

Overview & Scrutiny Committee

Monday, 18th March, 2013

6.00 - 7.05 pm

Attendees	
Councillors:	Duncan Smith (Chair), Klara Sudbury (Vice-Chair), Nigel Britter, Barbara Driver, Colin Hay, Helena McCloskey, Ian Bickerton and Diane Hibbert
Also in attendance:	Councillor Roger Whyborn

Minutes

1. APOLOGIES

Apologies were received from Councillor Wall.

It was noted that there was a vacancy on the committee following the resignation of Councillor Teakle and this would be filled after the bi-election for her seat in May.

2. DECLARATIONS OF INTEREST

None declared.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting of 18 February 2013 were approved as a correct record.

4. PUBLIC QUESTIONS, CALLS FOR ACTIONS AND PETITIONS

None received.

5. MATTERS REFERRED TO COMMITTEE

No matters were referred to the committee.

6. FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED

Councillor McCloskey updated members on a number of meetings she had attended.

Gloucestershire Community Safety Overview and Scrutiny Committee - she had attended the last meeting of this committee as after the county council elections its functions would be subsumed into the county's Environment Overview and Scrutiny Committee where sadly there would be no district representation. It had been reported at the meeting that all performance indicators were on or ahead of target and sickness absence in the fire service had now improved significantly following the committee's review. Trading standards performance had also improved.

Gloucestershire Police and Crime Panel - after receiving satisfactory answers from the Police and Crime Commissioner, the panel had approved the Commissioner's draft plan which set out his priorities and objectives. The delivery of this plan would be scrutinised by the panel in due course.

Gloucestershire Health, Community and Care Overview and Scrutiny Committee - she had deputised for Councillor Sudbury who had been unable to attend this meeting. She reported that following the elections there would be a new chair of the committee. A range of matters had been discussed including the performance of night shelters in Gloucestershire, the current NHS consultation, publicity on new contact numbers and performance data.

7. UPDATES FROM SCRUTINY TASK GROUPS

The chairman referred members to the summary of scrutiny task groups which had been circulated with the agenda. The following points were noted.
Events - Councillor Penny Hall as the chair of this working group was invited to speak by the chair. She was concerned that the recommendations of the task group had only been noted by Cabinet at their meeting on 5 February 2013 and they had indicated that they would come back with a further report on the implementation of the recommendations at a later date. She was concerned that there was no date for this in the Cabinet Forward Plan and consequently she felt the outcomes from the scrutiny review remained in limbo. It was agreed that the chair of O&S /Chief Executive would raise this with the Cabinet.

ICT – Councillor Colin Hay as the chair of this scrutiny task group advised that the group had met for a one-off meeting on 12 March to consider the audit report and the management response to the virus outbreak. Members had a detailed discussion on the report and they were satisfied with the actions being taken to address the issues raised. They did not feel there was a requirement for them to meet again on the understanding that the Audit Committee would be in receipt of the summary of their meeting when considering the report. The task group were not making any recommendations to O&S and so it did not need to be added to the scrutiny workplan.

Deprivation - Councillor Driver had been advised that only one other member, Councillor Chris Coleman, had put their name forward to be on this scrutiny task group. It was agreed that an additional member was needed and preferably two and Councillor Sudbury and Councillor Smith agreed to go back to their groups to seek further nominations.

One Legal Shared Services - the chair advised that since raising the request he had been updated on the role of the JMLG in reviewing performance issues with the service and he felt this proposed scrutiny task group would be in danger of duplicating that work. On that basis he proposed to withdraw the proposed scrutiny registration and request a briefing note to members from the JMLG. This would satisfy the concerns of the Conservative group. Councillor Hay advised that there were similar groups for other shared services and it would be useful for this committee to have an annual report on the issues that had been raised and dealt with by them. This was agreed by the committee and would be added to the workplan.

8. REPORT OF THE SCRUTINY TASK GROUP- UBICO

Councillor Chard introduced the report of the scrutiny task group. He gave thanks to the members of the task group and the officers who had contributed to the review and the support they had received from Councillor Colin Hay as the observer on the UBICO Board and Councillor Roger Whyborn as the Cabinet

Member responsible for this service. He did not intend to go through the report in detail but wished to highlight two particular recommendations.

Firstly he referred to the relationship between the council and UBICO. The task group were dismayed that there was no elected member representation on the UBICO board except for Councillor Hay who attended only as an observer. They acknowledged that members were not experts in the service but the same would apply to Cheltenham Borough Homes where there were a number of elected members on the board. The council should be the lead body but during the snow disruption, it seemed that decisions were being taken about the service without any consultation with the council. From the task group review it appeared that the management of UBICO felt they communicated effectively with staff but the staff did not always feel the same way. The task group also raised concerns about the communications between the council and UBICO and its residents which they felt was sometimes minimal and impersonal. This needed to be looked at along with the communications with commercial customers. They were particularly concerned to be told that UBICO were not allowed to approach businesses in the town to promote their services to commercial customers.

He invited questions from members.

Members welcomed the review and thought it was an excellent report. They were concerned that Cotswold District Council had not responded to the invitation to be part of the task group. They requested that a copy of the report be sent by the task group to Cotswold inviting their comment.

A member highlighted the successful operation of the CBH Board and thought UBICO should follow that good practice and have elected members on its Board.

The Chief Executive highlighted a potential reason why UBICO might not be able to be proactively seeking new business. As a local authority company it was restricted in the way it could operate under European procurement law. Under these arrangements the councils did not have to go down a full procurement route when setting up the company but it required the company to limit their business allowing only 10% to be picked up from other sources outside the councils. However he would still expect UBICO to be making the most of this 10%.

The Chief Executive went on to say that the council was represented on the board by an officer, namely, Grahame Lewis who was a board member. The original thinking had been that in essence the board was the operational arm of the service and therefore it was more appropriate to have officer representation on the board. He referred back to when the service had been in house and at that time the service was run by officers. He also highlighted that there could be potential confusion of roles between a Cabinet member making decisions on policy with regard to the service and another member on the UBICO Board making key decisions about the operations.

Councillor Hay spoke about his experiences as being an observer on the board. He had found the role very interesting and he was able to make comments from time to time but without trying to influence the board's decisions. He confirmed

that the board does look at the day-to-day running of the business. He acknowledged that there were gaps in the way that UBICO is currently working with the council, particularly in forward planning and its awareness of the importance of reputation, particularly during the snow disruption. He suggested that members at Cotswold District Council may be more used to an arms length operation as their waste services had been previously operated by a private company for some time. With the benefit of hindsight, he saw there was a need to look at the incentives for UBICO to improve their services and maintain their contracts as it appeared that the risk always remained with the council and UBICO was a non-profit making organisation. He suggested this needed to be looked at by the Cabinet Member along with the issues raised about trade waste.

A member referred to 5.10 of the report and asked what conclusions the group had reached regarding whether the split between client and contractor had exacerbated the situation during the recent snow disruption. They added that under normal conditions their experience was that they received satisfactory responses to enquiries regarding waste collection. However during the snow nobody seemed to know what was going on and residents were left totally confused which badly affected the reputation of the Council and UBICO. Another member suggested that the disruption could have been compounded by the introduction of fortnightly collections.

Councillor Chard responded that they had not come to any specific conclusions on this matter. He added that with the benefit of hindsight it seemed that decisions were made which were not credible and there was uncertainty about who exactly made the decisions. This resulted in at least three days where a waste collection service could have been operated albeit in limited areas and staff appeared to be willing to work over that weekend to catch up.

The Director of Commissioning who had supported the task group was invited to speak by the chair. She reported that lessons had already been learnt from the snow disruption and there was an acknowledgement that there needed to be improvements in communications and more clarity over decision-making. Everybody involved had been comfortable with the recommendations in the task group report and there had been a recognition at the start of the working group that UBICO had only been in place for six months. Referring to Councillor Chard's comments that staff had been willing to work over the weekend in question, she advised that the company was not able to operate on a Sunday as the disposal sites were not open. There were also limits on the hours that staff could work. On that particular weekend the decision had already been taken that services would be recommenced on the Monday. In terms of staff working overtime, the overtime payments would have been a cost to the council rather than UBICO.

In response to a question from a member she advised that UBICO were looking at ways they could improve their response to future adverse weather conditions. Winter tyres were one option but snow chains were generally not applicable in this country as the snow was not usually deep enough to prevent damage to the tarmac.

The chair referred members back to the original one page strategy for the review set out in appendix 1 of the report. Members suggested that some of the issues with performance had not been particularly addressed during this review

particularly with regard to availability of green waste bags across the borough, the side waste enforcement policy and co-ordination of refuse collections with street cleansing. After some discussion it was noted that many of these issues were being picked up by the Cabinet Member working group and it was important to give UBICO some time to address some of these issues. The Director of Commissioning advised members that the new Gloucestershire Joint Waste Committee would come into operation on 1 April and this needed time to bed in. It was agreed that it would be put on the agenda for the December meeting of this committee with a view to setting up a new task group in January 2014 to look at outstanding issues.

Resolved that to be scrutiny task group report be endorsed and forwarded to Cabinet on 16 April 2013.

9. REVIEW OF SCRUTINY WORKPLAN

Councillor Sudbury suggested that there could be a scrutiny review of how night shelters were operating in Cheltenham and to look at the county's success rate in moving people on from homelessness. It was agreed that a suitable registration form could be brought back to this committee in September/October.

It was noted that following the completion of a number of scrutiny task groups, there was a lack of proposed scrutiny topics for the next 12 months. The chair urged members to go back to their groups and encourage other members to put forward scrutiny topics.

10. DATE OF NEXT MEETING

The date of the next meeting was agreed for 16 May 2013 at 6 pm.

Duncan Smith
Chairman