

Overview & Scrutiny Committee

Monday, 12th January, 2015
6.00 - 7.55 pm

Attendees	
Councillors:	Tim Harman (Chair), Colin Hay (Vice-Chair), Chris Mason, Sandra Holliday, Helena McCloskey, Dan Murch, John Payne, Max Wilkinson and Klara Sudbury (Reserve)
Also in attendance:	Rowena Hay (Cabinet Member Healthy Lifestyles), Steve Jordan (Leader), Saira Malin (Democracy Officer), John Rawson (Cabinet Member Finance), Ros Reeves (Democratic Services Manager), Wilf Tomaney (Townscape Manager), Jon Walklett (Cabinet Member Corporate Services) and Shirin Wotherspoon (Solicitor, One Legal)

Minutes

1. APOLOGIES

Councillors Ryder and Britter had given their apologies. Councillor Sudbury attended as a substitute for Councillor Britter.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting had been circulated with the agenda.

Upon a vote it was unanimously

RESOLVED that the minutes of the meeting held on the 3 November 2014 be agreed and signed as an accurate record.

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

No questions, calls for action or petitions had been received.

5. MATTERS REFERRED TO COMMITTEE

No matters had been referred to the committee.

6. FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED

Councillor Clucas was unable to attend the meeting and had therefore produced a short update on a recent meeting of the Gloucestershire Economic Growth O&S Committee and an upcoming meeting of the Gloucestershire Health, Community and Care O&S Committee (Appendix 1). The Chairman advised that he would be attending a meeting of the latter scheduled for the following day (13 January) and he would be happy to feedback any comments.

Councillor Hay, as the Chairman of the Gloucestershire Economic Growth O&S Committee explained that the committee, which had only met twice, was established to scrutinise the county growth deal, which had been signed only a few days prior to this meeting. He noted that Gloucestershire was the only county to have been awarded the total sum for which it had applied and full details of how these monies would be used, were on the Gloucestershire County Council website. As he had explained at the last meeting, economic development at a local level remained the responsibility of each authority and though this was undertaken by the Local Enterprise Partnership (LEP) in the main, he suggested that this committee may want to consider the revised Economic Strategy before it is tabled for approval.

Councillor Sudbury asked whether it would be possible to invite the NHS to a meeting of this committee to provide an update on A&E, given that residents of Cheltenham were now being taken to Gloucester. The Chairman would make enquiries as to whether this could be arranged.

Councillor Murch had produced an update on the last meeting of the Police and Crime Panel (6 November) which he had attended on behalf of Councillor McCloskey. This is attached at Appendix 2. The Chairman advised members that the Police and Crime Commissioner for Gloucestershire, Martin Surl, had been invited to attend the June meeting of the committee. Councillor McCloskey understood that there were plans for a major reorganisation of the Police force and asked that the committee be provided with any information in advance of his visit. Councillor Hay suggested that the conclusion of a review by the County Council into two murders, may raise issues for this council to consider in relation to what it, and its commissioned services were doing to identify and prevent domestic abuse and/or what they should be doing.

7. CABINET BRIEFING

The Leader referred members to the briefing which had been circulated with the agenda. Regarding the suggestion that the Economic Strategy should come to scrutiny he advised that it was due to be considered by the Joint Planning and Liaison Group on the 11 February. He hoped that members had found the recent 2020 seminars useful: this was a major piece of work with Cabinet having agreed in December, in principle, to move forward. The Chairman referred members to the set of questions which had been circulated in advance of the meeting (Appendix 3), particularly question 5 which asked how would members of scrutiny would like to be involved in the 2020 vision project. The Leader explained that there would be three areas for scrutiny; the project itself, the process of deciding which services would be included and monitoring the outcomes. Given the various arrangements for service delivery that the council now had in place, there was also a question about whether a standardised approach should be adopted or was it acceptable that there were a variety of approaches for the various arrangements.

Members preferred seminars as a means of keeping all members informed about the 2020 vision project, feeling that it was important that all members were aware of what was happening, not simply members of the O&S Committee. Members did however, feel, that these seminars should also include break-out groups, smaller groups to take particular issues forward and that a note of any views expressed by members at the seminars and break-out groups should be captured and circulated to all members. A member

commented that scrutiny needed to get to grips with the detail of the 2020 vision project so that they would be better informed when Council was asked to make important decisions regarding the business case for 2020 vision later this year. He suggested this could be done in smaller groups focussing on particular areas.

A member voiced concerns if different councils were to require alternative reporting arrangements this could cause difficulties for the service provider.. He felt that the reporting mechanism should be the same for each council.

The Chairman agreed that effective scrutiny input was important and suggested that the wider issue of an approach to scrutinising existing and future service delivery arrangements would require further consideration and discussions with the Leader. The Leader advised that Cheltenham had nominated a member to the role of Observer on the Board of Ubico from the outset, but when the Board considered the matter of increasing the number of partners, they recommended that this did not continue. However, given the ongoing concerns expressed to Ubico over discontinuing the Member Observer role, Ubico directors had indicated that they would now accept that the role of Observer could continue. A meeting between relevant members would be arranged before the end of January and the issue of the Observer, or alternative arrangements, would be discussed.

8. BUDGET RECOMMENDATIONS 2015-16

Councillor Babbage, a member of the Budget Scrutiny Working Group (BSWG), referred members to the recommendations, which had been circulated in advance of the meeting, but separately to the agenda. He explained that the group had considered the process by which the budget proposals were produced and made observations. He then offered some background information to each of the recommendations;

2. The approach to the NHB currently being adopted by the council was less aggressive than that of other councils.
3. The group was supportive of the council remaining in the business rates pool, as long as it was in its financial interest to continue to do so.
4. The group welcomed a continuation of the council tax freeze in a time when it was difficult to do so.
6. The group welcomed the adoption of the methodology it had suggested to the Section 151 Officer in relation to the presentation of the options for use of the receipt from the sale of North Place Car Park.

Some members of the committee voiced concerns about the BSWG's suggestion that the council adopt a riskier approach to the NHB. Councillor Babbage assured members that the NHB had been a topic of much in-depth discussion by the group and explained that it was the assumption of many councils that, were the NHB to be scrapped, it would be replaced by something else.

The Cabinet Member Finance took this opportunity to thank the BSWG for their work, which had culminated in a useful set of recommendations. He did however, have some reservations about recommendation 2, which he had expressed to the group. He had serious reservations about linking the NHB projections to the JCS. There was no guarantee that these houses would be built in any particular timeframe and he was aware that there were issues

pertaining to planning applications being approved and no building work being undertaken. Since his time as Cabinet Member Built Environment, he had felt strongly that planning decisions should not appear to be driven by finance and that any linkage would be dangerous. He felt that a cautious, though highly sensible approach had been adopted, with the previous year's performance being used to calculate these projections.

Councillor Sudbury raised the request of the Gull Group which had requested that the budget for dealing with the issue, be increased, to make it more manageable. The Cabinet Member Finance acknowledged that this issue had not been included in the wider consultation. He explained that the suggestion was that there should be an £8.5k increase, some of which would be one-off funding and if there was public support for this, then he would like to see it happen.

The Chairman thanked Councillor Babbage for presenting the recommendations and the BSWG for their hard work and reminded members that this discussion formed part of an ongoing consultation process, which would inform any council decision.

9. LGA PEER REVIEW

The Democratic Services Manager introduced the paper as circulated with the agenda. Following feedback from the LGA Peer Review which took place in September 2014, Officers devised an action plan and was approved by Cabinet at their December meeting. Cabinet had also resolved to request that the O&S Committee oversee monitoring of the action plan and it was for the committee to decide how they intended to do this. The LGA, at the request of the council, had looked at scrutiny in particular and felt that it was working well, acknowledging the achievements of the scrutiny task groups.

They did however, feel that the committee needed to reappraise their work programme and focus on high value areas and have more involvement in key projects. They also queried whether member talents were being properly utilised and in response to this Officers planned to undertake a member skills audit, which was attached at appendix 2 of the report and had been simplified from when it was previously attempted.

The Chairman felt that the review had been a useful process, which acknowledged the committee's hard work but highlighted some deficiencies which required consideration. Given that the peer team had been asked to undertake a review in June time, he suggested that it would be useful for the committee to consider progress against the action plan in April.

Member comments included;

- A member felt their comments to the LGA team regarding listening to public consultation had not been included in the final feedback. Another member felt there was always room for improvement in relation to how consultations were approached but it was important to be clear that it is not a referendum and whilst views will be taken into account, they will not necessarily affect the final decision. This needed to be made clear to the public and their expectations managed.
- Whilst the committee had a role to play in major projects, perhaps the focus should be on overview rather than scrutiny, with updates

provided at dates set out on the PID. But if project teams were going to be asked to do this, they must be given the resources to do so.

- The 'high value focus' should not relate solely to financial value but also issues which are important to residents within the town.

The Chairman thanked the Democratic Services Manager for her paper and asked when she would be in a position to commence the skills audit. She confirmed that this would be circulated immediately.

10. MEMBERS' ICT POLICY

Councillor Babbage, Chair of the Task Group, introduced the report which set out a number of recommendations. Having considered the draft policy, which was broadly in line with the previous policy, the task group were fully supportive, being of the opinion that it provided clarity on the ICT provision for members, as well as what was expected of members in their use of ICT. Having given consideration to the business case for iPads the group had agreed to the inclusion of an agreement form, which amongst other things, set out the members commitment, in accepting a council iPad, to moving to paperless meetings. This was not a decision taken for primarily financial reasons but the group were of the opinion that members with an iPad should not be asking Officers for copies of papers which had been circulated electronically.

One member commented that it was not unreasonable, having provided an expensive piece of kit in the form of an iPad, to cease the issue of paper copies, though there may well be occasions when officers took the decision that some documents were better presented on paper. Another member queried why there was no mention of members that chose to use their own iPad, not being provided with paper copies. She felt that this should be the case across the board whether a member is using a council issued iPad or their own.

A member suggested that 3G capability should be available to members on the council iPad as this would facilitate the use of the iPad at other external meetings outside the council offices.

The Democratic Services Manager, along with the Cabinet Member Corporate Services and Councillor Babbage, provided the following answers to member questions;

- Devices which were 3G enabled were 25% more expensive to buy and had monthly charges associated with them.
- The option of paying Members an ICT Allowance under the Members Allowance Scheme, which would enable them to buy their own equipment to use for carrying out council business, was explored by the Members Allowance panel earlier in 2014. However advice from One Legal at the time advised that such an allowance was not allowed within the Members Allowance legislation. The recommendations from the panel to Council in December 2014 acknowledged that there was still a need for Members to have access to a PC at home/or in the Council offices for their council work as well as WiFi and home telephone and allocated a sum of £100 per annum to support those facilities as part of the basic allowance. This was agreed by Council.
- The iPad was never meant as a replacement for a PC, it was only meant for data consumption rather than data creation. Citrix access was still available to members who wanted to be able to access their account at

home. There was also an option for members to purchase their own equipment, which the report highlighted, would probably be favourable to most members who wanted to use their iPad to its full capability.

- Modern.Gov did offer an application which would allow access to pink papers but there was an annual fee of £6k associated with this, which was why it was not currently available. Democratic Services would undertake to negotiate this figure.
- Two training sessions had been held and Saira Malin, Democracy Officer, had produced a guide to the iPad and Modern.Gov app which was available upon request. She was also happy to undertake one to one training if members felt that they needed more help, but all technical queries would need to be put directly to ICT.

The Chairman commended the task group for their work. He acknowledged that this would be a difficult adjustment for some members and that it was therefore important to support them through this period of change. Given that there were 3 committee members who were also County Councillors, he urged that the integration of devices be further investigated by the Cabinet Member Corporate Services.

Upon a vote it was unanimously

RESOLVED that the recommendations set out in the Scrutiny Task Group Report be endorsed and Cabinet be recommended to;

- 1. Endorse the Members' ICT Policy and publicise it to all members, thereby demonstrating Cabinet's support for the move to paperless meetings.**
- 2. The recommendations in respect of Members signing up to the policy before accepting a council iPad (including the retrospective requirements) be implemented by the Democratic Services Manager.**
- 3. The recommendation regarding encouraging Members to participate in training and development designed to enhance their use of ICT equipment and applications provided is taken forward by the Cabinet Member Corporate Services in liaison with ICT and Democratic Services.**
- 4. The recommendation regarding Members' ICT provision being kept under review in order to take advantage of new developments in technology is taken forward by the Cabinet Member Corporate Services in liaison with ICT and Democratic Services.**

11. PUBLIC ART PANEL SCRUTINY TASK GROUP

Councillor Payne, a member of the task group, introduced the report. The issue had been raised by the Cabinet Member Healthy Lifestyles and the committee had decided that a one-off workshop with representatives from O&S and the members of the Public Art Panel should be arranged. The workshop gave everyone that attended a feel for how it worked and the recommendations provided a framework for how it should work moving forward.

At this stage, Councillor Sudbury declared an interest, as she was a newly elected member of the Public Art Panel, though she noted that she had not yet attended any meetings.

The following responses were given to questions from members of the committee;

- The £6k figure for refreshing the Public Art Strategy was an estimate based on discussions with two individuals who had previously drafted a Public Art Strategy. Previous Legal advice was that no sums could be top sliced from the 106 monies to support strategy development, but consideration was being given to whether this could be done in the future if included within the 106 agreement with the developer.
- In the past, decisions had been captured within the minutes of meetings of the panel, but these were only available on the intranet and not visible to the public. This process would be formalised as part of the officer/member decision process.
- The members' fortnightly briefing would be used to publicise achievements by the panel and an annual report/update could be produced for the committee if it so wished.
- The ToR would be amended to clearly demonstrate that the panel received public art funding from the 106 monies, rather than, as it currently suggested by the existing wording, all 106 monies.
- The panel were aware that project management was important and whilst this had been weak in the past, there had been improvements. The word 'evolve' related to the piece of art itself, rather than the project, as until an artist was appointed, there was an element of uncertainty as to what the piece of art would actually be.

The Cabinet Member Healthy Lifestyles was pleased with the recommendations of the group, which had addressed her concerns by providing transparency to the process, where previously there was none. She was grateful to officers and members and commended the work of the panel.

The Chairman thanked the group and officers for their work on bringing the report together.

Upon a vote it was unanimously

RESOLVED that the recommendations set out in the Scrutiny task Group Report be endorsed and it be recommended to Cabinet that;

- i. The achievements of the Public Art Panel to date in support of Public Art in the borough be commended.**
- ii. The revised terms of reference for the Public Art Panel as set out in the Appendix be approved for adoption by the Public Art Panel at their next meeting and that the revised terms be communicated to the organisations represented on the Public Art Panel.**
- iii. A representative from the Cheltenham Trust be invited to the Public Art Panel and if accepted, the membership of the Public Art Panel be extended accordingly.**

- iv. **The non-councillor members of the Public Art Panel be formally appointed at the next meeting of the Public Art Panel and a review date set for 3 years (2018).**
- v. **A sum not exceeding £6000 be allocated to enable the Director of Environmental and Regulatory to carry out a refresh of the Public Art Strategy.**
- vi. **The Public Art Panel be consultees on the Community Infrastructure Levy project.**
- vii. **The project management process for Public Art be reviewed by officers with the council's business development team.**
- viii. **Officers supporting the Public Art Panel work with Democratic Services and One Legal to agree when and by whom decisions are being taken and which decisions should be published as part of the democratic process.**
- ix. **The Townscape Manager use the Members Briefings following Public Art Panel meetings to provide an update to all Councillors and make minutes of the Public Art Panel available on the intranet subject to any confidentiality and produce an annual report on behalf of the panel.**

12. SCRUTINY OF PROJECTS

The Democracy Officer introduced the paper as circulated with the agenda. The committee had considered the LGA Peer Review feedback at their last meeting and their suggestion that the committee reappraise its work programme with particular reference to the opportunity to play a part in scrutinising the progress of critical projects. Members voiced concerns about scrutiny of critical projects at the time, but no conclusions were reached as to how the committee wanted to approach this. Following that meeting, the Democracy Officer met with the Business Development Manager and discussed options for scrutiny of projects in the future. Officers were mindful that the existing arrangements weren't considered effective and developed the proposed approach being discussed today, which was best demonstrated on the diagram on page 61.

The Solicitor from OneLegal urged members to be mindful that scrutiny was not a decision making body and should therefore be cautious about participating in a gate review.

Members did not agree that having an observer at gate reviews for projects would allow for effective scrutiny and would instead put that member in a difficult position. Members felt that the PID should still be considered by the committee at an early stage and a view taken, on a project by project basis, as to what involvement the committee wanted. Instead of attending a gate review, members asked that a report be produced after each gate review, which set out what decisions had been taken, why, and set out any associated risks. There was also a suggestion that a template of scrutiny questions could be developed.

The Chairman asked that a working proposal be produced for consideration by Cabinet at future date, yet to be determined.

13. UPDATES FROM SCRUTINY TASK GROUPS

The Chairman referred members to the task group update which had been circulated with the agenda and noted that there was no further progress to report.

In addition to this, the Democracy Officer explained that;

The Cheltenham Spa Railway Station STG hoped to arrange a meeting with First Great Western and Network Rail to establish their position with regard to the council's formal response to the Western Route Study, which was submitted in advance of the deadline last week.

The Chairman of the Cycling and Walking STG, Councillor Wilkinson, had met with Officers this morning (12 January) to agree a work programme for the group, with the current suggestion being that the group would be in a position to take a report to Cabinet in June 2015.

14. REVIEW OF SCRUTINY WORKPLAN

The Chairman referred members to the work plan which had been circulated with the agenda. He alerted members to the fact that he had asked for two items to be added to the work plan. Firstly, the Police and Crime Commissioner had been invited to attend a meeting, which had been scheduled for June 2015 and secondly, a presentation from the Lido Trust. Members would be aware that the Council had a major stake in the Lido, but perhaps lacked the full understanding of how this arrangement worked. This had not yet been scheduled.

Councillor Hay asked that a review of the Economic Strategy be added to the work plan, in order that the committee could consider how well positioned the town was to attract European monies, how well the strategy meshed with the Tourism Strategy and how it fit with the current thinking of the Chamber of Commerce. This request would be discussed at the next chairs briefing.

Councillor Sudbury suggested that it might be useful to arrange for a presentation, at the next meeting (2 March) by the Public Protection team on their arrangements for race week. This request would be discussed at the next chairs briefing.

The work plan would be updated accordingly.

15. DATE OF NEXT MEETING

The next meeting was scheduled for the 2 March 2015.

Tim Harman
Chairman