



Buckinghamshire County Council

Minutes

OVERVIEW & SCRUTINY COMMISSIONING COMMITTEE

MINUTES OF THE OVERVIEW & SCRUTINY COMMISSIONING COMMITTEE HELD ON TUESDAY 8 SEPTEMBER 2009, IN MEZZANINE ROOM 3, COUNTY HALL, AYLESBURY, COMMENCING AT 10.03 AM AND CONCLUDING AT 12.23 PM.

MEMBERS PRESENT

Mr B Allen, Mr P Cartwright (VC), Mrs A Davies, Mr M Edmonds, Mr T Egleton (C), Mr P Hardy, Mr N Hussain, Mrs B Jennings, Ms R Vigor-Hedderly and Mr M Appleyard (Non Voting)

CO-OPTED MEMBERS PRESENT

Mr R Davey and Mr M Moore

GUESTS PRESENT

Mr M Tett and Mrs M Clayton

OFFICERS PRESENT

Ms K MacDonald, Ms H Wailling, Mrs K Woods, Mr M Dickman, Mrs D Munday, Mrs K Sutherland, Mr M Chard and Mr D Spencer

1. APOLOGIES/CHANGES IN MEMBERSHIP

Apologies were received from Mrs W Mallen.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. THE FOLLOWING WILL BE REGULAR ITEMS FEATURING ON THE COMMITTEE'S AGENDA:

Public Platform

The Committee was informed that there will be an opportunity for members of the public to put their point of view to the committee about matters on its agenda. It had been previously suggested that each person have a maximum of three minutes, however it was agreed that this should be four minutes with a maximum overall time limit of 16 minutes. The Chairman will be expected to respond within 7 working days detailing any course of action resulting from the representation.

Councillor Calls for Action

Any Councillor is able to present issues of concern to the Committee on behalf of their local community.

Cabinet Member decisions/Forward Plan

The Chairman invited Members to monitor a Cabinet Member portfolio area to alert Members to forthcoming important or controversial Cabinet or Cabinet Member decisions. Mr P Hardy asked if the Committee could in addition consider the County Council Forward Plan, commenting that this would highlight forthcoming items which may also influence a Councillor call for action. Members would receive an update at the next meeting of the Commissioning Committee regarding which Committee Member would be monitoring each Cabinet Member portfolio area.

Call-ins

Any potential call-ins of key decisions will be discussed

Chairman's Update

The Chairman will have the opportunity to bring the Committee up to date on any relevant matters of interest.

4. REMIT OF THE OVERVIEW AND SCRUTINY COMMISSIONING COMMITTEE

The Chairman informed the Committee that the remit of the Committee will include holding partners such as the Crime and Disorder Reduction Partnership known as the Safer Bucks Partnership to account for the decisions it takes.

Members had a discussion regarding the inclusion of 'maintaining an overview of the Buckinghamshire County Council Corporate Plan' within the remit of the Committee. It was noted that the remit of the Committee is part of the Council's Constitution and that the Commissioning Committee was not able to make amendments to the Constitution. The Chairman said that in his opinion the Corporate Plan should guide the actions of the Council and stated that consideration of the Corporate Plan is already covered within the overall terms of reference of the Overview and Scrutiny Commissioning Committee.

Ms A Davies commented on the position of the Corporate Plan and said that the Committee should be using these policy documents as yardsticks.

Members NOTED the remit of the new committee, as agreed at Full Council on 23 July 2009.

5. ENERGY FROM WASTE INITIATIVE

Mr M Tett, Cabinet Member Planning and Environment, Mr M Dickman, Waste Management Service Manager and Mr D Spencer, Communications Manager attended the meeting to inform members of the processes followed to select the preferred bidder for the Energy from Waste initiative and to outline how the decision will be communicated.

The Cabinet Member introduced the item and highlighted that the Energy from Waste initiative had previously been discussed at the Overview and Scrutiny Committee for

Community and Environment on the procurement process and evaluation of Detailed Solutions on 9 July 2008 and on the evaluation of Final Tenders on 28 January 2009. The Cabinet Member informed the Committee that Cabinet took the decision back in January 2007 and that before Cabinet took the decision to proceed with the project, technology advisors were appointed to analyse both options to treat municipal solid waste and that the Project Team was supported throughout the process by specialist legal, technical and financial advisors.

Following that decision the procurement process has been followed. The procurement process had now identified two potential suppliers namely Covanta who is based in the USA, with a proposed site in Bedfordshire and WRG which is a Spanish owned company with a site proposed in Calvert, Buckinghamshire.

The Cabinet Member informed the Committee that the County Council had been advised by experts at each stage of the process and assured Members that the County Council will be communicating pro-actively to Members, the press, the wider media and the public to inform them what to expect at the Cabinet meeting and once Cabinet had reached its decision the reasons for that decision. After Cabinet an email will be distributed to all key County and District Councillors. The Cabinet Member said the key was to ensure that the County Council communicated directly and as openly as possible with key stakeholders.

Members asked the following questions:

Since the decision was made to go down a particular route, you are likely to hear that technology has changed as the process has been lengthy. Are you confident incineration is still the best option?

The Cabinet Member commented that the public procurement process is a lengthy process but highlighted that it is a statutory process. The Cabinet Member said that there had been a very comprehensive analysis undertaken by a waste management specialist to assess all the options and advise the Council on a wide range of waste treatment technologies. The Cabinet Member said he had also visited a gasification plant in Bristol and that results consistently showed that thermal treatment solutions which include gasification, plasma gasification and EfW, combined with improved recycling and collection processes, were the best solution. The Official Journal of European Union (OJEU) stated that thermal treatment technology should be used for Buckinghamshire and that only one bidder came forward with anything other than incineration. That bidder also then subsequently dropped out.

Would the County Council be in a position of being vulnerable in that so much had changed the money might be better off being spent elsewhere such as on composting?

The Cabinet Member said that composting applications were previously submitted but ended as failed bids as they were pulled by bidders. It was not the County Council who had pulled the bids. The Committee was advised that a 'do nothing' scenario was looked at and there was consideration regarding whether it would be a viable position to continue or not with incineration. To 'do nothing' would result in increases to council taxes in the future and it was decided that it was better for the County Council to build an incinerator than a 'do nothing' scenario.

Would Members be able to see the sensitivity analysis and would you be able to inform Members of the figures if something becomes unviable?

The Cabinet Member said this was completed for Landfill Allowance Trading Scheme

(LATs) and that Mr M Dickman had also looked at landfill tax. When looking at the figures a pessimistic, optimistic and normal position were considered. The Council has a good recycling record, which currently stands at 43% of all municipal waste. However landfill tax has risen year on year and due to the current economic situation this cost is likely to increase further.

Has a transport analysis been undertaken for the waste facility regardless of whether it is to be in Buckinghamshire or Bedfordshire?

The Cabinet Member said that transport is a key issue. In terms of the overall structure of a plan, instead of all dust carts going to the plant the waste will be consolidated. The Planning and transport teams have looked at incremental volumes and sites affected. Mr M Dickman also advised that both bidders had been asked for information on their transport plans and had submitted them with their final tenders.

Looking at the decision notice on the website, there is a lot of information which has been censored. Can you confirm that the business case will be made available to Members of the Committee prior to the end of the 'Call in' period?

The Cabinet Member said that he would need to take advice on disclosure as there is information provided from the bidders such as pricing information. He suggested that relevant County Councillors apply for relevant information. A Member commented that all County Councillors should be considered relevant and that Members should consider Buckinghamshire as a whole in relation to decisions. The Cabinet Member said he would take advice from Mrs A Davies, Head of Legal and Democratic Services and the bidders regarding what information can be disclosed.

After the decision for the preferred bidder has been made, the planning process should commence. Has the County Council considered this as part of the process?

The Cabinet Member commented that one of the key aspects taken into account in determining the decision is 'deliverability'. However he highlighted that the planning process was not part of Cabinets role and that a separate statutory body would be required to consider this issue in further detail. Mr M Dickman told the Committee that planning and deliverability were considered the biggest risks by Officers involved in the project.

Both of the proposed sites for the project will have an affect on transport around the County and impact on rural routes. Can Members be assured that this has been considered seriously?

The Cabinet Member said that transport impacts have been considered in the evaluation of both bids and that it will also be a key consideration in relation to any planning applications and that this will be for the Development Control Committee relevant for the proposed site to consider in greater detail. Mr M Dickman told the Committee that although the transport impacts of either proposal were important in the consideration of the best bid it couldn't be taken in isolation. The Officer advised that you had to look at the overall impact of the proposal in terms of Co2 emissions and when you consider that there will be a reduction of Co2 from the EfW plant compared to landfill, that therefore reduces the transport impacts.

The Committee was advised that the County Council had communicated to County Councillors, District Councillors and Parish Councillors throughout the process.

Mr D Spencer, Communications Manager informed the Committee of the Communications Strategy and highlighted that Members had received a list of

stakeholders with whom the County Council will communicate with following Cabinet's decision on 14 September, which includes:

- All Bucks County Councillors
- All Bucks Town and District Councillors
- All Parish Council clerks
- All Bucks MPs and MEPs
- News release to local, regional and national media
- Press conference and interviews given by Martin Tett
- Environment Agency, Primary Care Trust, SEEDA
- Central Bedfordshire Council (regardless of the decision)
- Manager Brief, Team Brief and Changing Times
- Local Area Forums

The Chairman thanked the Cabinet Member and Officers for attending.

6. SECONDARY SCHOOL CATCHMENT AREA REVIEW 2009

Mrs M Clayton, Cabinet Member for Achievement and Learning, and Ms D Munday, Admissions and Transport Manager attended the meeting to brief members on the forthcoming review of secondary school catchment areas and talk through the methodology that will be followed, including the criteria for the review, how the consultation will be carried out and the timescale.

The Cabinet Member introduced the item and informed Members that the last major review of secondary school catchment areas was in 2003, which in terms of what is happening with schools is a relatively long time ago.

The Cabinet Member highlighted the following areas which would need to be considered in the review:

- Housing Growth
- The Academy – as this may have an impact on parental preference
- National Challenge Schools – Buckinghamshire started with 8 schools and now have 2. There will be a need for intervention in these schools.
- Foundation Schools – which may affect the ability to set catchment areas. The schools will work in partnership with Buckinghamshire County Council but their catchment areas might change
- Demographic Shifts – population projections indicated that there would be a reduction in the South and an increase in the North. These figures are constantly changing
- Changes in other authorities Catchment areas – Edge of County catchments need to be monitored
- Financial situation – an increase in parents wanting a place in state school for their child, rather than continuing in an independent school. This puts pressure particularly on secondary school places.
- Restriction on expanding grammar schools under the current government.

The Cabinet Member advised the Committee that the review would be conducted by an independent consultant – Mr A Parker and read out some of the achievements and bodies he had worked with, which included acting as a schools adjudicator.

The Chairman commented that he was pleased an independent person would be carrying out the review.

Members asked the following questions:

If the Independent consultant suggests rigid policies such as boundaries which run through the middle of streets, would this see the County Council returning to a rigid boundary policy as opposed to parental preference which might increase the number of appeals?

The Cabinet Member said that parents have a statutory right to express a preference and the authority has a duty to offer the highest preference possible. Boundaries are a guidance tool to ensure that as many parents/pupils as possible are offered their first preference school, which is presently very high at around 93%. (*Addendum: subsequent to the meeting Ms D Munday confirmed that last years figure stood at 92%*)

The County Council has to conduct the review openly and transparently. If there is informal consultation, will Mr A Parker, the consultant be available to members of the public who may wish to make and comment on recommendations?

Mr A Parker will be available to members of the public. He made it very clear that he wants to hear the views of the public as well as County Council Members, schools and governing bodies. Ms D Munday highlighted that one of the functions of a schools adjudicator is to look at the validity of opinions expressed and not just the volume. The Cabinet Member commented that the consultant will take a professional view but that ultimately Buckinghamshire County Council will make any decisions.

Are Catchment areas a thing of the past? Is the 14-19 Strategy and parental preference shifting the focus away from catchment areas and will the consultant be allowed to think outside the box and throw all the pieces in the air?

The consultant will be positively encouraged to think outside the box and take a fresh look at catchment areas. Ms D Munday said that catchment areas are one of the tools regarding prioritisation. The Officer commented that catchment areas are useful to ensure local schools service local pupils. The 14-19 strategy will have an impact but pupils are required to register a school although part of their study may take place elsewhere.

Couldn't pupils be part of a group of schools?

The Cabinet Member said she would not pre-empt any decisions which the consultant may make.

There appears to be a problem north of Aylesbury as there are few secondary schools and a growing population, which also creates transport issues as it is not unusual for pupils to spend upto an hour and a half travelling to and from school.

The Cabinet Member agreed that there are few secondary schools north of Aylesbury and that growth will affect pupil numbers. The Committee was advised that Mr C Munday and his team have been undertaking a review in relation to this which has identified the need for 3 new secondary schools, the location of which will be critical.

You mentioned the demographic changes in Aylesbury, Wycombe has seen tremendous changes such as a huge increase in the Asian population and Cressex school is not easily accessible north of Wycombe. Schools are also specialising and this is one area where catchment areas fail as a school might be out of catchment for a pupil who wants to attend a school with that specialism. Could Buckinghamshire County Council's admission policy be

more flexible as for some pupils out of catchment schools may be easier to travel to?

Specialist schools are able to select up to 10% of pupils on the basis of aptitude in their specialism. The testing of specialisms is prescribed in the Admissions code as schools have to be careful to select on the basis of the specialism and not other factors.

I am concerned about the timescale of the exercise as the review will need to be agreed by early next year in time for implementation for the next academic year. There does not appear to be sufficient time to consider all the issues such as housing growth and the need to consult. Is the timescale sufficient for the consultant to address all the issues?

The review will identify the issues and make recommendations; then it will be the responsibility of the Cabinet Member for Achievement and Learning to make any decisions. There is a statutory obligation to consult and the earliest we can look at implementing is for admissions in September 2011.

Why can't we scrap catchment areas as we have the fallback of distance anyway?

Distance would not work for all areas. For example Dr Challoners grammar school is located on the edge of the County and some of the closest areas to that school are Chorleywood, Rickmansworth. In this instance distance would not provide the same protection to pupils in the Chalfonts area as a catchment area would. Anomalies like these need to be considered.

What remit are you going to give the consultant? Can you assure us it will be a radical review as opposed to quick wins?

This is a radical review, out of which we are hoping some quick wins might be possible. He has not been asked specifically to locate quick wins but hopefully during the review he will find some.

A Member commented that the County Council has undertaken two of the most difficult reviews: Secondary schools catchment areas and School Place Planning framework. He said that in his opinion the work on School Place Planning is most impressive and highlighted the need to keep Members and the Commissioning Committee updated as the primary planning will also affect secondary school provision.

7. WORK PROGRAMME DISCUSSION

The Committee considered and discussed their priorities for the work programme for the coming year.

The Chairman explained his view on the purpose of Overview and Scrutiny, describing it as a critical friend, providing a check and balance on Cabinet, to drive improvements and add value to the work of the Council.

The Chairman suggested that it might be useful for the Committee to look at statutory and discretionary spending of the Council. He highlighted that it will be a difficult task as in some areas there may not be an absolute definition of what is statutory and discretionary. He suggested when looking at statutory services Members might like to consider the level and type of services provided. He proposed that the Committee split into four groups to gather information, with each looking at the following portfolio areas:

- Children and Young People
- Adults and Family Wellbeing
- Communities and Built Environment
- Business and Customer Transformation

The groups will interview the Heads of Service to obtain an officer view on what is statutory, what is discretionary and what services they provide. Following the initial information gathering session two task and finish groups will be set up and other County Councillors will be encouraged to be involved.

Members had a discussion on the suggested scrutiny review. A Member asked if it would be possible to have a clear definition of statutory and discretionary to ensure a clear and consistent view on the terms. In response it was suggested that Members discuss this issue in further detail at an information gathering session. Concern was raised that as the County Council delivers so many services it may not be possible to review statutory and discretionary spending.

The Chairman also highlighted that the Committee have the annual budget to scrutinise and suggested a task and finish group be set up to consider this. This task and finish group will need to meet for three days in the middle of January 2010.

A Member stressed the importance of encouraging all County Councillors to get involved in the scrutiny reviews and said that the Committee should be more strategic.

Members were also invited to consider whether locality working should be reviewed. Members agreed to add this to the Committee work programme.

It was highlighted that the Committee may have a wider remit, with the need to scrutinise areas which involve partners and that for some task and finish groups the Committee will need to consider whether District Councillors be invited to attend. Members discussed whether a review of the Local Area Agreement (LAA) would be a possible review topic and to consider inviting District Councillors.

Action: Ms K Woods agreed to provide Members with a briefing paper on each of the areas highlighted as possible areas to scrutinise.

The Chairman asked Members to advise him which of the four portfolio area groups they would like to join.

It was agreed that an information gathering session be arranged for Tuesday 15 September. The Chairman informed the Committee that the Task and Finish groups will be monthly public meetings with minutes produced as an accurate record.

8. DATE OF NEXT MEETING

The date for the next meeting is Tuesday 6 October 2009, 10.00am, Mezzanine 2, County Hall, Aylesbury.

CHAIRMAN