

SCRUTINY CO-ORDINATION COMMITTEE

6th December, 2006

Members Present:-
Councillor Asif
Councillor Bains
Councillor Duggins
Councillor Lee
Councillor Mutton
Councillor Ridge (Deputy Chair)
Councillor Sawdon (Chair)
Councillor Williams

Co-opted
Members Present:-
Councillor Clifford

Mr. D. Bone) – for the consideration of the item of business
Mr. R. Potter) referred to in Minute 122/06 below.

Other Scrutiny
Members Present:-
Councillor Gazey
Councillor Mrs. Harper

Cabinet Members
Present:-
Councillor H. Noonan (Cabinet Member (Community Services))
Councillor Ridley (Cabinet Member (Culture Leisure and Libraries))

Employees Present:-
J. Bolton (Director of Community Services)
S. Brake (Community Services Directorate)
L. Bull (Community Services Directorate)
G. Carey (Head of Democratic Services)
A. Davey (Head of Culture, Leisure and Libraries)
M. Godfrey (Community Services Directorate)
C. Hinde (Director of Legal and Democratic Services)
R. Hughes (Head of Corporate Policy)
C. Steele (Chief Executive's Directorate)
C. Swann (Legal and Democratic Services Directorate)
C. West (Finance and ICT Directorate)

119. Declaration of Interest

Roger Hughes, Head of Corporate Policy, declared a personal interest in a matter referred to in Minute 126/06 below headed "Consultation on Social Services Efficiencies", as a relative of a user of services referred to in that Minute.

120. **Minutes**

The minutes of the meetings held on 1st and 8th November, 2006, were signed as true records.

121. **Call-Ins Stage 1**

The Director of Legal and Democratic Services reported on the following call-in that had been received:-

Review of Corporate Event Grants to CV One and Belgrade Theatre

The report had been called in by Councillors Mutton, Duggins and McNicholas.

The reason for the call-in was "to understand how the Cabinet Member can delegate to himself and also to understand why he thinks he can breach the Council's Constitution regarding financial control."

The Committee were requested to determine whether or not the call-in was valid having regard to the fact that it did not relate directly to the decision specified on the "call-in" form. The Committee noted that the call-in related to a recommendation contained in a report considered by the Cabinet Member (Culture, Leisure and Libraries) at his meeting on 23rd November, 2006, that had been amended at that meeting.

The Committee also noted that the deadline for call-ins for Cabinet and Cabinet Member decisions made during the week commencing 27th November 2006, was 9.00 a.m. on Friday 8th December, 2006. Any further call-ins received after this meeting and before that deadline would be considered for validity by the Chair of the Scrutiny Co-ordination Committee, in consultation with the Director of Legal and Democratic Services, (Paragraph 4.5.25.4 of the City Council's Constitution refers).

RESOLVED that:-

- (1) The Committee determine the call-in referred to above to be invalid as it does not relate directly to a decision specified on the call-in form.**
- (2) Having regard to issues raised by the Committee in respect of the proposed tendering process indicated in the report, the Cabinet Member (Culture, Leisure and Libraries) be requested to submit a written assurance to the Committee at their meeting on 13th December, 2006, that a report back on the outcome of the process and the award of the tender would be considered at a formal Cabinet Member meeting.**

122. **Authority to Submit an Expression of Interest for the Swanswell Academy**

The Committee considered a joint report of the Director of Children, Learning and Young People and the Director of Finance and ICT, which was due to be considered by the Cabinet at their meeting on 12th December, 2006, giving an update on discussions in relation to the establishment of an Academy, as part of the proposed Learning Quarter, and sought authority to submit an Expression of Interest to the Department of Education

and Skills (DfES). The report also sought approval to commence a public consultation exercise on the Acadamy, which would involve scrutiny.

It was also reported that the Chair of the Scrutiny Co-ordination Committee or his nominee was due to attend the meeting of the Cabinet on 12th December, 2006, for consideration of this item in order to agree the reason for urgency so that call-in would not apply. The reason for urgency was so that the application could be submitted to the DfES as soon as possible to enable the Academy Project to be aligned to the development of the new City College Coventry.

The Committee confirmed that they were satisfied with the reasons for urgency and, having noted that there would be opportunities to raise issues at the Cabinet and City Council meetings on 12th December, 2006, decided to refer the report on to the Cabinet and City Council without comment.

RESOLVED that the Chair or his nominee be requested to attend the meeting of the Cabinet on 12th December, 2006, to agree the reasons for urgency so that call-in would not apply.

123. **Coventry Sports Trust Facility Portfolio – Operational Management/Business Plan Review**

The Committee considered a report of the Director of Community Services that sett out the findings of the recent review of business planning, and development of future management options and business plan for Coventry Sports Trust Limited. It was noted that the report had been referred to this Committee for consideration by the Cabinet at their meeting on 14th November, 2006 (their Minute 129/06 refers).

The report referred to management problems currently being experienced by the Sports Trust that had prompted a proposal to secure management services for the Trust through a contract, under the terms of a seven year agreement, and that, following a tender process, the City Council should deliver the management of services currently operated by the Trust through the Trust's Board of Directors and the successful contractor.

The Committee discussed the background to a decision to contract out the Trust's management services and debated whether, having regard to the Trust's current management problems, whether it would be more appropriate for the City Council to take back the services and manage them "in-house".

The Committee noted that the Trust's Board of Directors had also considered the possible management options, including returning the management of the service to the City Council, but, having considered its position in relation to liability, service quality and net budget, has concluded that it wished to tender the service, with support from the Council, in order to better control its net budget position and allow the Board to focus on its social objectives. In the light of this, the Cabinet had decided to support the project to procure management services and test the market under a seven year agreement, and that, following the tender process, the City Council should deliver management of this portfolio of facilities through the Coventry Sports Trust's Board of Directors and the successful contractors. In approving these proposals, the Cabinet had also agreed that the process should be overseen by including it in the scope of the Cabinet Member Advisory Panel already established to oversee the development of the Foleshill Sports and Leisure Centre (Foleshill Baths).

RESOLVED that, having regard to the issues referred to above and other matters referred to at the meeting, the Committee decide to concur with the decisions of the Cabinet.

124. Outstanding Issues

The Committee considered and noted a report of the Director of Legal and Democratic Services which identified those issues on which further reports had been requested in order that Members could monitor progress.

It was also noted that an assurance had been given by Councillor Asif that his report on the work of the Economic Social Renaissance Sub-Board would be circulated at the meeting of Scrutiny Co-ordination Committee on the 13th December, 2006.

125. Work Programme 2006/07

The Committee considered and noted the Work Programme for the Scrutiny Co-ordination Committee for the 2006/07 Municipal Year. It was also noted that the following items had been added to the Programme for consideration by the Committee at their meeting on 10th January, 2007:-

- Six Monthly Review of the Corporate Plan.
- Developing the City Council's Vision.

126. Consultation on Social Services Efficiencies

Further to Minute 112/06, the Committee considered a report of the Director of Community Services, with an addendum circulated at the meeting, which were due to be considered by the Cabinet and the City Council at their respective meetings on 12th December, 2006, that explained the outcomes of the consultation process and addressing this Committee's concerns expressed at their meeting on 22nd November, 2006.

Particular reference was made to the Committee's request to justify the proposal to remove the Disregard Payment to people with learning difficulties and clarification of the current benefit rules in relation to these payments. It was noted that an earnings disregard payment enables a person to earn a certain amount each week without having an affect on their benefit. It was also noted that the current maximum disregard payment for disabled people is £20 per week and had been so for at least the past seven years. For someone to receive a payment of this type there are conditions that apply namely that it falls under the requirements of the national minimum wage and the person can only work below 16 hours a week. People at Curriers are not paid an earning disregard payment, but, effectively, an allowance for attendance of £3 a day that comes under miscellaneous income in terms of the Benefits Agency, and is ignored in respect of claiming benefits.

The report commented further on aspects of the Curriers Enterprise, which had survived the closure of other workshops in the City for people with learning disabilities in recent years, and on the issue in relation to the ending of similar payments at Brandon Wood Farm in September 2005. It was also confirmed that the aim of the

proposals was to support people with learning disabilities, who want to, find real jobs and remain in work, people who need to be supported in social enterprises, and people who need services to meet their assessed care needs.

Members of the Committee drew attention to the apparent work ethic which had been promoted at Curriers Enterprise by "clocking on" and receiving a "wage" at the end of the week, which promoted the self-esteem and the feeling of independence of trainees, and the loss felt by trainees if this was to end. Discussions also centred around other aspects of the City Council's support to social enterprise in the City, and the encouragement or support to the employment of people with disabilities, particularly having regard to the position of trainees at CROW. It was noted the position with CROW would remain unchanged, as the organisation had sufficient resources from its profits on its work to make payments at the current levels to its five trainees, which meant that the Council could withdraw part of the subsidy on the payments that are made. In regard to this matter, the Director of Community Services agreed to provide Councillor Nellist with copies of published accounts of CROW for the past two years and to check the legal position as to whether the working arrangements for trainees at CROW had, in legal terms, created a contract of employment.

In terms of the details of the financial implications indicated in the report, the Committee studied the table summarising the efficiency proposals and the effect of proposed savings during the period 2006/2008 and endorsed the broad principles for the future proposed support for people with disabilities and the proposals regarding the streamlining, commissioning and efficiencies. However, the Committee, having considered the relevant issues set out in the report, expressed their reservations about the proposals to end allowances made to people with learning disabilities before the completion of the assessments of their future needs.

RESOLVED that the report be forwarded to the Cabinet and the City Council for consideration, and that the Cabinet be advised as follows:-

- (1) The Committee endorse the broad principles for the future proposed support for people with disabilities and the proposals regarding the streamlining, commissioning and efficiencies.**
- (2) In relation to promoting independence, however, the Committee remain unconvinced that ending allowances (disregard payments) made to people with learning disabilities on 31st December, 2006, rather than when the assessment of their future training and care needs has been completed, is the right way forward.**

(NOTE: The item referred to above was considered as an item of other urgent business, the reasons for urgency being to enable the Committee to comment on the report prior to its consideration by the Cabinet and the City Council.)

127. Continuing the Council's Performance Improvement – Proposed Organisational Changes – Authorisation to Advertise Key Posts

The Committee considered a report of the Chief Executive, to be submitted to the Cabinet on 12th December, 2006, requesting agreement to advertise three key posts as part of the Chief proposals for organisational change, currently out for consultation. It was noted that the Chair of the Scrutiny Co-ordination Committee or his nominee had been

invited to attend the meeting of the Cabinet on 12th December, for consideration of this item in order to confirm that a Key Decision may be taken that was not published in the City Council's Forward Plan.

The report indicated that that the organisational change proposals affected all Directorates and were designed to reflect the efficiency and effectiveness requirements of a modern local authority. It also sought authority to begin the process of advertising the following posts, in advance of the Council's consideration of the overall proposals for organisational change:-

- (a) The proposed post of Director of Finance and Legal Services.
- (b) The proposed post of Deputy Director of City Development.
- (c) The proposed post of the City Centre Development Directorate.

The Committee, whilst having no objection to the commencement of the advertising procedure for the posts referred to in (b) and (c) above, raised a number of issues associated with the proposals to establish a Finance and Legal Services Directorate and, therefore, considered that it would not, at this stage, be appropriate to advertise the post in advance of the Council's consideration of the overall proposals for organisational change.

RESOLVED:-

- (1) That pursuant to the provisions of Paragraph 4.2.16 of the Council's Constitution, the Chair, or his nominee, be requested to attend the meeting of the Cabinet on 12th December, 2006, to confirm that the taking of the decisions cannot be deferred.**
- (2) That the Cabinet be informed that this Committee's support recommendations (b) and (c) in the report, but that, in respect of recommendation (a) the Committee are of the view that the Chief Executive should continue to initiate the 'executive search' in respect of the creation of the post of Director of Finance and Legal Services, but indicate that it is not appropriate to advertise the post in advance of the Council's consideration of the overall proposals for organisational change.**

- (NOTES: (1) This item was considered by the Committee as an item of other urgent public business, the reason for urgency being to enable Scrutiny to have an input into the report prior to its consideration by the Cabinet.)
- (2) The item of business headed "Cabinet Member (Policy, Leadership and Governance) Strategic Plan update" was deferred from consideration because the Cabinet Member was not available at the time the item was due to be considered.)