

MINUTES OF A MEETING OF THE OVERVIEW & SCRUTINY PANEL
HELD AT THE COUNCIL OFFICES, WIGSTON ON THURSDAY 24TH JULY 2008
COMMENCING AT 6.00 PM

Present: Councillor M H Charlesworth – Chair
Councillor M Griffiths – Vice Chair

Councillors: Mrs L M Broadley, J M Gore, J Kaufman, and P Swift
(6)

Officers Present: P Johnson, R Harbour, G Norman, Miss L Rawling and A Wood
(OWBC)

C Howe (Leicestershire County Council)

Apologies for Absence were received from Cllrs D A Gamble and H E Loydall.

6. MINUTES

RESOLVED: That the Minutes of the previous meetings held at 6.00 pm and 7.00 pm on 17 June 2008 be taken as read and confirmed as a true record.

With the consent of the Panel, the Chair varied the order of business by taking consideration of Agenda Item No. 4 next.

6. REPORT OF CHIEF EXECUTIVE

The Panel considered the report of the Chief Executive as contained within report pages 87 to 112, which should be read in conjunction with these minutes as a composite document.

a) Performance Indicators

Miss Rawling introduced her report by reference to the introduction on page 88 inviting Members to choose from the documents attached, the Indicators which they wished to see reported at subsequent meetings of the Panel. The Chair however called upon Miss Rawling for her recommendations and therefore she proceeded to guide Members through the six documents contained with the report

Referring to document 1, Miss Rawling made the following suggestions:-

156, 158, 181, 191, 192, 195, 196 and 197. It was noted that indicators 184 and 194 would continue to be reported via the monthly bulletin process.

During the subsequent discussion, Members expressed a preference for the following indicators to be added:-

187, 142 (probably on a six monthly basis).

Councillor Mrs Gore entered the meeting at 6.10 pm.

The Chair then clarified for the benefit of Members, that the intention is to divide the total number of Indicators into two sets, set one being those which the Panel wished to focus on, and set two those which are considered to be performing satisfactorily, and show no concerns. The order of any of the Indicators contained in either set could be changed as circumstances dictated.

Moving on to document 2, the following Indicators were selected:-

12, 16a, 17a (on an annual basis) 66a, 76c, 76d, 183b and 212. At this point, the Policy and Performance Officer updated Members with existing Best Value Performance Indicator 12, relating to the proportion of working days lost to sickness per full time employee by announcing that the figure to the end of May 2008 was 1.56 days. Calibrated to an annual basis, this added up to 9.36 days per full time employee, which Members noted was an increase on the previous Indicator.

Document 3 contained a list of all the existing Best Value Performance Indicators and Members were asked to consider whether these should be continued or replaced by new ones.

Document 4 contained Indicators determined by measuring citizens' views and perspectives through research. Miss Rawling informed Members that the first such survey of selected residents would be undertaken by 29th September 2008. The maximum number of residents chosen can be 6000, but in any event, a minimum of 1200 responses is required to extract meaningful data. Members expressed their concern at this ambitious target.

Document 5 contained other National Indicators which are reported at District Council spatial level or contributed to by District Councils. Miss Rawling informed Members that Crime Related Indicators would be reported to the Crime and Disorder Reduction Panel which meets quarterly, and any concerns highlighted by this Panel would then be flagged up to the Scrutiny Panel.

Document 6 contained all National Indicators included in the New Local Area Agreement. Miss Rawling explained for the benefit of Members, that the existing Local Area Agreement had prevailed for two years now, and the new version was effective from the current Municipal Year.

Miss Rawling summarised the situation following the selection of items from documents 1 and 2 and that these plus those being reported elsewhere, on a need to know basis, would form the basis for the future Scrutiny of Performance Indicators.

RESOLVED: That the report be noted and that the Indicators referred to in the text above be chosen as the basis for the future Scrutiny of Key Performance Indicators.

Following this report, the order of business returned to that provided by the Agenda.

7. REPORT OF DEPUTY CHIEF EXECUTIVE

Members considered the Reports of the Deputy Chief Executive as contained within report pages 75 to 77 which should be read in conjunction with these minutes as a composite document.

a) Highway Verges Grass Cutting

Prior to any discussion on this item, the Chair clarified the situation regarding the potential conflict of interest between those new Council Members who are also County Councillors, and attended the recent Local Highways Forum, which had considered a report on this matter. Neither the Highways Forum nor this report required a decision, but the Chair informed Members that he had been chosen to sit on the Five-Member Panel to monitor the grass cutting operation and therefore he took no part in the debate and subsequent discussion.

The Head of Client Services and Contracts introduced this report by reference to the historical background and the events which led up to the award of a new contract for grass cutting, effective from 2nd January 2008. Mr Norman clarified that the County Council standard is for 9 cuts per year for the whole of the Borough and that if this is insufficient, the Borough will pay for up to an additional 5 cuts each year. The projected cost of these additional cuts was set out under paragraph 1b of the report.

Mr Norman referred briefly to the problems which had arisen earlier in the year and his report did cast some doubt as to whether even 14 full cuts would be achieved this year. Consequently, the Chair introduced Mr Howe from the County Council who had agreed to attend this meeting to clarify the County Council's perspective.

In response to questioning, the Deputy Chief Executive confirmed that there was no financial liability on the Borough Council until after 9 full cuts had been carried out. Mr Howe also clarified that where additional cuts above the standard 9 are required, the Borough Council would only incur a cost per cut, not the entire cost of 5 cuts if these were not required.

However, Members focussed on the content of Paragraph 5 and were keen to learn the cost of the Borough Council being required to clear the A6 carriageway of grass cuttings due to the excessive length of the grass cut on the second cut. Mr Norman informed the Panel that these additional staff and mechanical costs would be calibrated and passed on to the County Council.

The grass cutting season was approximately mid March to the end of October but climatic changes could vary this scenario. Mr Howe informed the meeting that with the advent of the new contractor, and new staff, the intention of the first cut, was to familiarise staff with the areas. Hence the first cut in mid March was used as a learning experience on the basis of the known areas.

However, difficulties arose with the exact location of some former Highways Agency cutting areas which coincided with unusual climatic conditions in May of this year, leading to rapid grass growth. This was referred to in paragraph 6 (ii) of the report.

Mr Howe confirmed that the contractor had been provided with clear maps of the areas, and the number of gangs had been increased to 10, in addition to which, the crews assigned to Oadby and Wigston are now working on a dedicated 14 day calendar cycle, whereas the first 4 cuts would normally take place on a 21 day cycle. This was to endeavour to ensure that the agreed number of cuts would be achieved this year. This was still subject to climatic conditions and that this cycle could be varied accordingly.

Members were still concerned at the costs of the additional cuts, and in particular, how this had increased over the last 5 years since the passing of responsibility for this to the County Council.

In response to questioning, Mr Howe confirmed that the award of the contract initially to Tarmac and the subsequent sub-contract to County Grass had been subject to a thorough vetting process in both instances. The calculation of the annual cost of the additional cuts is in line with a National Index which the County Council are obliged to follow.

In closing this matter, the Chair summed up the situation that this contract was being fulfilled and the number of complaints had all but disappeared. He thanked Mr Howe for attending the meeting.

RESOLVED: That the report be noted.

In closing this matter, the Chair drew Members' attention to the fact that this would be the last meeting of the Scrutiny Panel attended by Mr Norman and Councillor Charlesworth thanked Mr Norman for his contribution over the years and wished him a happy retirement. Mr Howe and Mr Norman left the meeting at 7.04 pm.

8. REPORT OF DIRECTOR OF COMMUNITY SERVICES

Members considered the report of the Director of Community Services as contained within report pages 78 to 86 which should be read in conjunction with these minutes as a composite document.

a) The Role of Building Control

The Head of the Built Environment introduced this report and asked Members to consider that the Role of Building Control could not be contained within 2 sides of A4. The report provided a historical analysis, reference to Building Regulations, their Application Compliance and Enforcement together with the Service Delivery and alternatives to Local Authority Building Control.

During the subsequent discussion, the following matters were focused upon:-

Independent Inspections as referred to on page 85 of the report. Mr Harbour indicated that approximately 15% of the total Building Control work within the Borough is carried out by Approved Inspectors independently of the Council

but this figure did not reflect the quality of the projected developments. In addition, only the Local Authority is required to publish a Scale of Charges, whereas independent Approved Inspectors are free to negotiate their fees privately with clients, and these may even be undertaken at a loss to the Inspector if for example it would lead to future work.

It was confirmed that whilst there may be some scope for shared services through the LABC Partnership Scheme, this Authority's Building Control Section only has responsibility for carrying out site inspections within the geographical area of Oadby and Wigston. It was confirmed that if an application were to revert to the Local Authority because an Approved Inspector cannot invoke Enforcement Powers, the Local Authority Building Control Section receive no fee for this. However, Mr Harbour confirmed that with the 85% market share the Building Control Section were able to achieve a financial "break-even" position for chargeable Building Control work.

Members were however concerned that this represented unfair competition. Mr Harbour advised the Panel that whilst there is a national model fee scheme, Local Authorities have always had the ability to vary these by plus or minus 10%, and in the last two years there appears to have been increasing flexibility in setting fees. In addition, there has recently been a consultation document regarding the future of Local Authority Building Control which is being considered by the Government. It was anticipated that one outcome of this would see autonomy in the setting of fees.

Also referred to in the discussion was the fact that there is no such thing as a "Stop Notice" on Building Regulations, although this is proposed in the consultation document, along with the imposition of fixed penalty notices, to avoid the potential for lengthy and unsuccessful enforcement.

Members concurred that this was an excellent report and should be regarded as a template to demonstrate the work of the Building Control Section. However, Members also wished to express their concern at the potential for the lost opportunity with regard to "blue chip" developments.

RESOLVED: That

- (1) The report be noted.
- (2) The Panel does express its concern at the consistency and stringency with which differing Building Control bodies are audited to ensure there is uniformity in the interpretation and application of the Building Regulations.
- (3) It is recommended that all Members of the Council receive a hard copy of this report.

The meeting closed at 7.30 pm