

AGENDA

Overview and Scrutiny Committee

Date: **Wednesday 27 July 2011**

Time: **1.30 pm**

Place: **Committee Room 1, The Shirehall, Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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Agenda for the Meeting of the Overview and Scrutiny Committee

Membership

Chairman Councillor H Bramer
Vice-Chairman Councillor EPJ Harvey, Councillor TM James, Councillor JW Millar, Councillor R Preece, Councillor A Seldon and Councillor PJ Watts

Councillor AM Atkinson
Councillor WLS Bowen
Councillor MJK Cooper
Councillor PGH Cutter
Councillor KS Guthrie
Councillor MAF Hubbard
Councillor RC Hunt
Councillor JLV Kenyon
Councillor SJ Robertson
Councillor P Rone

Statutory Co-optees

Mr P Burbidge
Mrs E Lowenstein
Mr T Plumer
Mr P Sell

Roman Catholic Church
Secondary School Governor
Primary School Parent Governors
Church of England

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AGENDA

	Pages
1. APOLOGIES FOR ABSENCE To receive apologies for absence.	
2. NAMED SUBSTITUTES (IF ANY) To receive details of any Member nominated to attend the meeting in place of a Member of the Committee.	
3. DECLARATIONS OF INTEREST To receive any declarations of interest by Members in respect of items on the Agenda.	
4. MINUTES To approve and sign the Minutes of the meeting held on 11 July 2011.	1 - 4
5. APPOINTMENT OF VICE-CHAIRMAN To appoint a Vice-Chairman of the Committee.	
6. SUGGESTIONS FROM MEMBERS OF THE PUBLIC ON ISSUES FOR FUTURE SCRUTINY To consider suggestions from members of the public on issues the Committee could scrutinise in the future.	
7. OVERVIEW AND SCRUTINY WORK PROGRAMME To consider the Committee's work programme.	5 - 8

PUBLIC INFORMATION

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At the meeting the Chairman will ask the members of the public present if they have any issues which they would like the Scrutiny Committee to investigate, however, there will be no discussion of the issue at the time when the matter is raised. Councillors will research the issue and consider whether it should form part of the Committee's work programme when compared with other competing priorities.

Please note that the Committees can only scrutinise items which fall within their specific remit (see below). If a matter is raised which falls within the remit of another Scrutiny Committee then it will be noted and passed on to the relevant Chairman for their consideration.

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HEREFORDSHIRE COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

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HEREFORDSHIRE COUNCIL

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:

Name	Interest	Reason
Councillor PA Andrews	Personal	Governor – Homer C of 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 C of E 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 C of E 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 matter 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

MEETING:	OVERVIEW AND SCRUTINY COMMITTEE
DATE:	27 JULY 2011
TITLE OF REPORT:	OVERVIEW AND SCRUTINY WORK PROGRAMME
REPORT BY:	ASSISTANT DIRECTOR – LAW, GOVERNANCE AND RESILIENCE

CLASSIFICATION: Open

Wards Affected

County-wide

Purpose

To consider the Committee's work programme.

Recommendation(s)

THAT:

- (a) a workshop be arranged to consider the work programme and a proposed programme reported back to the Committee for approval; and
- (b) the subjects proposed for scrutiny listed at paragraph 10 of this report and the associated scoping statements be approved.

Key Points Summary

- The Committee is asked to agree arrangements for the development of its work programme and to approve the first subjects for scrutiny.

Alternative Options

- 1 It is for the Committee to determine its work programme as it sees fit. There are any number of subjects that could be included in the work programme. However, the Committee does need to be selective and ensure that the work programme is focused on the key issues, realistic and deliverable within the existing resources available.

Reasons for Recommendations

- 2 The Committee needs to develop a robust work programme to ensure that scrutiny is focused and effective.

Introduction and Background

- 3 A discussion paper on the new scrutiny model was presented to Members at their informal

meeting on 13 June. The following key features were noted:

- A strong focus on ensuring that clear outcomes are set for Scrutiny Work and that it can clearly be demonstrated that scrutiny involvement has added value so earning the function respect.
 - A closer working link between the Executive and Scrutiny to help provide focus to the work programme and to provide an opportunity for Scrutiny to involve itself early on in policy development if it wishes.
 - The development of a work programme that clearly identifies priorities while retaining flexibility to respond to events.
 - A recognition that less is sometimes more. The quality of the output is more important than the quantity.
4. The development of the work programme in line with these principles is key to the success of the new model.

Key Considerations

Proposals for the Development of the Scrutiny Work Programme

- 5 The discussion paper outlined the Overview and Scrutiny Committee's core functions as follows:
- Agree the Overview and Scrutiny work programme
 - Develop policy options for Cabinet (Overview)
 - Review existing policy (Overview)
 - Consider petitions as required by the petitions code. (Overview)
 - Consider any calls for action in accordance with the Councillor Call for Action Code (Overview)
 - Review the Council's performance (Scrutiny)
 - Review decisions made by the Cabinet or individual Cabinet Members. (Scrutiny)
 - Consider decisions proposed to be made by Cabinet or individual Cabinet Members.
 - Call-in decisions of Cabinet for review before they are implemented (Scrutiny)
 - Scrutinise the activities of external bodies, (Scrutiny)
 - Act as the Council's statutory Crime and Disorder Committee with power to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.
 - Discharge the statutory health scrutiny powers including the review and scrutiny of any matter relating to the planning provision and operation of health services affecting the area and to make reports and recommendations on these matters.
- 6 This is an extensive remit. The Committee does need to be selective and ensure that the work programme is realistic and deliverable within the existing resources available. It is considered that an informal workshop would be the best vehicle for initial discussion of the work programme. It is therefore proposed that a workshop be arranged and a proposed programme reported back to the Committee for approval.
- 7 There are some issues that will need to be considered formally by the Committee and some issues that will be appropriate for Task and Finish Groups to undertake. In developing the work programme consideration will be given to how each piece of work included in the work programme is to be undertaken

Initial Proposals for Scrutiny

- 8 The development of the full work programme will clearly require further time. In the meantime the Chairman and Vice-Chairmen of the Committee have identified some topics which it is proposed should be undertaken in Task and Finish Groups.
- 9 The discussion paper presented to Members at their informal meeting on 13 June suggested the following general questions to be asked at the outset in identifying Scrutiny Topics for both in depth review and general consideration.
- What would be the purpose of the scrutiny on this topic? Is it a critical issue that scrutiny should be looking at? Is the issue strategic and significant? Is it one of the Council's priorities? Is it an issue that matters to the people of Herefordshire?
 - Does this issue have a potential impact for one or more section(s) of the population? Is there evidence to support the need for scrutiny?
 - What difference would we be hoping to make as a result of this piece of scrutiny? Is change a reality? Can scrutiny add value?
 - What would be the aims or outcomes for this piece of scrutiny? Are you likely to achieve a desired outcome?
 - What are the likely benefits to the council and its customers?

Criteria to Reject items

- issue is being examined elsewhere - e.g. by the cabinet, working group, officer group, other body
 - issue was dealt with less than 2 years ago
 - new legislation or guidance is expected within the next year
 - little or no scope for scrutiny to add value/ make a difference
 - the objective cannot be achieved in the specified timescale.
 - The topic selected is too broad
 - The rationale for scrutiny is unclear
 - The topic is of low public concern
 - The topic does not address aims and priorities
 - The topic duplicates work that is already in progress
 - The topic could be adequately addressed by other means and procedures
- 10 The following matters have been identified as the first subjects for scrutiny:
- Aspects of Income and charging proposals
 - Safeguarding Children/Adult Safeguarding
 - Review of Road Signage and potential effect on Tourism.
 - Local Procurement - Are the Council (and its sub-contractors eg Amey) fulfilling a commitment to purchase locally.
 - Review of the Operation of the Planning Committee system - in particular the Scheme of Delegation.
- 11 Scoping statements are being prepared for submission to the Committee and will be circulated as soon as they are available. These will set out the reason for the enquiry, a summary of the review and its terms of reference, potential outcomes and a proposed timetable for the review.

Community Impact

12 The topics selected for scrutiny should have regard to what matters to the County's residents.

Financial Implications

13 The costs of the work of the Scrutiny Committee will have to be met within existing resources. It should be noted the costs of running scrutiny will be subject to an assessment to support appropriate processes.

Legal Implications

14 The Council is required to deliver an Overview and Scrutiny function.

Risk Management

15 There is a reputational risk to the Council if the Overview and Scrutiny function does not operate effectively. The arrangements for the development of the work programme should help to mitigate this risk.

Consultees

16 There has been some initial consultation on topics for scrutiny with Directors and Members of the Cabinet. Further consultation will take place in developing the work programme. In developing the work programme account will also be taken of concerns of the public. There is provision for the public to suggest issues for scrutiny, via the website, agendas, Herefordshire Matters and at Scrutiny meetings.

Appendices

17 None.

Background Papers

- None identified.