

## MINUTES OF A MEETING OF THE EXECUTIVE SCRUTINY COMMITTEE HELD AT COUNTY HALL, CHELMSFORD ON 27 JULY 2010

### Membership

* G Butland	* G L Mitchinson
* W J C Dick	* M J Page
* N Edey	* J W Pike
C Griffiths	Mrs I Pummell
* A M Hedley	* J Roberts
* Mrs T M A Higgins (vice T C Smith-Hughes)	* A Turrell
M C M Lager (Vice-Chairman)	T C Smith-Hughes (Chairman)
* M J Mackrory	* J A Young (Vice-Chairman)
* Mrs V Metcalfe	

(\* present)

The following officers were present in support throughout the meeting:

Hannah Cleary, Governance Officer  
Colin Ismay, Governance Manager

### 41. Apologies for Absence

Apologies were received from Councillor T C Smith-Hughes with Councillor Mrs T M A Higgins as his substitute, and from Councillors C Griffiths, M C M Lager and Mrs I Pummell.

### 42. Minutes

The minutes of the meeting held on 29 June 2010 were approved as a correct record and signed by the Chairman, subject to the following insertions:

#### Minute 29 – Terms of Reference

Point (ii) should be amended to ‘To scrutinise the financial and performance arrangements of the Council including considering of the budget and accounting processes.

Point (vi) should be amended to ‘ To contribute to the delivery of the Council’s objectives by generating reports and specific recommendations for policy, process or service improvement, particularly in relation to the overall strategic direction, programmes, policies and priorities of the Cabinet and of Council; Legal Services; Procurement; IS and technology including Contact Essex (operational issues); Value for Money; Corporate Performance; the Transformation Programme; public communications and engagement including media and marketing strategy, liaison with MPs; member support.

Approval of the updated terms of reference will be sought at the next available Full Council meeting.

### Minute 31 – Capital Receipts Report

Councillor Butland asked for assurance that the Council would not submit planning applications to circumvent District and Borough Council's aims to provide affordable housing. Councillor Pike asked for a guarantee that District and Borough Councils would keep the County Council informed of all potential developments. Councillor Butland added that District and Borough Councils have affordable housing plans that are available to all developers. Councillor Lager confirmed that all planning applications are subject to the approval process by the District and Borough Councils.

#### **43. Call-in of the decision - Appointment of School Governor**

Councillor Stephen Castle, Cabinet Member for Education and the 2012 Games was in attendance to respond to the call-in.

Councillor Turrell expanded on her grounds for the call-in, in addition to those set out in report ES/21/10. She referred to a Cabinet Report from 2004 that stated all Members should have involvement in School Governor appointments. Children from Councillor Deakin's Division, Chelmsford West, would be attending Hylands School, after the closure of their local school, St Peter's, on 31 August 2011. As Councillor Deakin was already a Governor for St Peters, she would be able to assist with the transitional arrangements.

Councillor Castle expressed his disappointment that the decision had been called in for a second time, on what he believed were fundamentally party political grounds. One of the issues pertained to defining the local Member for Hylands School, due to the electoral Division boundary running through the middle of the school. The rules state that where this occurs, both Members are considered to be local Members and can therefore both nominate representatives onto a Governing Body.

Whilst he accepted that both candidates were qualified, there had been a broad range of factors considered when the decision to appoint had been taken. He acknowledged that the current appointments procedure had been in place for some time and did not include recent statutory changes; however, he was happy for a review of the procedure to be carried out.

Councillor Young asked how many students attended Hylands School from each electoral Division, and the reason that the particular candidate had been appointed. Councillor Castle explained that the number of students attending Hylands School from each electoral Division was roughly equitable. He was not obliged to provide a reason for the particular candidate being appointed. He approved a large number of Governor appointments and usually followed the recommendations, although where there was more than one candidate they were considered equally.

Councillor Mackrory argued that the call-in had not been made on party political grounds but was about the wider role of local Members in their communities. He felt it would be in the best interests of Hylands School to have the Chelmsford

West Member on their Governing Body in view of the large number of children that would be attending Hylands School from that area.

Councillor Metcalfe stated that there were other Governor vacancies across Essex if Councillor Deakin was interested, and in addition, Hylands School had the option to co-opt Councillor Deakin onto the Governing Body should they feel strongly. Councillor Castle agreed there were other Governor vacancies, and that he would write a letter of recommendation for Councillor Deakin.

Councillor Higgins added that the appointment scheme had not been reviewed since 2004, and asked if a review could be carried out. Councillor Castle agreed that a review would be helpful.

The Committee **agreed** that the matter would be referred to the Scrutiny Board to consider the most appropriate Committee to carry out the review.

It having been moved by Councillor Dick and seconded by Councillor Page it was

**Resolved:**

That no further action be taken in relation to the call-in by Councillor Turrell.

**44. 2010/11 First Quarter Outturn Report**

The Committee considered report ES/22/10. Margaret Lee, Director for Finance, and Tim Madden, Head of Corporate Finance, were in attendance to introduce the report and answer questions.

Margaret advised the Committee that the report publication had coincided with the grant reduction announcements by Central Government. Service areas had not been able to incorporate these changes fully into the information they provided, meaning further adjustments may be required.

Margaret drew attention to the revenue overspend of £12.77 million shown on page 6 of the report, and explained that this had been heavily impacted by the grant reductions. The Adults, Health and Community Wellbeing overspend had been due to domiciliary care budgets, that were known historically to be volatile.

The £5.994 million under-spend in the non-dedicated schools budget was also due to Central Government grant withdrawal. At the half-year reporting stage the impact of the grant reductions would be clearer.

Councillor Butland asked about the differing portfolio titles listed on pages 10 and 11. Margaret confirmed that an old portfolio list had been used for page 11, and whilst this did not affect the numerical information, an updated page would be issued to Committee Members.

Councillor Mitchinson asked about the Pioneer School over-spend detailed on page 27 and re-called there had been issues with a sub-contractor that had contributed to this. Margaret was satisfied that the Council had done everything it could to mitigate this over-spend, and she had previously issued a note to the

Committee with details of this issue. The Committee **agreed** that a further update around the lessons that had been learned would be presented to a future meeting.

Councillor Mackrory asked about the re-charges detailed on pages 64 and 66, in relation to under-achieved austerity savings by Facilities and Asset Management and whether this was a cause for concern. Margaret confirmed that close attention was being given to the risk implications of savings not being fully achieved.

Councillor Butland asked about the reduction of reliance on third party consultancy detailed on page 74. Margaret explained that there was a County-wide strategy to reduce the reliance on consultants, but page 74 was specifically in relation to the use of consultants by Internal Audit. Historically third party consultants had been used to assist with the Internal Audit work programme. The impact on the current Internal Audit work programme was being assessed and the outcome would be reported to the Audit Committee.

Councillor Turrell expressed disappointment that the Cabinet Member was not in attendance, and argued that a Deputy should have been present to enable the Committee to perform its role of holding the portfolio holder to account. It was confirmed that Councillor Finch was on holiday. Councillor Higgins added that the report had already been approved at Cabinet and it would be more appropriate for the Scrutiny Committee to have commented on the report before it went to Cabinet.

It having been moved by Councillor Dick and seconded by Councillor Mick Page it was

**Resolved:**

That there be no change to the current arrangements whereby the Executive Scrutiny Committee reviews the Budget Outturn Reports after they have been considered by Cabinet.

The Committee thanked Margaret and Tim for attending.

**45. 2009/10 Performance Outturn Report**

The Committee considered report ES/23/10 and Mark Golledge, Strategic Performance and Reporting Manager, was in attendance to introduce the report and answer questions.

Mark explained that the report reflected the progress made against the Corporate Plan 2009/10, although it should be noted that some of the figures were provisional.

Councillor Higgins felt that the report should contain more precise information, for example on page 12 where it stated that the Council had introduced 'several' schemes to improve the employment prospects of the disabled population, it would be better if the exact number of schemes was given.

Councillor Mitchinson queried the language used on page 17 of the report to describe the Banking on Essex initiative.

Councillor Mackrory asked about the effectiveness of the A12 Alliance scheme that had been developed in partnership with Essex Police.

Councillor Turrell asked why the target for the number of bus passenger journeys had been reduced.

The Committee **agreed** that the relevant Cabinet Member would be invited to attend when the Performance Outturn was next considered.

The Committee thanked Mark for attending.

#### **46. Forward Look**

The Committee considered report ES/ES/24/10. It was confirmed that the Vice-Chairmen would be meeting shortly to discuss the amalgamation with the Central Services Forward Look.

The Chairman asked for more volunteers to take part in the Task and Finish Group that would be convened to undertake a review of the Transformation Programme (29 June meeting - minute 40 -Transformation Programme Scoping Document). Councillor Butland agreed to join Councillors Pummell and Young in forming the Group.

#### **47. Date and time of next meeting**

The next ordinary meeting is scheduled for Tuesday, 7 September 2010 at 11am, or the rise of Cabinet, if earlier, in Committee Room 2.

Chairman  
7 September 2010