

General Overview & Scrutiny Committee

Held at 10.00am Monday 4 March 2013

Agenda Item 6 – Questions from the Public.

Agenda Item 6 invited the public to submit questions for consideration at the meeting so long as the question is directly related to an item listed on the agenda.

The Following questions have been received. Where possible or appropriate answers have been provided.

Agenda Item 7 – Herefordshire Community Safety Partnership

From Mr Packman

I should like to suggest that the General Overview and Scrutiny Committee should seek answers from the Commander of the Herefordshire Division of the West Mercia Police Force to the following questions. I believe the subjects are important because, in the past, contacts with the West Mercia Police Force by means of PACT meetings and through members of local policing teams attending parish council meetings have proved to be very useful, not only in resolving problems but also in raising the profile of the police in the local area and helping to dispel the widely-held, albeit possibly inaccurate, belief that uniformed policemen and PCSOs are generally invisible.

The questions are:

Q1. During the last three years, PACT meetings in Herefordshire have been allowed to wither on the vine. Bearing in mind the West Mercia Police Force website indicates that the Force regards such meetings as being important, I should like to know what Superintendent Powell intends to do to reintroduce them?

Answer from Superintendent Powell

Successful policing is a community-based activity that requires the commitment and active engagement of our communities, citizens and partners. Effective engagement gives us the opportunity to understand community and individual concerns, needs and vulnerabilities. It also gives us the opportunity to maximise our visibility within our communities, another known key driver of confidence, and to reinforce the fact that Herefordshire has low levels of crime and anti-social behaviour, and is a safe county in which to live, work, study and visit. What is also important is to ensure our engagement strategies and tactics are effectively targeted maximising those opportunities.

The delivery of PACT is tailored to meet the needs of each local community, and in Herefordshire these engagements take the form of community meetings, surgeries and postcard surveys.

Currently issues arising are recorded on the Local Policing webpage and if appropriate are elevated to a more in depth and multi-agency tasking approach with partners.

However, the time is right for a review of PACT as part of a wider approach to engaging with our communities. This follows the restructure of policing both locally and nationally, as well as reflecting on the significant changes to the way in which we all communicate, including through social media.

Q2. What is Superintendent Powell's policy regarding members of local policing teams attending parish council meetings?

Answer from Superintendent Powell

With 134 parish councils holding regular meetings, the police in Herefordshire simply do not have capacity to attend every one that is held. Confidence is most impacted upon by engagement, visibility and problem solving any issues raised. We would encourage parish councils to communicate more dynamically with us, for example by email, telephone. We will continue to engage to cover key issues within communities when it will be appropriate to attend some parish council meetings, with a safer neighbourhood sergeant or constable attending by invitation.

Agenda Item 9 – Freedom of Information and Arm's Length Companies

From Mrs E Morawiecka

Question 1.

AS Hereford Futures Ltd has no shareholders, but is wholly funded by Herefordshire Council, could the situation regarding FOI and private companies limited by guarantee please be clarified?

Answer

For the purposes of the Freedom of Information Act, Hereford Futures is not wholly owned by Herefordshire Council, it is owned by the directors and Herefordshire Council has only a minority interest. Hereford Futures has a number of public and private funding sources, and for these reason does not come under the terms of Section 3 or Section 6 of the Freedom of Information Act. Hereford Futures does not hold information on behalf of Herefordshire Council, it holds information as a company in its own right.

With reference to the point raised in question one:

“As Hereford Futures Ltd has no shareholders, but is wholly funded by Herefordshire Council..” I am informed that “Hereford Futures is not wholly owned by Herefordshire

Council, it is owned by the directors and Herefordshire Council has only a minority interest. Hereford Futures has a number of public and private funding sources, and for these reason does not come under the terms of Section 3 or Section 6 of the Freedom of Information Act.”

“...could the situation regarding FOI and private companies limited by guarantee please be clarified” I consider that Geoff’s report more than adequately sets out how FOI works in relation to information held by companies for and on behalf of a public authority (9.4, 9.5, 9.6, 9.7, 9.8,9.9, 9.11, 10.3 and 10.4)”. As detailed in para 10.4 if Hereford Futures holds information commissioned by the Council, or relating to a council core function which it carries out on the council’s behalf this may fall under the remit of FOI, however information relating to the general running of Hereford Futures is unlikely to fall under the remit of FOI.

Question 2.

(a) Can it please be explained how the chief executive of an “arms length” private limited company can become a member of the local County Council pension fund?

In the event of the winding up of such a private limited company, would the Local Authority have to fund future pension liabilities of an employee or would this liability fall on the Company?

(b) Likewise, could the officer please confirm how a private limited company that is “arm’s length” can access the valuable resource of other officers of the Local Authority, who are seconded to such private limited “arms length” companies, and yet the responsibility and the cost of their pay and pension, remains with the Local Authority?

(c) Are officers of the local authority available free, on secondment to other private limited companies in Herefordshire, and if so, how can companies access this valuable resource?

Question 3.

(a) If a company is an arm’s length private limited company, surely to meet the Local Authority and EU procurement, a contract of any reasonable value should go out to public tender?

(b) Would the officer please confirm that no advantage is ever given, or has been given, to any company in securing work for Herefordshire Council, purely by virtue of the fact that it has been established by the Local Authority as an arm’s length private limited company?

(c) If Hereford Futures Ltd is an “arms length” private limited company, and had responsibility for delivering the Yazor Brook Flood Alleviation scheme, why is Herefordshire Council having to provide in its’ own accounts for over £420,000 of remedial works, just over 12 months after this project was successfully completed?

Question 4.

(a) As Board minutes of Hereford Futures Ltd are not held by either the chief executive or leader of Herefordshire Council, how does the local authority ensure continuity and effective handovers on change of personnel, especially as these documents are outside the control of the local authority?

(b) Could this be a reason why Cllr Roger Phillips had to continue to attend board meetings of Hereford Futures until the end of February 2012, to quote the company "to ensure continuity and a smooth handover to Cllr John Jarvis", despite the company's Articles of Association clearly stating that appointment as a director of the company "will at all times be conditional on such staff maintaining their position as ... Leader of Herefordshire Council" (para 12.3).

Mrs E Morawiecka,

Answer

The rules under which Overview and Scrutiny Committees of the Council operate include the restriction of public questions to those that are directly related to an item listed on the agenda. This is stated in the agenda of each and every Scrutiny Committee meeting. At the 4 March meeting there is an item on Freedom of Information and Arm's Length Companies only. The Monitoring Officer has therefore confirmed that questions 2-4 should be disallowed on the basis that these do not directly relate to that subject.