



**MINUTES OF A MEETING OF THE SUSTAINABLE GROWTH SCRUTINY COMMITTEE
HELD AT THE BOURGES/VIERSEN ROOM - TOWN HALL
ON 6 MARCH 2012**

Present: Councillors C Burton (Chairman), S Allen (Vice Chairman), N Arculus, J Peach, E Murphy, N Sandford

Also Present: Councillor Sue Day, Vice Chair of Strong and Supportive Communities Scrutiny Committee
Councillor G Casey, Member of Strong and Supportive Communities Scrutiny Committee
Jeffrey Pusey, Youth Council
Aileen Crosbie, Youth Council
Sean Hanson, Partnership Director, Serco
Mark Sandhu, Head of Customer Services, Serco
Belinda Evans, Customer Service Manager, Serco

Officers Present: Paul Phillipson, Executive Director – Operations
Peter Heath-Brown, Planning Policy Manager
Lisa Emmanuel, Neighbourhood Manager, South
Steven Pilsworth, Head of Strategic Finance
Carrie Denness, Principle Solicitor
Dania Castagliuolo, Governance Officer
Paulina Ford, Senior Governance Officer, Scrutiny

1. Apologies for Absence

Apologies were received from Councillor David Day. Apologies were also received from the Deputy Leader and Cabinet Member for Culture, Recreation and Strategic Commissioning and the Cabinet Member for Resources.

Members commented that they were disappointed that neither Cabinet Member was able to attend the meeting and requested that a letter be sent to the Cabinet Members advising them of the Committees disappointment.

2. Declarations of Interest and Whipping Declarations

Agenda item 5 - Peterborough 'Statement of Community Involvement', Neighbourhood Planning and Community Action Plans

Councillor Murphy declared a personal interest in that he was involved in the Neighbourhood Forums and was Programme Director for Gladstone Connect.

3. Minutes of meetings held on

- 10 January 2012
- 30 January 2012 – Joint Meeting of the Scrutiny Committees and Commissions - Budget

The minutes of the meetings held on 10 January 2012 and 30 January 2012 were approved as an accurate record.

4. Call in of any Cabinet, Cabinet Member or Key Officer Decisions

There were no requests for call-in to consider.

5. Peterborough 'Statement of Community Involvement', Neighbourhood Planning and Community Action Plans

At the invitation of the Chair and for item 5 only Councillor S Day and Councillor G Casey joined the Committee as representatives of the Strong and Supportive Communities Scrutiny Committee.

The Planning Policy Manager presented the report and explained to the Committee that the Statement of Community Involvement (SCI) was a statutory document that set out how the city council would involve the community in the planning process right the way through the preparation of plans through to planning applications. The SCI had originally been adopted in February 2008. The report being presented gave the Committee the opportunity to comment on a review of the SCI before being presented to Cabinet on 26 March 2012 to gain agreement to go out to public consultation. The SCI had been reviewed because there had been a lot of changes to the planning background. A number of new regulations had been issued by the Government over the last four years in particular to local development documents and more significantly the Localism Act. An example was a new duty on developers to consult with people on prospective planning applications before submitting the application. There was also a new section on Neighbourhood Planning. This section set out how the council intended to take forward the wide range of issues which came under the 'Neighbourhood Planning' section of the Localism Act. Neighbourhood Planning' had two principal elements:

- A '**neighbourhood development plan**', which was defined in the Localism Act as 'a plan which set out policies in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan'.
- A '**neighbourhood development order**', which was defined as 'an order which granted planning permission in relation to a particular neighbourhood area...for development specified in the order, or for development of any class specified in the order'.

A 'neighbourhood area' was either a Parish Council area (or part thereof) or, where a parish did not exist, an area as defined by a neighbourhood forum. The setting up of such 'areas' and 'forums' had their own set of procedures in the Localism Act, and must be completed before any neighbourhood plan or order was embarked upon.

There were alternatives to Neighbourhood Planning one of which was Community Action Plans.

Questions and observations were made around the following areas:

- Would the neighbourhood development plan be able to influence the amount of development money coming into an area? How would it work under the new system? *Members were informed that the whole system of planning gain in its current form would only exist for another two or three years. The Government had announced a change after April 2014 to a new system called Community Infrastructure Levy (CIL). This would be a system of securing funds from new development, pooling them and spending it on infrastructure. Work had been started on preparing a CIL charging schedule and this would be presented to scrutiny at a future meeting.*

- When would the SCI be adopted? Have you had anyone interested in putting forward a neighbourhood plan yet? *Members were informed that there had already been an expression of interest from Newborough Parish Council and there may be a period of working on the basis of the draft SCI before it could be adopted. It was anticipated that the SCI may be adopted in September / October 2012.*
- Members were concerned that the council may not be taking into consideration the massive changes that the implementation of the new Localism Act would bring about and wanted to see the Localism Act brought to a future committee to see how the Council were addressing the changes.
- Does the Council have any plans to change the name of the Neighbourhood Committees to Area Committees? *Officers were unaware of any plans to change the name of the Neighbourhood Committees.*
- Could a Neighbourhood Committee produce a neighbourhood plan? *Any part of Peterborough that was covered by a Parish Council would by default be able to put forward neighbourhood plan. No other body in that area would be able to put forward a neighbourhood plan. In unparished areas the geographic area of a neighbourhood plan could be decided by the local community. It would then be up to the council to decide if that was correct and influence the area if it seemed illogical or did not match a natural boundary. There was still an area of debate as to how the areas would be formed.*
- Members were concerned that the process seemed to give a massive advantage to Parish Councils and might disadvantage areas that did not have that structure. Some areas may not have the people with the ability to get involved in such processes. How was the council going to ensure that all areas of Peterborough had an equal opportunity to participate in this process. *Members were advised that the process that had been set out was based on the draft regulations and had been simplified as much as possible.*
- Members requested that Officers consider further how they would support areas that were not parished in this process.
- The new legislation puts a stronger obligation on the local community to consult when putting in a neighbourhood plan. In reality how would this work? *Officers advised that they were still waiting for the regulations to inform on what the legislation applied to. However it was believed that it would only apply to developments of 200 or more houses and schemes involving 10,000 sq metres of floor space. Therefore it would only catch big schemes. All applications would have to show how consultation had been undertaken and the outcome of that consultation including all objections.*

RECOMMENDATION

The Committee noted the report and recommends that the council concentrate its efforts in helping non-parished areas prepare for neighbourhood planning to ensure all areas of Peterborough have an equal opportunity to participate in the process.

6. First Interim Report on the performance of the Serco Partnership

The report informed the Committee on the first three months performance of the Peterborough – Serco Strategic Partnership. The Partnership Director from Serco was in attendance with the Head of Strategic Finance to present the report. Apologies had been received from the Executive Director of Strategic Resources who was unable to attend the meeting. The Committee were informed that a major piece of work being currently undertaken by Serco was the transfer of staff from PCC over to Serco however this had not affected performance of services. The performance had either been maintained or in some cases had improved. Serco was investing in Service Improvement Plans to drive service and a good example of this was working with Experian to improve debt collection. Serco had also undertaken the project management of the transfer of Adult Social Care Service back to the council.

Questions and observations were made around the following areas:

- Members questioned the use of Experian and wanted assurance that personal information held by the council was not being given to Experian. *Members were informed that personal information was not being given to Experian and that the council was using information that Experian held which was credit information. It was a credit checking exercise.*
- It had been noted by Members that there was an amount of between £3M and £4M which would be given to Serco for a computer system. Could clarification be provided as to what the computer system was for and what benefits the council would receive in return? *Members were advised that the sum of money was not just about buying a computer system it was also about investing in a Customer Relationship System and driving forward transformation to achieve significant efficiencies. Over the life of the contract the efficiencies would out way the investment many times.*
- When people contact the council to make a complaint were people aware that they were not talking to someone from the council but someone from Serco. Had this caused any problems? *The Partnership Director advised that there had been no concerns expressed so far. There had been a deliberate decision when starting the partnership to present as Peterborough City Council to service users not as partners so that people believed they were contacting the council.*
- What capital efficiencies would the partnership with Serco deliver? *Members were informed that the strategic property team had transferred into Serco. Using the strength of Serco for procurement arrangements would enable better deals in the future.*
- Do capital efficiencies make their way back to the council? *All capital efficiencies would benefit the council. They would be a direct benefit to the council not to Serco.*
- Had an assumption been made on how many people were claiming a 25% single persons discount on council tax that were not eligible. *An assumption had been made in order to calculate the savings that could be made. The information could be provided to the Committee after the meeting.*
- A Member had noted that from December 2011 Housing Officers were responding to queries with an automated impersonal response not by a named officer. This was a big change in service and some service users were not happy with the new arrangement. *The Executive Director of Operations advised that the Housing Team had not transferred over to Serco. Housing Allocations were still part of the Operations Directorate.*
- Some of the Community Halls in Peterborough had been presented with business rates bills when they were exempt. How did this happen and how had it been addressed. *The Partnership Director advised Members that Serco had been looking at the processes with regard to looking after community assets and community halls. This was to ensure that those centres that were supported by volunteers were flagged so that special care was taken to ensure they did not receive a summons. He requested that if Members knew of any examples where this had happened they were to contact him.*
- How many more people had got jobs in Peterborough because of Serco? *The Partnership Director advised that there would be some good news with regard to this in the next few weeks but at this point he could not mention anything.*
- To what extent were Serco governed by the council's corporate policies like the Environmental, Climate Change and Biodiversity policies. *The Partnership Director advised that Serco were the representatives and agents for the council and therefore were bound by the council's policies and had pledged through the partnership to commit to them.*
- Did Serco follow the Corporate Complaints process that Peterborough City Council had in place? *The Partnership Director confirmed that they did and all complaints went through the council process. The Central Complaints Unit recorded all complaints including Stage One complaints.*
- What support did Serco provide for the Adult Social Care transfer? *Serco provided project management support.*

The Chair congratulated Serco on maintaining and in some cases improving performance during the first three months that they had been in place.

ACTION AGREED

The Committee noted the report and progress made during the first three months of the partnership and:

- (i) Requested that the Partnership Director provide a quarterly report on the Peterborough – Serco Strategic Partnership to the Committee.
- (ii) The Partnership Director to provide information to the Committee on how many people were claiming 25% single persons discount on council tax who were not eligible in Peterborough. Information was also requested on how Peterborough compared to other authorities in this regard.

7. Complaints Monitoring Report

The report provided the Committee with a summary of formal complaints monitored between 1 April 2010 and 31 March 2011 which fell under the Corporate Complaints Policy. The report also included compliments received. The report also provided the Committee with the annual report from the Local Government Ombudsman (LGO) about the council's performance on complaints. The annual report had shown that the speed of response to LGO enquiries had improved from 29 days to 22 days and there were no findings of maladministration against the council throughout the year. The LGO had upheld the council's decision in every one of the 11 cases that had been subject to a stage 3 investigation.

Questions and observations were made around the following areas:

- Could you explain the reasons behind the recorded increase in complaints from 366 to 416? *Members were informed that the increase in stage one complaints had been small in percentage terms. For example the number of telephone calls and face to face interviews completed during the year by customer services had been in excess of 563,000 which equated to one recorded complaint for every 8,661 contacts. The number of customers accessing the council's services had increased over the last year but this did not mean that the number of contacts had increased.*
- Was enough being done to inform people of how to complain? *Members were informed that it was not necessary to advertise that there was a Central Complaints Department. The idea was that someone wishing to make a complaint could complain to any member of staff and they would know how to deal with the complaint. 90% of complaints were dealt with at Stage One. There was also information on the PCC website of how to complain. Staff had been trained to deal with complaints and in most cases could resolve them in the first instance.*
- Members were pleased to see that compliments were being recorded but wanted to know how a compliment was defined. *Compliments were recorded on a monthly basis from each department and they ranged from people writing letters, customer satisfaction surveys and phone calls to Managers about a personal service they had received.*
- A Member advised that he often received complaints from his constituents but because he dealt with them as part of his case load it meant that the complaint was not logged. Should Councillors log these complaints? *The Head of Customer Services advised that some complaints received by Councillors may not be logged. However it may be that the person complaining may have already logged a complaint but had not been satisfied with the outcome and therefore had gone to their Councillor. The Head of Customer Services suggested that the Councillor take part in a pilot and log his complaints with the Complaints Department to assess whether the complaints he had received had already*

been logged. The Chair advised that he would bring this up at the Members Working Group.

- *Was there a system in place to follow up on customers who complained to see if they were satisfied with the way their complaint had been dealt with? Customer Satisfaction surveys were sent out and 150 telephone calls were made back to a random selection of complainants.*
- *What scope do the front line staff have for following through with customers? Members were informed the ethos was that all staff would be empowered and skilled enough to deal with the call right first time. The aim was always to exceed the customer's expectation. Satisfaction levels were high due to the development of the staff and the support that they were given.*

RECOMMENDATION

- (i) The Committee noted the report and;
- (ii) Recommends that the Head of Customer Services pilot over a period of time with members of the Committee if the complaints they receive have already been logged with the Central Complaints Department.

8. Consultancy and Interim Policy

The report provided the Committee with the final draft Consultancy and Interim Policy for recommendation to Cabinet for approval. The policy had previously been presented to the Committee in draft format at its meeting on 8 November 2011 and a number of comments had been made. The policy had since been redrafted to include the comments made and was now being presented as a final draft to the Committee. The report included how the Members comments had been taken into account in the revised policy draft.

Questions and observations were made around the following areas:

- *How does the policy address the Equal Opportunities Policy of the Council? Has an equality impact assessment been undertaken? Members were advised that equality impact assessments were undertaken on the project that the consultant would be working on. The use of Consultants as outlined in the policy did require a specific tendering process or to use an existing framework contract of which the appropriate equalities tests would have been undertaken.*
- *When employing individuals on an interim basis how common was the practice of paying them through a limited company rather than as an employee. Members were advised that where people had been brought in under a contract for services they could not be paid as an employee they would have to be paid according to the contract that they had entered into. In some cases a limited company would be paid and they in turn would pay the consultant.*
- *Members commented that when employing interims and consultants the council usually paid significantly more than if employed directly as an employee of the council. Members were informed that as part of the Consultants review there were various examples identified of how value was delivered through the use of consultants and the level of savings that they have contributed to. Regarding the rates of pay for interims a full disclosure of how this compared to employing directly by the council was disclosed within the review. The sort of roles being filled were very few (three senior managers at the time of the review) and these provided value, best practice and quality of service. This was however continually challenged to ensure they continued to provide value.*
- *Members were concerned as to why the code of conduct could not be applied to a contractor? The Head of Strategic Finance read out a statement from the Head of Legal Services in response to the question.
"As officers we are bound by our contract of employment to abide by the councils policies. If we don't abide by those policies we are in breach and disciplinary action can follow. The requirement to declare a conflict of interest in any contract arises under*

financial regulations and the officer code of conduct. Both policies apply to officers. Consultants can not be engaged under a contract of employment but are engaged under a contract for services. It is that terminology in law which distinguishes them from employees”.

The Head of Strategic Finance advised members that a code of conduct was applied through the tendering process and the contract. Some policies were specifically required in certain tender processes. If there was a conflict of interest that contractors were aware of during the tendering process or even a potential conflict of interest then they were required to declare that in the process. If they were a successful contractor then they would be required to sign up to the contract terms and if such conflict arose during the course of the contract then they must declare it at the first opportunity. If it is not declared they would be in breach of the terms and conditions and there would be an opportunity to cancel the contract and seek any damages that may have arisen.

RECOMMENDATION

The Committee:

- (i) Endorse the Consultancy and Interim Policy; and
- (ii) Recommend the adoption of the Consultancy and Interim Policy to Cabinet; and
- (iii) That the Audit Committee monitor the implementation of the Policy

9. Forward Plan of Key Decisions

The Committee received the latest version of the Council's Forward Plan, containing key decisions that the Leader of the Council anticipated the Cabinet or individual Cabinet Members would make during the course of the following four months. Members were invited to comment on the Plan and, where appropriate, identify any relevant areas for inclusion in the Committee's work programme.

ACTION AGREED

To note the latest version of the Forward Plan.

CHAIRMAN 7.00 - 9.10 pm

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