiny Board**

**11 July 2017**

Present: Councillor Stanton (Chair)  
Councillors Barker, Carr, Eldret, Hezelgrave, M Holmes  
Jackson, J Khan, Pegg, Poulter, Webb

In Attendance: Christine Durrant, Mark Taylor, Claire Davenport, Janie Berry,  
David Cox, Olu Idowu, Gurmail Nizzer, Andy Waterhouse, Ian  
Fullagar, Heather Greenan, Andrea Cauldwell, Vicky Thornber,  
Clare Harrison (Democratic Services).

Press and public: Matthew Frost (Media Marketing Officer), 1 x public

Members in Attendance: None

### **09/17 Apologies for Absence**

Apologies for absence were received from Councillors Bayliss and Graves.

### **10/17 Late Items**

An updated version of the Equalities Impact Assessment for the Revised Statement of Community Involvement was distributed to the Board.

### **11/17 Declarations of Interest**

There were no declarations of interest.

### **12/17 Minutes of the meeting held on 20 June 2017**

Minutes of the previous meeting held on 20 June 2017 were agreed as an accurate record of the meeting.

### **13/17 Forward Plan**

The Board considered the contents of the Forward Plan published on 13 June 2017. No new items were added to the Board's Work Programme.

**The Board resolved to note the Forward Plan.**

## 14/17      Performance Items and Performance Forward Plan

The Board considered a report of the Cabinet Member for Finance and Governance on the 2016/17 year end performance results. It was reported that up to 31 March 2017, the latest position showed that 54% of measures had met or exceeded the year-end target and 39% of measures have improved compared to last year. Members were concerned that these figures meant that 46% of scorecard targets had been missed and questioned whether the original targets were overambitious or if services were underperforming. The Board was informed that although some targets may have been ambitious, the number of targets met should be higher. Members resolved to continue to monitor performance and add items to the Performance Forward Plan as and when necessary.

Members received a performance update and presentation from the Head of HR and Recruitment Manager on the number of DBS Renewal Checks achieved in relation to the target in the Council's scorecard. Members were informed that certain jobs require a DBS check and that prior to 2011, renewals for these posts were undertaken every three years for all staff. However, following Ofsted advice in 2011/12 it was decided that routine renewals were not an efficient use of resources. It was reported that a DCC policy for updating DBS checks every 3 years was subsequently reintroduced in December 2014, although only for positions with unsupervised access to children and vulnerable adults.

It was reported that at the end of March 2017 the renewal programme for Disclosure and Barring Service (DBS) checks had achieved 59% of renewals at the end of March 2017, compared to target of 95%, with a further 15% 'in process' with the DBS. It was further reported that an action plan had been put in place with a target to achieve 95% renewals by the end of September 2017.

The Board queried the use of the DBS Update Service for members and employees who have already had a DBS check done to make future checks easier, quicker and better value for money. Officers clarified that it would be in the hands of the individual to sign up for this service and to renew this annually, but that it was possible and could save money. There was a discussion around ensuring that employees are aware that the Council would be running reports using the update service. Members were reassured that this was unlikely to cause a problem.

### **The Board resolved to:**

- 1) Continue to monitor performance and add items to the Performance Forward Plan as and when necessary; and**
- 2) Recommend to Council Cabinet that the Council seeks to trial use of the DBS Update Service.**

## 15/17 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 21 June 2017. The Board expressed disappointment that Council Cabinet had rejected the recommendation to pause the reconfiguration of the Ground Floor of the Council House Reception/Atrium area.

**The Board resolved to note the report.**

## 16/17 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 12 July 2017 and made a number of comments and recommendations to Council Cabinet.

### **Item 8 - Libraries Strategic Review: New service delivery model**

Members considered a Council Cabinet report of the Cabinet Member for Leisure, Culture and Tourism and Strategic Director for Communities and Place asking Cabinet to note the final report of the phase 2 consultation and to approve Option B Plus, as the new service delivery model for Derby's libraries. It was also noted that there was a long list of recommendations subject to Council Cabinet's approval for Option B plus to be progressed and approval of the Council House Reconfiguration Project.

The Board queried the use of meeting room space at the Council House as part of the reconfiguration proposals, as it was considered that this is already at a premium. Members were informed that no meeting space would be lost but that the downstairs meeting room which is not currently fit for purpose would be relocated closer to the main reception desk and would be more accessible.

Members expressed concerns about the availability of volunteers and the ability for ward members to be able to make contact with volunteers and any groups wishing to form Community Managed Libraries (CMLs) to discuss plans, options and opportunities. Officers explained to the Board that as a decision to move forward with CMLs has not yet been made and therefore no proposals for CMLs have yet been put forward, it would be pre-emptive for ward members to enter into discussions with these groups of people. Members agreed that the Cabinet Member should consider how ward Councillors would be able to communicate with individuals and volunteers expressing an interest in setting up CMLs and how they can be involved in assisting with the development of proposals for their wards.

The Board questioned the potential risk for claw-back of Big Lottery Funding for Allenton, Chellaston and Mackworth libraries. Members were informed that discussions are currently underway with the Big Lottery and that initial advice

suggests that claw-back may not be sought if a community organisation takes over the running of these libraries with support from the Council.

The criteria, fairness of distribution and potential uses for the £90k funding pot for CMLs were also queried by the Board, but Members were informed that much of this was yet to be determined and it was likely that individual CMLs would need to apply for a share of these funds.

Members queried the lack of options put forward for other management models, such as Trusts, to continue the delivery of the libraries service. Officers explained that other options were looked at during the options appraisal and national research was carried out, which concluded that CMLs would be useful for Derby's situation.

The Board was concerned that if the Secretary of State would not take responsibility for any future CMLs as they would not form part of the statutory libraries provision they would likely face closure in 2022 when funding is no longer available, however it was clarified that there is currently no suggestion that grant funding will finish in 2022, but it will be reviewed at this time.

Members queried the possibility of income generation for CMLs through franchises and shared space opportunities/joint utilisation and were reassured that this would be a possibility for CMLs. Members also queried Issues in CMLs such as Health and Safety requirements, DBS checks, IT support and buildings maintenance and were informed that CML staff would be supported and trained in these areas. Members were also informed that CMLs would have access to an IT support package including maintenance and some IT hardware and software provision through an optional enhanced support package.

The ability to achieve savings targets for 2017-18 by April 2018 was queried and questions were raised on how this will be managed if savings are not achieved. The Board was informed that proposals have been put forward to try and achieve as much of the savings target as possible by April 2018 but that a budget reserve contingency will be in place for savings that are not made by the target date. Members further questioned that the chosen options were developed in line with the savings target and that the decision on the chosen option was potentially predetermined because of this. Officers explained that options needed to be developed in line with the planned budget savings for the service and that this was not predetermination.

Members queried the decision to keep Mickleover Library opening in light of the consultation showing it to be one of the most likely areas to have a high number of volunteers. The Board was informed that this was because Mickleover library is the second busiest of the city's libraries and that the propensity of volunteers in an area should not be counted against the community.

Issues were raised in relation to the lack of information available on the condition of library buildings, expenses likely to be incurred and responsibilities of running the CMLs for those interested in becoming involved. Members were informed that a more detailed information pack was in the

course of being developed and would be made available to prospective volunteers/groups as part of the application process. Members also felt that further work should be done to carry out an internal condition survey for each of the potential CML buildings to ensure that interested parties were made aware of the condition of the internal fabric and furnishings and potential maintenance costs.

Members raised that they were keen to safeguard future use of the Central Library building, ensuring that it doesn't become 'mothballed' and the Council seeks to find an alternative use as quickly as possible. The Board suggested the potential for sale of the building and receipts to be used for a purpose built central library more fit for purpose as an alternative to moving the central library into the Council House, as well as to ensure longevity of the existing building. Members also expressed concern over the transparency of the notion of the central library 'moving' into the Council House, where Members felt that this was a different kind of library service as opposed to a relocation of the existing provision.

The criteria and selection of potential bids for the management of CMLs was queried by the Board. Officers clarified that there would be a two stage process of Expressions of Interest and then a full application, with details of the processes and criteria set out in the application pack once the proposal to move forward with CMLs has been agreed.

The Board stated that they felt it was important that the Council puts plans in place to maintain continuity of library provision during the transfer of library services from Council Management to CMLs to ensure there is no gap in provision. The Board also thought it was important for review and scrutiny mechanisms to be in place to allow an appropriate level of checks and balances and to allow the Council to develop procedures for dealing with unsuccessful CMLs;

Members expressed concerns around the risk and costs associated with judicial review and asked officers to give assurances that appropriate advice had been sought and that this had been risk assessed robustly to ensure that the Council has a strong defence in the event of a challenge.

**The Board resolved to make 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.**

**Item 9 - Corporate Fraud Prosecution Policy**

Members considered a report of the Cabinet Member for Finance and Governance to approve a revised version of the Corporate Fraud Prosecution Policy and recommend to Council that the relevant changes are made to the Scheme of Delegations following approval and adoption of the Policy.

**The Board resolved to note the report.**

**Item 10 - Post 16 Home to School Transport Consultation Outcome**

Members considered a Council Cabinet report of the Cabinet Member for Education and Skills to approve the scoping of alternative options for SEND Post 16 transport savings and approve the continuation of the successful Independent Travel Training Initiative.

Members were keen to see an alternative to a points based system put forward to achieve the savings and urged Council Cabinet to work with those wanting to be involved to decide upon the best option to achieve this.

**The Board resolved to recommend 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.**

**Item 11 - Compulsory acquisition of empty homes**

Members considered a Council Cabinet report of the Cabinet Member for Housing and Urban Renewal and Strategic Director for Communities and Place seeking Cabinet approval to initiate compulsory purchase proceedings in relation to 5 long-term vacant houses.

**The Executive Scrutiny Board supported the recommendations and resolved to note the report.**

## **Item 12 - Budget Outturn 2016/17**

Members considered a Council Cabinet report of the Cabinet Member for Finance and Governance and report of the Chief Executive which summarised the overall financial position at the end of the 2016/17 financial year against the budget approved by Council on 3 February 2016.

Members raised concerns around the Capital Budget underspend and queried whether there was an issue with the Capital Programme. Members were informed that there are some uncontrollable elements and external dependencies in the Capital Programme in relation to large projects and grants which result in some of the underspend issues, however a more realistic Capital Programme would result in less underspend in future.

**The 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.**

## **Item 13 - Council Scorecard 2017/18**

This item was considered under the Executive Scrutiny Board Agenda item on Performance.

**The Board resolved to note the report.**

## **Item 14 - Contract and Financial Procedure Matters Report**

Members considered a Council Cabinet report and Addendum of the Leader of the Council and Chief Executive outlining a number of items that require reporting to and approval by Council Cabinet under Contract and Financial Procedure rules.

**The Board 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.**

## **Item 15 – Revised Statement of Community Involvement**

Members considered a report of the Strategic Director of Communities and Place asking the Board to consider the recommended changes to the revised Statement of Community Involvement (SCI) make any comments prior to formal consideration of the consultation and adoption of the Plan.

Members were informed that the 2004 Planning & Compulsory Purchase Act requires Local Authorities to prepare a 'Statement of Community Involvement'

which sets out how the Council will consult the community when preparing Development Plan Documents and determining applications for planning permission. The current SCI was adopted in January 2007 and was in need of refreshment to properly reflect revised regulations and current guidelines on consultation. To this end, a draft revision to the SCI was prepared last year and Cabinet agreed to an eight week consultation on it at its 7 December 2016 meeting which had taken place from 6 January 2017 to 3 March 2017.

It was reported that ten respondents submitted comments during the consultation period. As a result of these comments a number of proposed changes were made to the SCI, as well as a number of amendments to its Glossary. It was further reported that an additional amendment was made to the SCI as a result of undertaking an Equalities Impact Assessment to make the document clearer and more accessible to the deaf community and LGBT groups.

Members commented that the document refers to free access to the internet in all of Derby's 14 libraries, which may not be factually accurate in the future. Officers noted this comment and that future decisions and developments may change this.

Members also commented on section 3.13 of the SCI which stated that notification letters are sent to the occupiers of property or land which immediately abut the sites of larger developments. Members felt that the consultation field for larger developments should be extended beyond immediately adjacent neighbours.

The Board also raised the subject of S106 and that this is not mentioned in the document. Officers informed members that this comes under the S106 Supplementary Planning Document, which is due to be reviewed later in the year.

**The Executive Scrutiny Board resolved to request that the review of the S106 Supplementary Planning Document is brought to both the Executive Scrutiny and Regeneration and Housing Review Scrutiny Boards for consultation as part of the review process.**

MINUTES END