

**MINUTES of the meeting of Overview and Scrutiny Committee held at Council Chamber - Brockington on Monday 11 July 2011 at 10.00 am**

**Present:** Councillor H Bramer (Chairman)

**Councillors:** PA Andrews, AM Atkinson, PL Bettington, WLS Bowen, PGH Cutter, KS Guthrie, EPJ Harvey, MAF Hubbard, JLV Kenyon, JW Millar, R Preece, SJ Robertson, P Rone and A Seldon

**Statutory**

**Co-optees** Mr P Burbidge, Mrs E Lowenstein and Mr P Sell

**In attendance:** Councillors GJ Powell and PD Price (Cabinet Member, Corporate Services and Education)

**1. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors T James and PJ Watts and Mr T Plumer.

**2. NAMED SUBSTITUTES**

Councillor PA Andrews substituted on behalf of Councillor James, and Councillor PL Bettington substituted on behalf of Councillor Watts.

**3. DECLARATIONS OF INTEREST**

The following interests were declared:

<b>Name</b>	<b>Interest</b>	<b>Reason</b>
Councillor PA Andrews	Personal	Governor – Homer Cof E Primary School
Councillor PL Bettington	Personal	Governor – Eastnor C of E Primary School
Mr PF Burbidge	Personal	Governor – St Mary’s RC High School
Councillor WLS Bowen	Personal	Governor – Kingsland CE Primary and Luston Primary schools.
Councillor PGH Cutter	Personal	Governor – St Joseph’s RC Primary School, Ross-on-Wye
Councillor EPJ Harvey	Personal	Parent of child presently in receipt of music lessons
Councillor MAF Hubbard	Personal	Governor – St James CE Primary School, Hereford
Councillor SJ Robertson	Personal	Governor - Burghill Community Primary School

**4. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY**

It was noted that Mr MacKay had submitted a request that the management of the County’s recreational highways should be considered in greater detail by the Overview & Scrutiny Committee.

The Chairman of Breinton Parish Council, Mrs Morawiecka requested that the Local Development Framework (LDF) process be scrutinised by the Committee.

Ms P Mitchell asked that the Committee give consideration to considering two issues which had arisen from the Council's report 'Hereford Relief Road, a Study of Options':

1. Whether the Council's case for a road is convincing, given its evidence base including its evidence on the potential contribution of sustainable transport measures;
2. Whether statements made by the Council to the public in consultation documents (and elsewhere) were supported by the evidence the Council had at the time of making the statements.

## **5. CALL IN OF THE CABINET MEMBER DECISION ON THE HEREFORDSHIRE MUSIC SERVICE**

The Committee received a report to review the decision of the Cabinet Member (Corporate Services & Education) decision concerning a new model of business for the delivery of the Music Service. This decision had been called in by three Members of the Committee: Councillors EPJ Harvey; MAF Hubbard and SJ Robertson.

Councillor EPJ Harvey introduced the Call-in on behalf of the signatories. She reported that the conditions under which it was possible to review the decision were limited, particularly with regard to the value for money of the decision to make music teachers redundant at a cost of £350k. She questioned whether the outsourcing of the majority of the service to the private sector was appropriate, and whether this was a suitable way of delivering the service. The signatories were also concerned over the possible inequitable impact of the decision on rural schools.

Councillor Harvey said that the signatories were not convinced that the correct decision making process had been undertaken and whether, for instance, an impact assessment had been undertaken. The report to the Cabinet Member (Corporate Services & Education) stated that over three thousand children used the service a week.

In reply to a question, the Head of Music Service replied that it was not possible to monitor every pupil in a given school, as the service was sold as a package to schools, not to the individual parents. The schools monitored the numbers of their pupils involved. Work had been undertaken by the Deputy Head of Service which indicated that there were eleven instrumental areas that it was not possible to cover at the moment. Until the Accredited Teacher Scheme was in place, it would not be possible to know where shortfalls would occur under the new system. Under the new scheme, there were eight areas of concern. Some of these were in the City and others in rural areas. Some were as a result of shortages of teachers of particular instruments.

In reply to a further question, he went on to say that the Accredited Teacher Scheme would allow greater flexibility for the teacher, and would allow them to teach in their own geographical location. The Accredited Teachers had only just been recruited, and it was not possible, at this point, to know where shortfalls might occur. However, there was greater flexibility within the new system, which would allow for coverage of the County.

A Member asked why, despite the full knowledge of a deficit in the Service for the previous ten years, this issue had not been identified in 2010, and had only appeared on the Council's Forward Plan in June 2011.

The Cabinet Member replied that whilst the report and the resultant decision had been in the offing for a considerable period, the time frame did not allow for the Music Service to be externalised as outlined in Section 18 (e) of the paper. There would be a review of the funding for the Service coming into the County from 2012. It had been felt that it was

not right to proceed with the model outlined. The timing of the decision had been influenced by the Local Election in May, as it had not been possible to take a decision in the month prior to the elections. It had been well known throughout the County that a change to the Service was being considered.

The Director for People's Services reported that she was not in a position to be able to say why decisions had been taken in the way they had ten years previously, but the funding model that had been in place was not unusual in the country as a whole. The Music Service had been put on a trading basis as it had been losing £150k year on year.

There had been several months of work to address the situation, and the matter had been taken to the Herefordshire School's Forum on 2 March 2011. The Forum had been consulted, and the earliest point that it was in a position to make a decision on the matter had been on 2 March 2011. The support of the School's Forum had been a critical factor.

She went on to say that there had been a significant change in funding nationally, and Officers had been concerned to ensure that the Music Service remained as a vibrant Service. The changes that had been made had not been rushed, but were a gradual refinement of the options available to the Council. Government guidelines on music services had been delayed until October 2011.

In reply to a question from a Member, the Cabinet Member said that he concurred with the comment that there should have been greater clarity on the Forward Plan, but the issue had been on the Plan, as it had been discussed over the previous 12 months, and placed as on the Plan as a Key Decision at the earliest possible juncture. The Forward Plan was a due process that needed to be improved, and he undertook to ensure that any future Key Decision would be signalled as early as possible.

In reply to further questions, the Head of Music Service said that there had been a wide ranging consultation on changes to the Service over the previous two years. A monthly newsletter had been sent to all teachers, and staff meetings had been held every half term to which teachers had been invited. The Service had operated an open door policy, and had made every effort to encourage feedback from staff.

The Staff Consultation that had started on the 3 February 2011 had ended with the suggestion of several different hourly rates, which had ranged from £20 to £29 an hour. Further consultation had settled on the figure of £27, as well as the implementation of the Accredited Teacher Scheme model, which had been supported by the majority of staff. The Council had followed the HM Revenue & Customs process during the consultation. Fifty three members of staff were facing redundancy and had to be informed of their situation before further discussions could take place. Consultation was then undertaken on the hourly charge rate and the position of the back office and management staff.

In reply to a further question, he said that it was standard practice for teachers to meet after the school day had finished, and consultation meetings for staff had taken place in late afternoons. The opportunity had also been provided for teachers who wanted to meet during half term to discuss the matter further without managers. The Director for People's Services added that consultation had been held with staff in Music Centres, as discussions centred around changes to terms and conditions, and this was not something that would have been raised with parents on a one to one basis.

In reply to a further question from a Member concerning the importance of ensuring that the majority of pupils were provided with an opportunity to receive music lessons, he said that the cohesion of the Music Service would be maintained by using Accredited Teachers who were linked to the Music Service. The model would provide for large group training, which would ensure that the majority of pupils received an introduction to music. The equality of the current system was already an issue, as there was nothing in

the service level agreement that covered lessons of less than one hour. It was not cost effective to send a teacher into a school for half an hour. If the Service did not change, it would be forced to, as the funding stream from central Government was intended to cover as many children as possible.

A Member asked how the take up of music lessons within the County could be improved. The Head of Music Service said that the costs were the biggest barrier to many, but lessons that were more in line with market rates (the Accredited Teacher Scheme rates) should improve the take up. The model that the County would be using was similar to that used by Derby City Council, as the Council would sell services directly to schools, and it was up to the individual school how they chose to use the Service.

A Member said that the matter had been debated in great depth at the Schools Forum, where the impact on the pupils throughout the County had been considered. It was clear that the schools would be the prime stakeholder, and the Forum had supported the option that had been selected.

The Head of Music Service concurred, and added that the Service would deal directly with the school, which would then be in the position to choose from a list of Accredited Teachers.

A Member pointed out whether, as the operating deficit had dropped to £60k, it was necessary to make the decision in such apparent haste. The Head of Music Service replied that the Service had received a 10% cut to its budget in the current year, in line with other areas within the Council, and expected to receive further cuts in 2012/13. It would have been necessary to have addressed the on-costs of employing staff.

In reply to a Member's question regarding whether the £350k paid in redundancy to staff represented the best value for money for the Council, the Director of People said that the Council was looking at a £1m deficit over the last six years. She believed that the system that was being introduced worked well, and had seen a threefold increase in Accredited Teachers in Derby.

The Cabinet Member responded to a question from a Member by saying that all consultations had taken place in an open and fair fashion, and that the orchestras, bands and ensembles would be maintained.

The Cabinet Member left the meeting.

It was proposed that the Committee accept the Cabinet Member's decision. The proposal was seconded.

A Member added that although consultation had been raised as an issue for call-in he felt that it had been undertaken in a satisfactory manner.

A Member replied that the flaws within the consultation had been thoroughly explored, and that it had been gratifying to hear support from the Cabinet Member over concerns about the process. He suggested that the resolution should be amended to include a review of the service within two years. The amendment was seconded.

**RESOLVED: That:**

- a) the Committee accepts the Cabinet Members decision;**
- b) the Music Service be reviewed again in two years time; and**
- c) Cabinet be asked to review the Forward Plan process, particularly in respect of the consultation arrangements.**

The meeting ended at 12.40 pm

**CHAIRMAN**