

Overview and Scrutiny Committee

5 November 2012

Present: Councillor C B Pickard (Chair)
Councillors J Allan, S Day, I Grayson, M Huscroft,
C Gambling, R Glindon, D McGarr, J McLaughlin,
D Sarin, M Rankin, N Redfearn and J Stirling.

OV46/11/12 Apologies

Apologies for absence was received from Councillor A Austin.

OV47/11/12 Substitute Members

There was no substitute Members.

OV48/11/12 Declarations of Interest

There were no declarations of interest was reported.

OV49/11/12 Minutes

Resolved that the minutes of the meetings held on 1 October 2012 be confirmed.

OV50/11/12 External Auditor

Following a Motion from Full Council on 4th July 2012 (Minute C33/07/12) the External Auditor, Mr S Nicklin attended the meeting to discuss his role as External Auditor and any implications of legal advice provided to Members in relation to the Budget.

Members questioned the auditor on the following:

1. The process and to where the authority lay for the spending of any of the Council reserves. The auditor stated that Full Council would need to agree to spend any Council reserves.
2. The need to adhere to the borrowing level. The auditor stated that the Council would need to adhere to any agreed borrowing level although the level would be unlikely to be reached.
3. Members raised their concerns to the level of participation in the recent tendering process to outsource services. The auditor explained that arrangements are dependant to each individual authority and that contracts could be delegated to a committee or officers.
4. Members asked if it would be good practice to ensure risk assessments had been undertaken and that Full Council had not received any information on any penalty assessment in relation to recent outsourced contracts. The Auditor stated that any decision should be reasonable and explained the Wednesbury principle of unreasonableness.

5. Members asked if budgets were transferred interdepartmentally would that be considered virement? The Auditor explained virement and indicated that it would be detailed in the Councils financial regulations.
6. Members stated that Full Council had asked for a virement limit to be in place. The Auditor stated that this would be an area for further investigation when carrying out his duties.
7. Members stated it was the perception that with regards to recent outsourced services, no test with regards to Value for Money (VfM) for the first 4 years was to be undertaken. The Auditor stated that VfM would be carried out throughout the tender process and test would be in place to ensure long term assurance that the contract would continue.
8. Members questioned if the appropriate scrutiny had been undertaken with regards the recent contract that were outsourced. The auditor stated the business cases had been checked and received at Cabinet meetings. He also stated that scrutiny would start with the officers with particular expertise in areas of the contract and they would challenge and areas of concern. The level of further challenge would then depend on Members trust of those officers involved.

Members indicated that they had confidence that officers had carried out their duties appropriately but were disappointed at the level of Member involvement.

9. Members indicated that they had not received information on risk assessments or performance indicators and were disappointed with the level of information received. The auditor stated that performance can be carried out by benchmarking with other service providers and that performance processes would be written into any service agreements.
10. Members stated that the Committee had received no information with regards to performance indicators. The Auditor stated that they could request to view the details of the signed contracts.
11. A Member stated that a request for termination costs had been requested but had not been provided. The auditor stated that termination details should be detailed in the contracts.
12. Members stated that engagement/consultation with residents on requests for information under Freedom Of Information and had not been provided. The Auditor stated that this was not an area of his responsibility but indicated if this was so the residents should take this up with the Information Commissioner.
13. A Member questioned at what stage was detailed information inspected when carrying out the Annual Audit on the Council. The Auditor stated that a general overview of all budgets was undertaken and monitoring was undertaken throughout the year. Where budget pressures arise, then further investigation would be undertaken in detail to look at plans to address the pressure.

14. A Member asked if the areas of concern highlighted during the meeting would be looked into. The Auditor assured the Committee that areas raised would be looked at throughout the audit process.

The Chair thanked Mr Nicklin for his attendance.

Agreed that the information and comments given by the External Auditor - Mr S Nicklin be noted.

OV51/11/12 Council Strategic Plan and 2012/13 Budget Implementation Plan (Previous Minute OV45/10/12)

The Committee received the latest version of the Implementation Plan revised following the Cabinet meeting 8 October 2012.

Members raised concerns to the timing of receipt of the information held in the implementation plan. It was highlighted that information had not been revised accordingly following the decisions made at the Overview and Scrutiny meeting on 1 October 2012.

It was proposed and agreed to request the Chief Executive to ensure that further implementation plans reflect the most up to date information. The Strategic Manager Policy & Partnerships proposed that the format of the report be reviewed for the next meeting of the Committee.

With regards Item 4 - The appointment of consultants will be approved by Full Council, including the renewal of consultant call off contracts. The Committee requested a report to be submitted that detailed all information relating to the appointment of consultants made in the current year and status of the all consultant posts to date.

It was raised that Item 35 - Additional advertising income of £65k. Members stated that in recent recruitment information circulated in relation to the appointment of a new head of service post had indicated the figure was £85k. Members asked for an explanation be provided to clarify the difference in information provided to members and potential new head of service appointment.

Agreed that (1) the Council Plan and 2012/13 Budget Implementation Plan be noted;(2) future implementation plans reflect the most up to date information for consideration; (3) the format of information provided in the plan be reviewed; (4) a report to be submitted that detailed all information relating to the appointment of consultants made in the current year and status of the all consultant posts to date; and (5) an explanation be provided to clarify the difference to additional advertising cost information provided to members and new head of service post.

OV52/11/12 Update on the North Tyneside Strategic Partnership

The Committee received a report that provided background information to the North Tyneside Strategic Partnership (NTSP). Appended to the report was the NTSP Annual Performance Report 2011/12. The Committee also received a presentation from the Strategic Manager Policy & Partnerships.

The Committee was informed of the membership of the NTSP Executive, its current structure and its responsibility for the partnerships strategic vision and priorities that result in the production of the Sustainable Community Strategy.

The theme partnerships of the NTSP and the constituent organisations responsible for the delivery of the four priorities outlined in the Sustainable Community Strategy were:

- Regeneration
- Quality of Life
- Best Start in Life
- Sense of Place

Members were reminded that the sustainable community strategy was agreed by Full Council and was part of the Councils policy framework.

Members were disappointed at the performance against the targets at the end of 2011/12, stating that a success rate of only 74% was poor. Members made reference to the number of indicators that did not achieve the targets detailed in the Annual Performance Report.

Members proposed that the performance of the NTSP should be regularly scrutinised and that it the Executive Members of the NTSP should attend the Committee and report its performance on a quarterly basis.

A Member stated that the report should provide more detail to the reasons why the targets have not been reached. The Strategic Manager Policy & Partnerships stated that the Annual Report was an overview of all performance and that more detailed reports were received to the NTSP for each of the themes. She indicated that the theme reports were available for Members and that her team would undertake a review to how information was presented.

Members requested to receive copies of the theme reports.

A Member questioned the NTSP value stating the low number of meetings that had taken place by the Executive and its themes in the current year, that there were no members on the Executive from the Healthcare Trust and that no non-executive members of the Council had involvement. Members noted that 'NI 154 - Net additional homes provided' had not been delivered on target for 2011/12. The Committee identified that there was a lack of representation from the housing sector on the NTSP to help deliver this target.

It was proposed that it would be useful for a review of the NTSP and that that Cabinet be requested to undertake a review in order to identify whether its current objectives and operating structure was fit for purpose and whether the membership contains the correct individuals to successfully deliver the set targets.

Agreed that (1) Executive Members of the NTSP attend the Committee and report its performance on a quarterly basis; (2) detailed reports for each theme be circulated to all Members of the Committee; and (3) Cabinet be requested undertake a review of the North Tyneside Strategic Partnership Executive (NTSP/the Partnership) to ensure its current objectives and operating structure are fit for purpose.

OV53/11/12 Recommendation from Children, Education and Skills Sub-committee

The Committee received a report for consideration from the Children, Education and Skills Sub-Committee (CES) in relation to the proposed merger and conversion to an academy of Priory Primary School and The King's School in Tynemouth.

The recommendation from CES Sub-Committee was;

“That Cabinet be requested to submit to Council for determination, the Strategic Director for Children, Young People and Learning’s recommended response to the Secretary of State on the proposals for Kings Priory School”.

Agreed that the recommendation from the Children, Education and Skills Sub-Committee be referred to Cabinet for consideration.

OV54/11/12 Forward Plan

The Committee was presented with the Forward Plan covering the period 1 November 2012 – 28 February 2013 to identify any issues for inclusion in the committee’s work programme.

Agreed that the 1 November 2012 – 28 February 2013 Forward Plan be noted;