

PERFORMANCE AND SCRUTINY OVERVIEW COMMITTEE
Friday, 8th April, 2011

Present:- Councillor Whelbourn (in the Chair); The Mayor (Councillor McNeely); Councillors Gilding, Jack, P. A. Russell and Whysall.

Apologies for absence were received from Councillors Austen, J. Hamilton, G. A. Russell, Steele and Swift.

154. DECLARATIONS OF INTEREST.

There were no declarations of interest made at this meeting.

155. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS.

There were no questions from members of the public or the press.

156. SELF REGULATION AND IMPROVEMENT

Further to Minute No. C205 of the meeting of Cabinet held on 6th April, 2011, Deborah Fellowes, Policy Manager, presented the submitted report which indicated that, despite the abolition of national performance and inspection frameworks such as Comprehensive Area Assessment (CAA) and Local Area Agreements (LAA), there was still an expectation from Central Government that Councils would take responsibility both collectively and individually to manage their performance, ensure improved outcomes for their local areas and deliver services with increased accountability and transparency.

The Local Government Group (LG Group) paper 'Taking the Lead: Self Regulation and Improvement in Local Government' set out an approach to meeting these expectations which was summarised and recommendations made for its proposals to be adopted and taken forward as a Council wide project led by the Performance and Quality Team.

The report set out further information relating to:-

- The Role of Individual Authorities.
- The Role of the Local Government Group which was made up of several organisations including the LGA and IDEA and functioned as an integrated lobbying and improvement organisation for the local government sector. 'Taking the Lead' set out the means by which the group would support self regulation and improvement as follows:-
 - Local Accountability Tools – Development of web based, free of charge tools to enable Councils to work with local people, partners and communities to produce a shared assessment of current performance.
 - Peer Challenge – LG Group was offering all Councils one free of charge peer challenge over the three year period beginning April, 2011. This would require a level of commitment from participating local authorities to provide high quality peers. Peer reviews may be tailored to suit local needs but would focus on corporate capacity

and leadership. More subject specific peer challenge would be available, but these would not be free of charge.

- Knowledge Hub – A free of charge web based tool to be operational fully by September, 2011 that would enable sharing of information, knowledge, networking and collaboration.
 - Data and Transparency – A free of charge area within the Knowledge Hub where Councils may lodge and access data in particular to enable benchmarking. It was proposed that this was used to store data on a core of agreed metrics around cost efficiency and productivity, outcome and achievement and citizen satisfaction, but with the service offering the availability to go beyond these measures.
 - Leadership Support – Ongoing development support for political and managerial leaders e.g. through the Leadership Academy and Leeds Castle programmes. The LG Group would continue to provide leadership support for political leaders and would be making available one subsidised place for every Council for each of the next three years on one of the main programmes commissioned from the market.
 - Learning and Support Networks – Ongoing support of officers and councillor networks at national and sub-national levels. LG Group would seek to make use of these networks to inform its wider policy and lobbying role.
- Local Government Group Improvement Programme Board.
 - Role of Audit and Inspection.
 - Role of Central Government.
 - Next Steps - It was advised that all local authorities participate to some degree in the arrangements proposed by the LG Group in particular as a means of developing local improvement and accountability, but also as a collective means of providing assurance to Central Government and of avoiding the return of burdensome inspection regimes and intervention. For Rotherham Council it was recommended that the following initial priorities should be taken forward by the Performance and Quality Team:-
 - Submit this paper to a joint Cabinet and SLT meeting for further discussion.
 - Raise general officer and member awareness of the LG Group 'offer' e.g. via Departmental Management Team meetings, M3 Manager Briefings and for Councillors via the Members' Training and Development Panel.
 - Utilise the various LG Group improvement, self assessment and information tools as they became available.
 - Ensure local participation in data sharing systems such as the Knowledge Hub thereby contributing to the ongoing development of benchmarking information for the local government sector in the absence of any further Audit Commission quartile data.
 - Investigate local capacity for providing high quality peers to deliver challenge to other Councils.

- Explore the opportunity for a peer review for children's services as notified to the Minister when the Authority came out of Government intervention.

There were no financial issues related to this report.

Local authorities seen to be opting out of the scheme may be more vulnerable to poor performance and, more importantly, poor reputation.

Current budgetary and resource pressures may impact on the extent to which the Council was able to contribute staff to Peer Challenges of other local authorities.

Discussion and a question and answer session ensued and the following issues were covered:-

- need to begin sorting out local regulation in advance of any national regulation which could add value
- reconciling the continuing need for external audit of local authorities and the proposed abolition of the Audit Commission
- continued appeal process to the Secretary of State when challenging a regulatory decision
- need for a robust Members' Training and Development Panel
- potential to opt out of the self regulation process
- extent of the 'free of charge' offers and 'real' cost of self regulation
- need to review what was desired to be kept from the useful activity over the last decade

Resolved:- (1) That the information be noted.

(2) That further progress reports be submitted to this Committee on the work being done.

157. LOCALISM BILL

Steve Eling, Policy Officer, presented the submitted report indicating that the Localism Bill was introduced in the House of Commons on 13th December, 2010 and had now completed the Committee stage. A date had not been set yet for the report stage and then on to the House of Lords. It would be some months before the Bill became legislation.

The Bill was made up of:-

- 207 clauses
- 24 schedules
- 8 Parts (Part 7 only relevant to London)

The Bill took forward the Government's stated commitment to devolve power to the lowest level, enabling communities to make decisions as part of the big society. Many provisions enable this by enabling communities to challenge public service providers and for the outsourcing of public services.

It was noted that there were 142 provisions giving power to the Secretary of State.

The submitted report gave an overview of the headline provisions most relevant to the Council. Also included were the policy and performance agenda implications, an assessment of the 'community engagement' issues arising for the Council, especially where the approach taken by the Bill potentially contradicted the approach taken in Rotherham to date.

Many of the provisions provided amendments and repeals to other legislation which needed to be cross referenced to the relevant Acts to enable thorough assessment of the implications. In addition, the diverse range of issues covered by the Bill would require further in depth analysis of the various components as the Bill passed through Parliament.

The overview of provisions was as follows:-

- General power of competence
- Governance
- Predetermination
- Standards
- Pay accountability
- Repeal of duties relating to promotion of democracy
- Repeals of provisions about petitions to local authorities
- Charges for waste services
- E.U. fines
- Non-domestic rates
- Local referendums
- Council Tax
- Community right to challenge
- Assets of community value
- Plans and strategies

- Community infrastructure levy
- Neighbourhood planning
- Consultation
- Retrospective planning permission
- Nationally significant infrastructure projects
- Allocation and homelessness
- Social housing : tenure reform
- Housing finance
- Housing mobility
- Regulation and social housing
- Commencement

Discussion and a question and answer session ensued and the following issues were covered:-

- need and desire for a voluntary code of conduct
- applicability of a voluntary code of conduct for co-opted members
- duty for the Council to promote and maintain high standards of conduct
- repeal of provisions about petitions to local authorities
- repeal of charges for waste services
- conditions and procedure for requiring a Council to hold a local referendum
- clarification of assets of community value and procedure for inclusion in the Council's list of assets of community value
- clarification of issues regarding allocation and homelessness and potential need for an all member seminar or further member development sessions focusing on the implications of the Localism Bill in this area
- governance issues wider than standards considerations
- working with parish/town councils into the future bearing in mind community right to challenge, neighbourhood planning etc
- Project Steering Group

- reporting timeline

Resolved:- (1) That the information be noted.

(2) That progress reports be submitted to this Committee from the Project Steering Group.

(3) That the next report/action plan be submitted to this Committee as soon as possible.

(4) That the Sustainable Communities Scrutiny Panel be requested to consider the issues now raised relating to allocation and homelessness and the need for an all member seminar be considered further when the position was clearer.

158. P.E. AND SPORT IN SCHOOLS REVIEW - FEEDBACK FROM CABINET

Cath Saltis, Head of Scrutiny, outlined the background to the above review and reasons for the delay in its completion. It was noted that the review had been received constructively and positively by Cabinet at its meeting on 9th March, 2011 with the view that the review recommendations, where possible, be implemented.

159. MINUTES

Resolved:- That the minutes of the meeting held on 25th March, 2011 be approved as a correct record for signature by the Chairman.

160. WORK IN PROGRESS

Councillor Jack reported that next week's meeting of the Adult Services and Health Scrutiny Panel would be considering an update on the changes to the NHS.

The meeting last week with the NHS regarding keeping warm in later life received a fuel poverty action guide booklet and it was hoped to obtain copies for all members of the Council.

161. CALL-IN ISSUES

There were no formal call-in requests.

162. DATE OF NEXT MEETING

Resolved:- That the next meeting scheduled for 29th April be rearranged to Wednesday, 27th April, 2011 commencing at 2.00 p.m.