

SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 26 June 2012

<u>Present:</u>	Councillor	D Elderton (Chair)	
	Councillors	J Crabtree L Fraser D Mitchell C Muspratt	T Norbury J Stapleton M Sullivan S Williams
<u>Deputies:</u>	Councillors	J Williamson (In place of KJ Williams)	
<u>Cabinet Members:</u>	Councillors	B Kenny C Meaden	H Smith

1 MEMBERS CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

No such declarations were made.

2 MINUTES

The Chair commented in respect of minute 79 'Libraries Strategy', and the need for a further report in the light of consultation outcomes in relation to opening hours.

Resolved – That the minutes of the meeting held on 28 March, 2012 be approved.

3 APPOINTMENT OF VICE-CHAIR

The Committee was asked to consider if it wanted to appoint a Vice-Chair.

On a motion by the Chair, seconded by Councillor Fraser, it was –

Resolved - That Councillor Steve Williams be appointed Vice-Chair of this Committee.

4 **TERMS OF REFERENCE**

The Committee's terms of reference were submitted for Members' information.

The Chair commented that with the Committee's remit covering a number of portfolios it would not be feasible to have reports on every issue but rather to look at those issues as matters arose and those which were prioritised in the work programme (see minute 12 ante).

Resolved – That the terms of reference be noted.

5 **HIGHWAY AND ENGINEERING SERVICES CONTRACT - THIRD ANNUAL REVIEW**

The Director of Technical Services provided an update report on the Highway and Engineering Services contract at the end of its third year of operation; including information on performance against the benefits sought and targets set. It also invited the Committee to consider the option written into the contract to extend the contract by twelve months based on the satisfactory performance of the contract.

It was noted that the maintenance of all aspects of the highway infrastructure, carried out through the contract were statutory duties imposed on the Council as Highway Authority.

Part of the report related to financial aspects of the contract, which were exempt from public disclosure in accordance with paragraph 3 of Part 1 of schedule 12A of the Local Government Act 1972, and this information was separately contained in Appendix 5 to the report (minute 14 refers).

The Chair informed the Committee that Stephen Grimes, Contracts Manager at Colas, who was due to attend the meeting, was not present as Colas had received advice from their legal representatives not to attend.

The Director introduced Rob Clifford, Highways Manager, and Brian Smith, Contracts Manager in the Technical Services Department and they presented the report and responded to Members' questions. Examples of perceived poor quality work were highlighted by Members, using examples from their own wards. Rob Clifford acknowledged that with a change to modern materials for surface treatment there was a need to make sure residents understood what they were trying to achieve and he hoped that Colas would be able to be present at the next meeting when a report would be submitted with information on the types of materials used.

The Chair emphasised the point that the perception was that Colas were not dealing with complaints and that Members would like to see a much more robust approach to addressing issues raised.

A report to Members on significant cost changes and value for money had been drafted in November 2011, but would be presented to Members to coincide with the Council's external auditors' report on the contract. An assurance was given that this report would be going to Cabinet on 19 July, 2012.

The Director explained the budget both in terms of the capital programme which was subject to the Council Budget set each year and the fixed 5 year contract which had an approximate value of £7m.

On a motion by the Chair seconded by Councillor Steve Williams, it was -

Resolved –

- (1) That this Committee notes the progress of the contract during the past year, and notes officers' views in the report but registers its serious concerns regarding co-ordination, quality and communication issues.**
- (2) That it be recommended to Cabinet that the existing contract not be extended beyond its current 5 year term, and that the Director of Technical Services be requested to prepare an options appraisal for the delivery of highway and engineering services from 1 April 2014 in a report to Cabinet at the earliest opportunity.**
- (3) That the Director of Technical Services report on progress on preparation and delivery of a comprehensive exit and handover strategy relating to the satisfactory completion of the current contract, and effective and efficient transition to the new service delivery arrangements, in his future annual reports on the contract.**
- (4) That this Committee notes that officers will be undertaking actions, to be agreed by Council, in response to the External Auditors' Report in the Public Interest; specifically in relation to the management of the contract; and asks that the Director of Technical Services reports on progress in delivering those specific actions relating to the management of this contract in his annual report to the Committee in 2013.**

6 QUARTER 4 YEAR END 2011/12 PERFORMANCE MONITORING REPORT

The Director of Technical Services and the Director of Law, HR and Asset Management reported upon the performance of the Council's Corporate Plan 2011-2014 for the year end 2011/12, in relation to sustainable communities. The report provided the Committee with an overview of performance, resource and risk monitoring, together with details of corrective action for performance issues.

The Chair indicated in respect of the performance indicator on repeat incidents of domestic violence that he had received some additional explanatory information on this and the Director would circulate this to the Committee.

Responding to comments from Members the Director informed the Committee of the importance of road safety to the Council and that there were a number of interventions that the Council took although sometimes accidents could be out of the Council's control. A report to the September meeting would examine the issue in detail including an increase in the number of accidents involving two wheeled vehicles. In respect of the modernisation of the parks service this would be an ongoing project over a number of years which would have some significant opportunities and the engagement with user groups during the consultation process

would feed directly into this work. A report on parks modernisation was scheduled on the work programme for the November meeting.

It was also suggested that a report on asset reviews particularly in respect of small areas of land for allotments could be added to the work programme.

In respect of response times, there was an increase in the average response rate for complaints with 15 working days taken to respond to all complaints in 2011/12 compared to 14 working days in 2010/11. The Director acknowledged that this covered a number of departments and that in the Technical Services Department response times were 5/6 days.

Resolved –

(1) That the report be noted.

(2) That Committee expresses its concerns at the response times for complaints and asks officers to investigate whether they can be improved and report back to this Committee.

7 REDUCING THE COUNCIL'S CARBON FOOTPRINT - PROGRESS REPORT NO. 5

The Director of Law, HR and Asset Management presented an update report on the various carbon reduction and energy saving projects currently being undertaken across the Council to 'Reduce the Council's Carbon Footprint', which promoted the Council's Corporate Priorities as set out in the Corporate Plan. The Council was committed to delivering a 60% reduction in carbon emissions by 2025 and he indicated that with an expected spend of around £8m on energy costs in 2012/2013, there were significant financial savings to be made through carbon emission reduction and energy efficiency projects and initiatives.

Hazel Edwards, Climate Change Officer, introduced the report and gave an update on some of the projects, including the installation of Solar Photovoltaic cells on some 27 Council buildings, tenders for which were due back on 16 July, 2012 with a report to the September Cabinet. A report would also be going to Cabinet in July on the energy / carbon management system.

Resolved – That this Committee notes the performance and progress of the various Council 'Carbon Footprint Reduction' and energy efficiency projects undertaken to date across Council Departments and endorses the further initiatives proposed in the report.

8 EQUALITY IMPACT ASSESSMENTS - REFERRAL FROM SCRUTINY PROGRAMME BOARD

The Committee considered the report of the Director of Law, HR and Asset Management on Equality and Impact Assessments, which had been referred by the Scrutiny Programme Board at its meeting on 28 February, 2012 (minute 33 refers) to all five themed Overview and Scrutiny Committees.

The Director of Technical Services informed the Committee that the requirement to carry out equality impact assessments was one of the absolute fundamentals and that training would be given for officers and Members.

Resolved – That the report be noted.

9 DECISIONS TAKEN UNDER DELEGATED POWERS - DIRECTOR OF TECHNICAL SERVICES

The Director of Technical Services reported, in accordance with the Approved Scheme of Delegation, of two instances where he had used his delegated authority in respect of the appointment of contractors. The first was to employ Bill Kenwright Productions to stage 'Murder on the Nile' at the Floral Pavilion, New Brighton and the second was a tender for the renovation and drainage of football pitches at Arrowe Park to ensure that they were playable during the winter season.

The Bill Kenwright production of 'Murder on the Nile' provided a net income of £13,015. The cost of the football pitch renovation and drainage work was paid for by funds allocated in the capital programme.

Resolved – That the report be noted.

10 DECISIONS TAKEN UNDER DELEGATED POWERS - DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

The Director of Law, HR and Asset Management reported, in accordance with the Approved Scheme of Delegation, of those instances where delegated authority had been used with respect to the appointment of Contractors pursuant to Contract Procedure Rule 14.1. Since the last meeting of the Committee, tenders had been accepted for works to –

- Hoylake Community Centre and Sanderling Unit
Car Park / Drainage
- Europa Pools
Replacement of Air Handling Units

Resolved – That the report be noted.

11 APPOINTMENT OF THE HIGHWAYS REPRESENTATION PANEL

The Committee was requested to undertake a review of the Highways Representation Panel and to appoint members to serve on that panel if it was to be retained in 2012-2013.

Resolved – That the Committee:

(1) confirms that the Highways Representation Panel be re-appointed for 2012-2013 with the terms of reference identified.

(2) appoints the following members to serve on the Highways Representation Panel in 2012-2013, including the appointment of the Chair and named deputies:

Councillor D Elderton (Chair)

Deputies: Councillors Steve Williams, Leah Fraser, John Hale, Eddie Boulton, Peter Johnson, Paul Hayes, Cherry Povall and Simon Mountney

Councillor Jerry Williams

Deputies: Councillors Jim Crabtree, Christina Muspratt, Tony Norbury, Jean Stapleton, Mike Sullivan, Ron Abbey, Darren Dodd and Pat Glasman

Councillor Dave Mitchell

Deputies: Councillors Alan Brighthouse, Phil Gilchrist, Tom Harney, Mark Johnston, Stuart Kelly and Pat Williams

12 REVIEW OF SCRUTINY WORK PROGRAMME

The Committee was requested to consider what issues should form the basis of its work programme for the ensuing municipal year and the Committee considered a list of items which had been circulated by the Director.

The Chair suggested that Committee members could email Mark Smith, Deputy Director of Technical Services within the next two weeks with any suggestions for the Committee to consider during the coming year.

Additionally Members made the following suggestions to be added to the Work Programme:

- Coastal Management issues
- Dog fouling / dog waste bins / dog free areas
- Doorstep crime including cold callers / telephone calls

Resolved - That the paper listing the reports from Chief Officers on key issues during the year, with the above additions, form the basis of the Committee's work programme for the current municipal year together with any additional suggestions which might be emailed from Committee Members to the Deputy Director.

13 FORWARD PLAN

The Committee had been invited to review the Forward Plan prior to the meeting in order for it to consider, having regard to the Committee's work programme, whether scrutiny should take place of any items contained within the Plan and, if so, how it could be done within relevant timescales and resources.

Resolved – That the forward plan be noted.

14 **EXEMPT APPENDIX - HIGHWAY AND ENGINEERING SERVICES CONTRACT -
THIRD ANNUAL REVIEW**

Further to minute 5 ante, the Committee noted the exempt appendix to the Director of Technical Services' report without debate.