

Overview & Scrutiny Committee

Thursday, 9th January, 2014
6.00 - 7.30 pm

Attendees	
Councillors:	Duncan Smith (Chair), Klara Sudbury (Vice-Chair), Nigel Britter, Barbara Driver, Colin Hay, Helena McCloskey, Chris Ryder and Sandra Holliday
Also in attendance:	Councillor Penny Hall, Councillor Jon Walklett, Councillor Steve Jordan, Councillor Robert Garnham, Councillor Roger Whyborn and Councillor Rowena Hay

Minutes

1. APOLOGIES

Apologies were received from Councillor Charlie Stewart

2. DECLARATIONS OF INTEREST

Councillors Driver, Hay and Smith declared an interest in agenda item 9 as board members of Cheltenham Borough Homes and announced their intention to leave the meeting at that point.

Councillors Smith and Hay also declared an interest in the same item as council appointed trustees on the shadow board of the Leisure and Culture trust.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting held on 25th November 2013 were approved as a correct record.

4. PUBLIC AND MEMBER QUESTIONS, CALLS FOR ACTIONS AND PETITIONS

5. MATTERS REFERRED TO COMMITTEE

6. CABINET BRIEFING

Councillor Steve Jordan, as Leader presented a briefing paper from Cabinet which had been circulated with the agenda.

The Leader gave feedback on the Leadership Gloucestershire meeting he had attended earlier that day. They had considered a proposal for a joint committee of the Gloucestershire authorities to sit alongside the Local Enterprise Partnership and make joint decisions on the funding available through the LEP and economic development issues. It had been agreed that a shadow joint committee would be set up with no decision-making power at this stage.

Councillor Jordan updated the Committee on the outcome of the meeting held on the 18th December 2013 of the County Scrutiny Group which was considering Unitary Government. District Council leaders had not come to a

consensus and the proposal for a unitary authority would be unlikely to be taken forward once the scrutiny task group report had been published. It was noted, however, that the discussions had been constructive and the County Scrutiny Group would be considering how to be proactive in encouraging councils to work more closely together.

Councillor Jordan informed the meeting that the Government have launched a consultation on local authority parking policies and enforcement. Anyone could contribute to the consultation on-line. The deadline for response is 14th February 2014.

7. FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED

Police and Crime Panel – it was noted that the next meeting of the panel will be held on Thursday, 6th February.

Health and Social Care Committee – the agenda for the meeting to be held on 14th January 2014 had been circulated to all Members by Councillor Penny Hall and she had invited them to raise any issues with her before the meeting.

8. UPDATES FROM SCRUTINY TASK GROUPS

The meeting reviewed the list of scrutiny task groups. The Democratic Services Manager, Rosalind Reeves, highlighted two issues in the update regarding resources.

Re Review of Section 106 monies and enforcement: it had been highlighted that officer resources needed for the JCS work may not be available to support this review immediately. The Overview and Scrutiny Committee felt that it would be appropriate for the task group to meet to agree its scope and terms of reference but should then delay its first substantive meeting until the JCS work was further forward.

Re Review of Public Art Governance: as there had been no nominations for membership of this task group, it was agreed that nominations should be sought again later this year.

9. CEMETERY AND CREMATORIUM

The scrutiny task group was set up by the Overview and Scrutiny Committee at its last meeting following concerns raised by Councillor Chris Ryder. A meeting was held on 17th December 2013 between the task group members, officers and representatives of the site and the minutes of that meeting had been circulated in advance of this meeting.

Councillor Chris Ryder, as chair of the task group, thanked all those who had attended the meeting and explained that the staff at the crematorium had worked tirelessly to fulfil their obligation to the public. Several staff had worked over and above their normal day to ensure the smooth running of the facility when a cremator was down or not working to full capacity. It may be appropriate for the staff to receive official thanks for their work. Funeral directors using the site had expressed a lack of confidence and trust in the crematorium as there had been reported cases of bereaved families waiting up to three weeks for cremations to take place. The task group have been invited as observers to a meeting on 15th January 2014 between the funeral directors and Rob Hainsworth, the operational manager for bereavement services.

Further to the questions and responses recorded in the minutes of the meeting of the 17th December, 2013, Councillor Ryder informed the meeting of the following:

There are some unused greenhouses on the site which could be demolished to make room for further car parking but the task group had been advised that there are planning issues to be considered.

There is an £80,000 retention being held by the council but as the contractors who installed the cremators have gone into liquidation, the council are considering all their options.

Councillor Roger Whyborn, as Cabinet Member for Sustainability, appeared before the committee to answer questions from Members.

He explained that the council had entered into the contract with Crawfords, the supplier of the cremators, after extensive research and no problems had been identified as at March 2013. During the commissioning of the cremators the company went into liquidation. The council has taken steps to ensure that the maintenance and software suppliers are in place and are also seeking the advice of a consultant to enable the continued use of the facilities. It is more cost effective to continue with the existing equipment rather than start afresh.

A member asked about the mercury pollution and whether CBC could be fined if not compliant with the mercury abatement regulations. Councillor Whyborn responded that whilst not desirable it was not illegal to operate the facility at present although the council does have to pay financial penalties.

In response to a suggestion from a member that a capital sum should be ring fenced in the budget for the crematorium, the Cabinet Member acknowledged that it may be appropriate to consider making some provision for the crematorium costs in future budgets but it was too early to say at this stage.

Members expressed concern about the work load being placed on the staff. Jane Griffiths, director of commissioning, advised members that Executive Board had also raised this issue and she could reassure the committee that the staff were working acceptable shift patterns.

The chair asked the Cabinet Member whether he could give a date when the cremators would be fully operational and compliant. The Cabinet Member could not give a date but he reassured members that all the technical issues with the cremators were being worked on with all possible urgency.

A member suggested that an apology should be made by the council to bereaved families who may have been affected by the problems at the crematorium. In response the Cabinet Member advised that he was not aware that there had been a three-week delay as reported in the media and his understanding was that generally staff were keeping up with the workload.

It was agreed by the committee that it would receive an update of the situation at its next meeting.

10. ICT

Councillor Colin Hay, as chair of the task group, updated the committee following a meeting of the task group held on 18th December 2013. The minutes of the meeting were circulated with the agenda.

The task group had considered the ICT public service network compliance issue which had caused, in part, the rejection of CBC's submission by the Cabinet Office who felt that CBC had not gone through the Cabinet Office's recommended risk assessment process. The chair of the task group indicated that there had been a possibility that the Council would have been taken out of the public service network which would have had serious consequences.

Councillor Hay highlighted the following matters from the minutes:

CBC is now far more aware of its approach to corporate risk assessment and management and has engaged an external consultant to assist with the process. The Forest of Dean were conducting the same process as the Borough Council.

There are potential tax implications for councillors who use their council issued iPads for personal use and security implications need to be considered more closely.

There is a need to review the risk scorecard used by various shared services to ensure that the criteria was the same. ICT risk assessments were rated from medium to low and these were monitored by the Security Working Group. There was still work to be undertaken in respect of some of the risks, for example, the USB lockdown.

In addition to the PSN issue the task group had also discussed the recording of council meetings. Councillor Hay informed the meeting that, following requests for the Council meeting to be recorded, advice had been sought. It is clear that under the new legislation there is little scope for refusing a request to record council meetings: this will necessitate changes to the Council's Constitution. This matter will be considered fully as part of the Accommodation Strategy and it was noted that there would be cost implications.

11. DEPRIVATION

The Democratic Services Manager advised that she had invited the chair of the scrutiny task group, Councillor Chris Coleman, to attend the meeting to provide an update. As no information was available to put before the meeting it was agreed that this matter would be carried forward to the next Overview and Scrutiny Committee meeting on the 3rd March 2014.

12. UBICO

Jane Griffiths, Commissioning Director, presented the progress report from the Ubico Task Group which had been circulated with the agenda.

The Overview and Scrutiny Committee had established this task group to review Ubico. The group had made a number of recommendations, relating to both the Borough Council and Ubico, which were approved by Cabinet on 16th April 2013. The report had been requested by the committee to ensure that the recommendations had been actioned. The officer informed the meeting that all

the recommendations in the report had been actioned bar that contained in paragraph 3.1. In addition, she stated that lessons had been learned from last year's adverse weather conditions.

A member asked about the response to the late fall of leaves last autumn. The officer responded that the council receives weather alerts and liaise with Ubico who prioritise areas in a similar way to how they prioritise snow clearance for example, footfall and hotspots.

A member asked how the council monitors complaints. The meeting was informed that both complaints and compliments are monitored and these are one of the performance indicators used in assessing Ubico's performance. The officer agreed to include this information in the quarterly performance indicators that are presented to the Overview and Scrutiny committee.

The officer assured the meeting that the problem with the telephone system over Christmas had now been resolved.

The Bring site in Bath Road is full operational and the enforcement team is monitoring traders using the facility. The council is considering additional rotas to empty the site but this will have cost implications.

A member asked about catch up collections on a Saturday; it was noted that in some residential streets access is not an issue on a weekday as people are at work but on a Saturday there are parked cars and access is difficult. The officer would look into the matter and liaise with the relevant Councillor.

13. BUDGET PROPOSALS 2013/2014

Councillors Smith, Hay and Driver retired from the meeting for this agenda item (see Agenda item 2). Councillor Klara Sudbury, as vice chair of the Overview and Scrutiny Committee, assumed chairmanship of the meeting.

Councillor John Rawson, Cabinet Member for Finance, introduced the General Fund Revenue and Capital – Interim Budget proposals – 2014/15 Consultation Paper which had been circulated with the agenda.

The Cabinet Member explained that the Budget Scrutiny Working Group had considered the budget proposals in depth with a view to determine whether the council was doing what it had said it would do. He felt that it had been a challenging and constructive review and commended the report to the Committee.

The Cabinet Member highlighted the main aspects of the proposals. There is a reduction in funding from Government and the loss to the Council is likely to amount to £844,000 which equates to 13.6%.

The Budget Scrutiny Working Group had considered the budget proposals at their meeting on 9 January 2014. As a result they had come up with a number of recommendations for this committee to consider. Councillor Rob Garnham as chair of the working group talked through their recommendations.

- BSWG recognises the approach to using New Homes Bonus funding in the past and supports increasing the use of this funding stream to support the revenue budget, particularly in view of guidance issued with the provisional settlement which confirms that councils are free to spend the bonus as they chose, including on front-line services and keeping council tax low. The proportion of money in the interim budget (64%) used to support the budget is in line with the BSWG view that a cautious approach should be taken to its use.
- The BSWG questions why the Cabinet is proposing a further Council tax freeze whilst it is warning that cuts in funding are worse than expected. It recognises however that the proposal to maintain the freeze has been influenced by the reversal of the Government proposal to top-slice New Homes Bonus funding and the provisional settlement proposal that the funding for past council tax freezes (2011/12 and 2013/14) and for the next two years freeze will be built into the spending review baseline, protecting us against a cliff edge of freeze funding falling away in due course.
- The BSWG supports the view from the Section 151 Officer that CBC should remain in the Gloucestershire Business Rates Pool based on preliminary monitoring considered by the BSWG during the course of the year. The BSWG acknowledges the complexity and uncertainty in budgeting and monitoring the pool resulting from continued issuing of government guidance and acknowledges that it will only be at the outturn of the current year that the benefit of the pool can be properly assessed.
- The BSWG supports the view by the Section 151 Officer that, in line with the other councils in Gloucestershire, that no changes should be made to the Localised Council Tax Support Scheme (LCTS) although members had been approached by some private landlords expressing their disquiet with regard to the changes to the council tax empty property exemptions and second homes discounts.
- BSWG note that the interim budget is in line with Government guidance to district councils outlining a clear expectation that billing authorities will carry on passing on support to parishes to help mitigate against any reduction in the Council tax base due to the LCTS.
- BSWG notes the proposal to increase councillors' parking passes in line with inflation but questions whether the councillors parking scheme is being enforced
- BSWG notes that the proposed average rent increase of 4.03% was calculated in accordance with national rent restructuring guidelines but considers this to be a steep increase for tenants. It recognises however that the changes to the Housing Revenue Account subsidy system ensure that the funds raised would be retained locally and reinvested in properties and communities and the new build programme.

In response the Cabinet Member Finance advised the following:

The New Homes Bonus will be an integral part of the financing of local government. The Cabinet has proposed that it will take a cautious approach to using this revenue stream and will incorporate 64% of the fund into the budget.

The Council will remain in the Gloucestershire business rates pool for 2014/15 but will monitor what benefits accrue.

The Council will continue operating the Council Tax Benefit Scheme unchanged for 2014/15; this had been part of a public consultation.

The Council will continue to make a grant of about £10,000 available to the Parish Councils to give them a degree of financial stability for 2014/15.

Car parking charges will be frozen although Councillor Rawson highlighted that the council may consider enforcing the councillor's parking passes.

There will be an average rent increase of 3.04% for council tenants which is higher than the rate of inflation but the subsidy and rent increases are retained locally and are reinvested for residents.

Mark Sheldon, Director of Corporate Resources (Section 151 Officer), stated that the Council faced a budget gap of £4 million due to a reduction in grant funding of £844,000 as well as reduced revenue over the last few years. There has been an increase in pension contributions and the council has had to commit more to the pensions fund than it had intended. The council has addressed the shortfall by seeking efficiency savings and will use more of the New Homes Bonus. The council does not seek to cut back on investment in the future and will continue with a maintenance programme of £1 million for 2014/15. It will also maintain investment levels in CCTV cameras, play equipment in parks and IT. There will also be an expanded Capital programme in March if the sale of North Place is completed.

Thanks were expressed to all councillors and staff who had contributed to the preparation and scrutiny of the budget proposals.

The committee queried two items in the bridging the gap strategy. In response it was advised that there would be no impact on services with the reduction of a part-time post as that post has been vacant for some time. The scale of fees and charges for planning applications are published and available on the web site.

The Budget proposal will now be debated in full by Council

Resolved that the recommendations of the budget scrutiny working group be endorsed and Cabinet be requested to take these into account before finalising their budget proposals for consideration by Council.

14. REVIEW OF SCRUTINY WORKPLAN

The committee reviewed the workplan which had been circulated with the agenda.

All items listed for inclusion at the next meeting were agreed: it was also agreed that, due to the urgent nature of the situation, the Cemetery and Crematorium Task Group should report back to the committee (see Agenda Item 8 a).

A report from the Deprivation Task Force will be considered at the next meeting.

The committee considered the proposal submitted by Councillor Colin Hay to set up a task group to carry out the decision of the Council from March 2012 to find ways to protect local public houses from permanent closure so that the community asset is not lost. It was resolved that the Public House Viability Task Group should be set up and will meet to determine its parameters, terms of reference and personnel. However, due to resource implications, substantive meetings will be delayed until the May elections have taken place.

**15. LOCAL GOVERNMENT ACT 1972-EXEMPT BUSINESS
RESOLVED THAT**

“In accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the following agenda item as it is likely that, in view of the nature of the business to be transacted or the nature of the proceedings, if members of the public are present there will be disclosed to them exempt information as defined in paragraph 3, Part (1) Schedule (12A) Local Government Act 1972, namely:

Paragraph 3; Information relating to the financial or business affairs of any particular person (including the authority holding that information)

16. EXEMPT MINUTES

The minutes of the exempt business discussed at the Overview and Scrutiny Committee meeting on 25th November 2013 were approved as an accurate record.

17. DATE OF NEXT MEETING

The date of the next meeting of the Overview and Scrutiny Committee is Monday, 3rd March 2014 at 6pm.

Duncan Smith
Chairman