

Overview & Scrutiny Committee

Monday, 19th April, 2021
6.00 - 7.25 pm

Attendees	
Councillors:	Chris Mason (Chair), Paul Baker, Dilys Barrell, Nigel Britter, Iain Dobie, Martin Horwood, John Payne and Jo Stafford
Also in attendance:	Sarah Farooqi (One Legal), Sara Freckleton (One Legal), Councillor Hay (Leader) David Jackson (Marketing Cheltenham), Darren Knight (Executive Director - People & Change) and Gill Morris (Client Officer)

Minutes

1. APOLOGIES

There were no apologies.

The Chair acknowledged that the committee membership could change following the upcoming elections and took the opportunity to thank everyone, including Councillors Holliday and Sudbury, for their hard work and support.

2. DECLARATIONS OF INTEREST

No interests were declared.

3. MINUTES OF THE LAST MEETING

The minutes of the last meeting were circulated with the agenda.

Upon a vote it was unanimously

RESOLVED that the minutes of the meeting held on the 8 March 2021, be agreed and signed as an accurate record.

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

None were received.

5. MATTERS REFERRED TO COMMITTEE

No matters had been referred to the committee.

6. ONE LEGAL

The Chairman reminded members that this was an opportunity for members to understand what One Legal was doing well, where there were priorities for improvement and how the quality of service was measured. He welcomed the Borough Solicitor and Head of Law – Litigation and Business Development from One Legal, as well as Darren Knight as the Commissioning Officer and Gill Morris, the Client Officer from CBC.

The Borough Solicitor welcomed the opportunity to come and speak to members about One Legal and having circulated a paper with the agenda, outlined some key points. One Legal started in 2009 and at that time was a shared service between CBC and Tewkesbury Borough Council, the main drivers for which were cost savings, which proved quite substantial for both authorities and importantly, to build resilience. The service had grown over the years with Gloucester City joining in 2015 and then in October last year, Stroud District. In addition, One Legal provided legal support to other organisations and related bodies including Cheltenham Borough Homes (CBH), Ubico and the Police and the charges to these organisations supported the budget and costs to the partner councils. Governance was provided in the form of the Joint Management Liaison Group (JMLG) which comprised of two members and one senior officer from each of the partner authorities. As an organisation, One Legal currently had 35 permanent members of staff, an increase from 16 in 2009 and it was noted that there were vacant posts which they were in the process of recruiting.

In the past, as well as having carried out all of their day to day tasks (property sales, purchases, leases, licenses, procurement, litigation and planning) they had also supported and provided advice to all of the partners and various committees (Licensing and Planning). It had been a challenging 12 months for everyone, not least because of having to get to grips with working from home but also maintaining the day job at the same time as responding to the additional challenges brought on by the pandemic, which had given rise to interpretation of a myriad of regulations and other related advice. Also, over the last year they had been working on developing a new case management system, as well as having, as mentioned, welcomed Stroud District to the partnership. Particular projects of importance to CBC on which they have worked and advised included major redevelopment regeneration projects such as the CBC and CBH new build programme and some major and complex land transactions such as Maud's Elm and the Minster Innovation Project, as well as having provided support in relation to anti-social behaviour and supported the development of planning policies, development management and in resisting the High Court challenge to the local plan.

Looking forward their current priorities included reviewing the business plan and completing the implementation of the new case management system and once that had been done they would devise, with partners and the JMLG, their key performance indicators. A new development which had the support of the JMLG was a review of the Operating Model for the service and this was in recognition of the exponential changes that had taken place since the partnership was originally established in 2009, in the nature of local authority legal work and client demand. This review would develop an operating model that reflected the business that the partnership authorities currently required and put One Legal in a position to best meet the challenges and demands of all of its partners and bodies that it does work for over the next 5 -10 years.

The Borough Solicitor and Head of Law gave the following responses to member questions:

- One Legal was the first shared service in the county and actually the first shared legal service in the region; so the decision to establish it was undoubtedly an innovative one. There was however, no premium for

new joiner. Instead, a business case was developed for any potential new partners and if there were costs related to their joining then they were paid separately to the cost of providing the legal service. One Legal received the legal budget, staff and vacancies (staff would TUPE over) and the business plan would include detailed costs for any management or other charges that had to flow from the decision; this all forms part of the business case.

- One Legal did have a strong local authority bias and in fact had undertaken work for other local authorities, including every other local authority in this county and actually also worked for Herefordshire some years back. Forest of Dean and Cotswolds district councils were considering the future of their legal services but One Legal did not advertise for new business, it is all word of mouth at the moment. The question of whether they could become too big formed part of the reason why they were revisiting their operating model because, in fact, in terms of management capacity they had less now than they did when they started in 2009 (and the service has doubled in size). They needed to look at what they already had before they could consider taking on any other partners and this formed part of the rationale for having the review.
- Client demands had changed, as had their expertise and One Legal were carrying vacancies in one particular area, so there was an element of pressure in terms of capacity. Again, this was why the review of the operating model was so important in establishing what would be possible and sustainable over the next 5-10 years, minimising the need for external legal expenses which was required at the moment, as there were major projects which they simply did not have the capacity to support. Going forward it was hoped that the new operating model would allow One Legal capacity to bring more in house.
- There were no teams for each authority, it was one combined team and this was how they achieved increased resilience. The team was divided into different areas of law, but there is a lead lawyer for each partner; Sarah Farooqi was the lead liaison officer for Cheltenham but the entire team worked across the whole partnership.
- Conflicts were managed within the team, with different officers assigned to different authorities and it was noted that these conflicts were very rare. The agreement stated that where a conflict is identified which One Legal were unable to deal with in-house and one partner had to engage external legal services, the partnership will pay for it so that no one party is disadvantaged by a conflict having to be managed this way. There were also robust protocols and protection measures in place meaning that access to certain files on the computer system could be restricted as necessary.
- Parish council conduct and interests went with the Monitoring Officer role held by the Borough Solicitor. There was nothing within the rules to prevent One Legal from providing legal services to parish councils, but they simply did not have the resources to be able to offer that to all the parish councils within the partner areas; there were far more in Stroud

and Tewkesbury than in Cheltenham and Gloucester. However, One Legal recognised that there was a gap in the market having been approached by numerous parish councils, a number of times. If the partner authorities wanted to be brave and resource it then there would be nothing to prevent One Legal from being able to offer this service, but current resources would not allow for it.

- The budget was based on the amount legal of spend that the authorities bring with them combined and then a percentage was calculated based on that amount. This will need to be reviewed if One Legal were to take on work that was currently being externalised in terms of major projects, as these wouldn't fall evenly between the partners, so the charging mechanism would need to be reviewed. There had been some growth over the years and this had been paid for with income, which at the lower level had consistently been exceeded to offset the cost to the partners, but the target had now been increased to a very ambitious £300k a year. Day to day work was included within the percentage price, but project work and any major legal issues would be charged as extraordinary work and the authority would either pay for the backfill of day-to-day work or pay to get the work commissioned.
- One Legal did previously produce KPIs but the JMLG felt that they were no longer relevant and as such there had been none for the last two years, though this was being reviewed in tandem with the new case management system. One Legal do send out questionnaires to client officers and there were occasionally issues that came to their attention, but generally satisfaction levels were high.
- Priority tensions were negotiated with the officers from the individual authorities in order to establish which in fact should take priority, though it was rare for this to happen and fortunately the priorities tended to follow each other rather than converge. It was noted that compliance with the court directions tended to be the priority.
- There was no appetite for time charging in 2009 or indeed still as it was felt that this resulted in a delay in which legal advice was sought. However, One Legal did record their time and did have target hours set, and do charge actual time for third party clients at a differential rate depending on experience of the lawyer. It would be possible to provide this information but it would take some time to pull together and the new case management system would provide better management information, more easily. It was also the case that from time to time One Legal worked on shared files, Covid regulations was an example, where a piece of work was shared across all partners.
- Attracting and retaining staff was a challenge shared by all local authorities, though One Legal had successfully recruited 9-10 new members of staff over the last year, of all levels, including paralegals, which presented opportunities to members of the team. A key element of the new operating model would be how to attract and retain quality staff, as well as succession planning

The Executive Director – People & Change, as the lead commissioner explained that from the council perspective One Legal provided a good reliable service. He was pleased that investment was being made in the case management system, which would undoubtedly be hugely beneficial to them. An updated operating model would also enable them to address salary challenges and allow for more opportunities to grow third party income, whilst being able to support the councils with more complex legal matters that came with councils being more commercial and complex.

As the client officer, Gill Morris' role was about service improvement and she has a very good relationship with One Legal and they always welcomed feedback and try and respond positively. She was working closely with them on the case management system and offered support in other areas where needed. She assured members that One Legal wanted to improve and she felt that it was positive that they recognised that the council was evolving and wanted to move forward with us.

The Chair thanked officers for their attendance and for what he felt had been a really useful overview of the One Legal service and asked that they come back in 12 months to present KPIs and update on the new operating model.

7. MARKETING CHELTENHAM

The Chairman reminded members that they had invited Marketing Cheltenham to come back to the committee to discuss performance and outcomes, as well as the return on investment, ahead of a potential second phase of delivery beyond July 2021.

David Jackson, the Manager at Marketing Cheltenham (MC) referred members to the paper that had been circulated with the agenda. This would be taken as read but he reminded members that he had attended a meeting back in February 2020 and had been invited back to discuss performance, which was timely as MC was nearing end of current term.

Reflecting on the last year, post covid, things had changed significantly, but pre covid both financially and operationally MC were delivering well; almost on budget with significantly higher expenditure in the second year reflecting the full staffing contingent.

He apologised that the link to KPIS within the report did not work, though these were subsequently emailed to members and are included at Appendix 1.

The KPIs showed that delivery was coming on as well in terms of economic value of tourism and the visitor economy, and the hospitality sector which had grown 18% between 2014-15 and 2018-19 and 6% in the last year of operation. They also included some marketing KPIs around website traffic, social media, income generation and other areas of their operations. Post March 2020 things changed considerably. With the visitor economy and hospitality sector having been amongst the hardest hit by the pandemic and with it a lot of the products or propositions were closed and struggling.

MC quickly pivoted into a number of other CBC corporate priorities including covid recovery communications, business support and grants, the Golden Valley development and launched the new inward investment platform 'Moving

to Cheltenham'. This as well as supporting the wider economic recovery and post covid response (reopening the high street safely fund, supporting the BID with their renewal ballot in July 2021 and much of marketing and communications for the Recovery Task Force. Generally speaking, MC had needed to act nimbly over the last year and rethink their model and approach, which he felt in many ways demonstrated the value of the team and MC to be a valuable resource for CBC in terms of delivery, if not just visitor economy KPIs, but also some of the broader recovery agenda that has come to the fore in the last 12 months.

In recognition that the current funding commitment (first phase) from CBC was coming to an end, which had been synchronised with the BID term, there were ongoing discussions with ELT and partners to agree an extension of a further year. This would allow for the lessons learnt to form part of a wider review of MC and what form and function it would take going forward, though it was generally acknowledged that this would be broadened to embrace a wider economic agenda and communications efforts.

David Jackson gave the following responses to member questions:

- The scope and purpose of MC was being discussed as part of the service review and generally there was a view that operating as a purely visitor economy focused body was too narrow a function. MC had a team of five, which was not an insignificant size compared to other similar towns and cities. As the pandemic hit there was more focus on inward investment, though this was a function of place marketing in terms of image projection and the value of the Cheltenham proposition. MC has some inherent skill set within the team that came from a more tourism focus, but given the challenges faced by the visitor economy over the past year, their intended delivery plans had changed considerably, reflective of a broader focus going forward. They plan to increase their focus on things like the Minster Exchange and Golden Valley in terms of presenting Cheltenham as a place to do business and for its quality of life, including connectivity and schooling, as well as attracting visitors.
- He felt that retail was rarely the sole driver for visitors outside of the catchment and the impact of the pandemic on the retail offer in Cheltenham had yet to be seen, but Cheltenham was largely on par with the national average and it was the wider offer that provided a more valuable proposition.
- Footfall was monitored through four co-commissioned cameras around town centre, monitored by the BID. They monitored footfall throughout the high street and Promenade and measuring footfall on an hourly, daily, weekly or monthly basis. He felt that they had a reasonably good handle on this, particularly from a trend standpoint, as they had comparable data from previous years.
- He agreed that there was a need to promote the wider region and reassured members that MC had strong relationships with other centres in Gloucestershire in terms of inward investment. The 'Moving to

Cheltenham' site was a daughter site to the GFirstLEP's 'Invest in Gloucestershire' site. He also alerted members to the fact that the county level Tourism Partnership had launched a tourism strategy, a first for the county, which looked to extend stays in the area by promoting various attractions across the region. Oversees marketing tended to focus on the area as a whole (leading with the Cotswolds), rather than individual towns.

- There were some 150 cafes and restaurants listed on the MC website, which he felt was probably the largest number on any tourism website, and though some did fall outside the boundaries of Cheltenham, he felt it was important that we present as good a proposition as possible.

A member congratulated MC on the professionalism of what they produced, but felt strongly that Cheltenham, as a town, should not lose focus on the tourist economy given the huge amount of competition from other towns and cities.

The Chair thanked David for his attendance and asked that he come back in a year to demonstrate how things had moved on.

8. RISK AND PERFORMANCE

The Chairman explained that due to technical issues, this item would have to be deferred until the next meeting.

The Executive Director – People & Change, apologised to the committee, he had hoped to share real time scorecards with them, but was currently unable to load the system to be able to share it.

9. FEEDBACK FROM OTHER SCRUTINY MEETINGS ATTENDED

An update on the 23/03 meeting of the Police and Crime Panel had been circulated prior to the meeting by email and this was attached at Appendix 2. Members were asked to contact Councillor Brownsteen directly with any questions or comments.

No further written updates had been received.

Councillor Horwood was invited to provide a verbal update on the 22/03 meeting of the Health Overview and Scrutiny Committee (HOSC). He started by apologising for not having produced a written briefing on the special meeting of HOSC on the 22 March. He explained that family member had been taken unwell and had as a consequence been the focus of much of his time over the last weeks. The decision for the HOSC was whether to take any particular action in relation to the Fit for the Future proposals, these the large scale changes that we had discussed a number of times, including the closure of 24 acute medical beds and the shifting of the acute medical take to Gloucester, the closure of vascular surgery at Cheltenham, the reconfiguration of general surgery, which was still under consideration but would probably result in this and undoubtedly emergency surgery to Gloucester, as well as other services. Still a major change and in his view probably the most major downgrade in services in Cheltenham that we had seen. There was a lot of discussion at the special meeting and a lot of criticism about the timing of this and the fact that it had been done during the pandemic. Not simply because of the difficulties of being able to ensure robust public consultation, but actually because there were

a lot of lessons to be learned from the pandemic, which really ought to inform the reconfiguration of services. Despite numerous reassurances given at that meeting, he was still of the view, and this had been supported by data produced by BBC Radio Gloucestershire from a Freedom of Information request about covid related deaths, which showed that there had been quite a lot of unavoidable deaths in Gloucester, from the centralisation of surgery at Gloucester (which was a red site, meaning a covid risk site, rather than a green site, like Cheltenham) which would suggest that making a permanent shift to Gloucester might not be the best idea. There were also questions about whether there was bed capacity at Gloucester and they were reassured that the South West Clinical Senate, the independent internal panel that having looked at this last year had expressed a lot of doubts, was now reassured that the 'bed test' was met. They were then, somewhat contradictorily, told that the final model for general surgery had not yet be agreed and because he personally couldn't reconcile the two things, he had moved to recommend that the County Council refer the matter to the Secretary of State. Whilst he had been supported by a number of other councillors, but unfortunately not enough and ultimately the proposals were given the green light by HOSC. He felt that there were still a number of questions about how this was going to be done and they were told that planning for implementation would now start, but that the changes themselves would take place over a number of years and that they would endeavour to do their best to ensure that there was indeed capacity at Gloucester before services were moved across. With this now a commitment on a strategic level, it left him in a quandary as to how CBC comment on the decision, given that it couldn't be challenged, by us at least.

The Chair noted his disappointment that despite the concerns raised by this council on behalf of its residents, it seemed to him that they had been completely dismissed by the Trust.

Councillor Horwood advised that there had been support from other district representatives, in particular from the East of the county, the Cotswolds and Stroud, who were equally concerned about these changes and about the timing of the reconfiguration. It was noted that these concerns did not appear to be shared by representatives from Tewkesbury, the Forest of Dean or Gloucester and there was somewhat of a regional split in terms of the vote. He queried whether we should make common calls with Stroud and Cotswold district councils to see whether there were some further representations which could be made direct to the Department of Health, or some of the other NHS bodies, like the South West Clinical Senate or the Getting It Right First Time (GIRFT) Team to raise further concerns about this, regardless of what the HOSC had said.

10. CABINET BRIEFING

The Leader explained that she hadn't submitted a written update as at the time of publication there was little for her to update on. One thing worth mentioning, though she didn't have much information at this stage, was the Western Gateway bid for nuclear fusion based down near Oldbury and Berkley. She advised that this had come somewhat from left field as GCC had only liaised with Stroud District Council who would be directly affected, and had not consulted any other districts. She had requested that members be briefed as soon as possible after the elections so that our members were up to speed on an issue that wouldn't directly impact us, but would in terms of the wider

Gloucestershire area. The Chair agreed that this was an issue that members should know more about and looked forward to a future briefing.

11. UPDATES FROM SCRUTINY TASK GROUPS

Councillor Payne, as Chair of the O&S Review task group, updated the committee on progress. He reminded members that following the Campbell Tickell review and recommendations, the committee had asked him to Chair a task group to look at how the recommendations should be actioned. He acknowledged that the pandemic had slowed progress, and apologised that for reasons outside of his control, he had been prevented from attending any meetings, other than the very first; though the Democracy Officer had kept him informed of progress. The group had now agreed all actions and the Democracy Officer was in the process of finalising the draft report. This was likely to be tabled at the next meeting and in view of the fact that the composition of the committee could possibly have changed following the elections, he felt it was important that the minutes of the final meeting form the main body of the report, or be attached as an appendix, as he felt that they captured the thought and careful consideration that had been given to each of the recommendations. He took this opportunity to thank the other members of the task group for their efforts and the Officers for their hard work.

Councillor Barrell commented that she, along with Councillor McCloskey, had been a member of this group and had both been really impressed with the documentation that had been produced by Officers and thanked them for their support.

The Executive Director – People & Change, as lead officer for the committee, had seen real improvement over the last 18 months and thanked members for their positive feedback.

12. REVIEW OF SCRUTINY WORKPLAN

The work plan had been circulated with the agenda and the Chair advised that the agenda for the next meeting would be agreed by the lead members, next week.

13. LOCAL GOVERNMENT ACT 1972 - EXEMPT INFORMATION

Upon a vote it was unanimously

RESOLVED that in accordance with Section 100A(4) Local Government Act 1972 the public be excluded from the meeting for the remaining agenda items 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)

At this point the live stream was ended.

14. EXEMPT MINUTES OF THE LAST MEETING

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

Upon a vote it was unanimously

RESOLVED that the exempt minutes of the meeting held on the 8 March 2021, be agreed and signed as an accurate record.

15. DATE OF NEXT MEETING

The next meeting was scheduled for 7 June 2021.

Chris Mason
Chairman