

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Scrutiny Committee**
held on Monday, 15th December, 2008 at Committee Suite 1 & 2, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor A Thwaite (Chairman)
Councillor A Richardson (Vice-Chairman)

Councillors G Baxendale, S Conquest, M Davies, Ms O Hunter, R Menlove
and Mrs L Smetham

26 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Barratt and S Broadhurst.

27 DECLARATIONS OF INTEREST

Councillor G Baxendale gave a general declaration of personal interest by virtue of being a Member of Congleton Borough Council and Congleton Town Council. Councillor R Menlove gave a general declaration of personal interest by virtue of being a Member of Macclesfield Borough Council. Councillor A Thwaite gave a general declaration of personal interest by virtue of being a Member of Congleton Borough Council and Congleton Town Council. In accordance with the Code of Conduct they remained in the meeting during consideration of the relevant items.

28 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from members of the public.

29 MINUTES OF PREVIOUS MEETING HELD ON 10 OCTOBER 2008

RESOLVED

The Minutes of the meeting held on 10 October 2008 were approved as a correct record subject to the second paragraph of Minute 21 (Health and Adult Social Care Scrutiny Committee) being amended to refer to People Advisory Group instead of Places.

30 ACTION TAKEN BY THE CHAIRMAN

The Chairman reported that he had taken the following action since the last meeting:

1. Decision taken under Urgency Procedure Rules - Free Swimming Programme

To approve acceptance of the Government's Free Swimming Programme offers of funding for the 16 and under age category, and capital improvements, so that a formal response of this decision can be made to the Department for Culture and Media and Sport by 24 October 2008. A report to explore how the programme would be taken forward would be submitted to Cabinet.

The reason for urgency was that on 10 September 2008 Cabinet confirmed its intention that Cheshire East participate in the Government's Free Swimming Programme for persons aged 60 and over, from 1 April 2009 and a response was sent to the Department for Culture Media and Sport to that effect, by the 15 September deadline. Cabinet approved an expression of interest on a further element of the scheme to provide free swimming for 16s and under, and funding for swimming pool modernisation. The deadline for response was 24 October.

2. Decision taken under Urgency Procedure Rules – Director of Places

Following the decision of the selected candidate for the post of Director for Places not to take up the offer of employment, and the decision of the Staffing Committee on 20 October 2008, the need arose to source an interim Director to fulfill the duties of the post on a temporary basis pending permanent recruitment to the post.

The reason for urgency was that due to the specialist nature of the role, the volume of work being undertaken by the emerging shadow Council and the need to ensure a smooth transition at this critical time in the Council's development, and the time which it would take to recruit a permanent candidate to the post using external advertisement. The following action was proposed:

1. To adopt for the purposes of this decision the rules of procurement contained within the Finance Procedure Rules of Cheshire County Council, in particular Section 5.
2. To waive the Finance Procedure Rules, under Rule 5.30 thereof, on the basis that circumstances have arisen which in the opinion of both the Interim Chief Finance Officer and Interim Monitoring Officer (being the equivalent officers within Cheshire East Council of the County Finance Officer and County Solicitor), warrant an exception to the requirements for competition, to include when an emergency requires an immediate contract (which should in any event be procured from an approved list of suppliers where available), noting that there is no such "list of approved suppliers" in this case.
3. To seek the services of an Interim Director for Places from Gatenby Sanderson, with whom the Council already has a working relationship on other procurement matters, and since verbal enquiries with two other leading suppliers of the same kind of

services have established that similar costs would be incurred whichever supplier was utilised.

3. Decision taken under Urgency Procedure Rules – Shared Services

Following consideration by Cheshire East of the possibility of certain services being shared services for both Cheshire East and Cheshire West and Chester Councils, and the commissioning by Cheshire County Council, on behalf of both shadow Councils, of a report and advice on the subject by Deloitte, the need arose to continue to procure further suitably experienced advice and resources in this field to assist Cheshire East Council to further consider and establish more firmly its own position in relation to shared services. Specifically, advice upon a proposed statement of requirements, the proposed Governance Model and preparation of a Negotiation Strategy was required.

The reason for urgency was that advice to Cheshire East on shared services has, to date, been supplied by Deloitte, who were commissioned to do initial work on behalf of both shadow authorities. The representative of Deloitte carrying out this work has been John Newton. Mr Newton has very recently left the employment of Deloitte and now works through New Networks Limited. Given the degree of expertise Mr Newton has in this field and particularly his input thus far into advice to Cheshire East, and the need for urgent decisions on which if any services should be shared, Cheshire East needs procure its own advice at this point in the exercise. The difficulty in finding another supplier of advice who would be able to provide the necessary continuity following the work done so far so far, leads to the urgency in obtaining this further advice through New Networks Limited as soon as possible. The following action was proposed:

1. To adopt for the purposes of this decision the rules of procurement contained within the Finance Procedure Rules of Cheshire County Council, in particular Section 5.
2. To waive the Finance Procedure Rules, under Rule 5.30 thereof, on the basis that the services to be procured are services of a specialist nature which in the opinion of the Chief Executive, Interim Chief Finance Officer and Interim Monitoring Officer (in the absence of the “appropriate County Manager and the Head of Corporate Procurement Unit”) can only be supplied by one contractor, and that no reasonably satisfactory alternative is available.
3. To procure further suitably experienced advice and resources upon shared services, specifically, advice upon a proposed statement of requirements, the proposed Governance Model and preparation of a Negotiation Strategy, from John Newton of New Networks Limited, to assist Cheshire East Council to further consider and establish more firmly its position in relation to shared services.

4. Decision taken under Urgency Procedure Rules – Interim Head of Children and Family Services

A single application was received for the post of Head of Children and Family Services when it was advertised internally. On 11th November, 2008 the Strategic Director (People) decided that the post should be

advertised nationally, in pursuit of candidates of the calibre likely to be needed to fulfil these duties effectively. The closing date for applications elicited by that national advertisement was 12 December, 2008. Managers operating at the level of this post would be on three month's notice. It cannot therefore be expected that a person appointed as a result of this phase of recruitment would be in post before 31 March, 2009. Consequently, the need arose to source an interim Head of Children and Family Services to fulfil the duties of the post on a temporary basis pending permanent recruitment to the post.

The reason for urgency was that due to the specialist nature of the role, the volume of work being undertaken by the emerging shadow Council and the need to ensure a smooth transition at this critical time in the Council's development, and the time which would be taken to recruit a permanent candidate to the post using external advertisement. The following action was proposed:

1. To adopt for the purposes of this decision the rules of procurement contained within the Finance Procedure Rules of Cheshire County Council, in particular Section 5.
2. To waive the Finance Procedure Rules, under Rule 5.30 thereof, on the basis that circumstances have arisen which in the opinion of both the Interim Chief Finance Officer and Interim Monitoring Officer (being the equivalent officers within Cheshire East Council of the County Finance Officer and County Solicitor), warrant an exception to the requirements for competition, to include when an emergency requires an immediate contract (which should in any event be procured from an approved list of suppliers where available), noting that there is no such "list of approved suppliers" in this case.
3. To seek the services of an Interim Head of Children's Services from Gatenby Sanderson, SOLACE or Russam GMS all of whom are leading suppliers the market of supply of senior staff in the area of Children's Services, with the candidate to be selected by the Staffing Committee.

5. Decision taken under Urgency Procedure Rules – Electoral Appointee

To delegate to the Interim Monitoring Officer the ability to make an urgent decision to appoint an "electoral appointee" by 30 November 2008, as required by Regulation 9 of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008.

The reason for urgency was that the statutory instrument enacting this obligation was made on 5 November and came into force on 28 November, with the appointment required by not later than 30 November. There was no full Council, which would otherwise have made the decision, available until 9 December. Although the Chief Executive was already designated as Returning Officer, there were additional electoral responsibilities contained within the role of "electoral appointee" and therefore a designation to this role needed to be made. The Chief

Executive is the only current officer of the Council to whom it is appropriate to designate this role. Since the Chief Executive is also the only officer currently having power to make urgent decisions, it is proper for the appointment decision to be made by a different officer of the Council, and the Interim Monitoring Officer is the most suitable to make that decision.

6. Response to Department of Communities and Local Government Consultations

The Chairman reported that as agreed at the last meeting of the Committee (Minute 23 refers) a response had been formulated to the Improving Local Accountability Consultation Paper. He informed the Committee that the response set out the intention to establish a separate Committee to deal with Health and Adult Social Care Scrutiny, the potential impact of the proposals in the Consultation Paper on resources and the need for resources to be made available for dedicated trained officers to support the work on the Scrutiny Committees. In addition the Chairman reported that he would be discussing the matter of resources further with the Chief Executive and the Leader of the Council.

RESOLVED – that

1. the action taken by the Chairman in respect of the matters set out above be noted;
2. that a copy of the Chairman's' response to the Department of Communities and Local Government Consultations be circulated to the Committee for information.

31 FORMAL ESTABLISHMENT OF SCRUTINY PANELS

Consideration was given to the report of the Governance Lead Officer on the establishment of three Standing Scrutiny Panels in respect of People, Places and Performance Monitoring.

The Chairman reported that as part of an early training process for the Panels and for the Committee it was proposed that the Committee should carry out a scoping exercise on 'The Review of Facilities for Young People as a scrutiny review on this subject had already been carried out by Congleton Borough Council, the necessary base information was readily available and officer support and guidance could be provided by Congleton Borough Council.

RESOLVED –

1. that approval be given to the establishment of Standing Scrutiny Panels for People, Places and Performance Monitoring, with the membership as follows:
People Scrutiny Panel
Councillors G Baxendale, (Leader of the Panel), S Conquest, S Furlong and O Hunter.

Places Scrutiny Panel

Councillors R Menlove (Leader of the Panel), A Barratt, B Howell and J Wray.

Performance Monitoring Scrutiny Panel

Councillors P Edwards (Leader of the Panel, S Broadhurst, M Davies and L Smetham

2. that it be noted that the Chairman and the Vice Chairman will be ex officio members of each Panel, and receive copies of all related information and correspondence.
3. that the Committee meet informally to scope the training exercise.

32 COUNTY COUNCIL SCHEDULE OF SCRUTINY REVIEWS

Consideration was given to the schedule of scrutiny reviews that had been carried out by Cheshire County Council. These had been forwarded in accordance with the Notice of Motion adopted by the County Council at its meeting on 16 October 2008 "That the County Council will ensure that medium and long term actions arising from reviews undertaken by its Scrutiny Panels and Committees are properly processed and passed on to the new Authorities in both East and West."

In considering the most appropriate way of assessing this information it was requested that the major Scrutiny Reviews undertaken by Macclesfield, Congleton and Crewe & Nantwich Borough Councils be compiled into a similar schedule, to include the terms of reference, recommendations and actions of the scrutiny reviews. It was requested that this information be submitted to the next meeting of the Committee with a view to it being considered in detail by the Performance and Monitoring Scrutiny Panel.

RESOLVED – that the schedule be noted and further expanded to include information on major scrutiny reviews undertaken by Macclesfield, Congleton and Crewe & Nantwich Borough Councils, for consideration at the next meeting of the Committee.

33 SCRUTINY PROCEDURE RULES

Consideration was given to the report of the Interim Monitoring Officer on draft Rules of Procedure for scrutiny to be submitted to the Governance Committee.

RESOLVED – that the draft Scrutiny Rules of Procedure be noted and that no comments be made to the Governance Committee.

34 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme in connection with which a copy of the Cheshire East Forward Plan was circulated to the Committee for information.

With reference to the suggestion earlier in the meeting that a scoping exercise be carried out (minute 31 refers) the Committee received further information on the Review of Facilities for Young People, and an outline of the scoping process. It was proposed that the pilot review be completed in time for consideration at the meeting of the Committee on 19 March 2009.

RESOLVED –

- that the scoping of the Review of Facilities for Young People be carried out at an informal meeting of the Committee prior to the next meeting of the Committee.
- that the Work Programme be considered as a regular item on the agenda for every Committee.