

# Minutes

## OVERVIEW & SCRUTINY COMMISSIONING COMMITTEE

**MINUTES OF THE OVERVIEW & SCRUTINY COMMISSIONING COMMITTEE HELD ON TUESDAY 10 NOVEMBER 2009, IN MEZZANINE ROOM 3, COUNTY HALL, AYLESBURY, COMMENCING AT TIME NOT SPECIFIED AND CONCLUDING AT TIME NOT SPECIFIED.**

### 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, Mrs W Mallen and Ms R Vigor-Hedderly

### CO-OPTED MEMBERS PRESENT

Mr J Bilson, Mr R Davey and Mr M Moore

### GUESTS PRESENT

Mrs M Baldwin, Mr F Downes and Mrs V Letheren

### OFFICERS PRESENT

Mr M Chard, Clarke, Ms K MacDonald, Mr G Morley and Mr M Woods

#### 1. APOLOGIES/CHANGES IN MEMBERSHIP

Apologies were received from Mr M Appleyard, Mr J Bajina and Mr P Monk.

#### 2. DECLARATIONS OF INTEREST

Mr P Cartwright declared a personal interest as a Member of the Chiltern Civil Enforcement Group.

Mr M Edmonds declared a personal interest as Cabinet Spokesman for Countryside and a Member of the Programme Board established to investigate alternative means of managing the Country Parks and Green Spaces.

#### 3. MINUTES

The minutes of the meeting held on 6 October 2009 were confirmed subject to the



following:

Page 3, paragraph 4, line 2 should read "cut to service 40" not 459 and page 3, paragraph 4, line 3 should read "cut to bus service 459 and 40" not just 459.

The minutes of the meeting held on 20 October 2009 were confirmed although Members made the following comments;

A Member said that all County Councillors should be allowed to attend any meeting and any closed sessions of those meetings. Members discussed that any Member should be able to attend but not participate. The Chairman asked if Regulatory and Audit could look at this issue to see if the Council's Standing Orders require amending.

**Action: Clerk to highlight discussion to Anne Davies, Head of Legal and Democratic Services.**

#### **4. PUBLIC PLATFORM**

The Chairman agreed that a written representation regarding rural bus services submitted by Mr J Mole, Oakley Parish Council could be taken under the public platform agenda item.

Copies of the representation were tabled at the meeting.

The Chairman suggested that as the representation raised issues regarding bus services this item could be taken under agenda item 8 which considers this issue. The Cabinet Member for Transport would then be asked to send a written response to Mr J Mole.

A Member asked for clarity on whether Mr J Mole was speaking on behalf of Oakley Parish Council or as an individual.

**Action: Clerk to clarify.**

#### **5. COUNCILLOR CALLS FOR ACTION**

There were no Councillor Calls for Action.

Mr N Hussain advised that at the next meeting of the County Council the constitutional amendments will be proposed and that a briefing note will be written. Training will then be arranged after Christmas.

Mr P Hardy informed the Committee that the constitutional amendments will be discussed at Regulatory and Audit Committee on 16 November 2009 and said that any Member who wishes to attend the Committee is welcome to do so.

#### **6. CABINET MEMBER DECISIONS/FORWARD PLAN**

Mrs R Vigor-Hedderly advised that there was a Decision To Be Taken on the Civil Enforcement Policy. The Member said that the Cabinet Member for Transport is asked to agree that the Policy be placed on the Buckinghamshire County Council website and be subjected to consultation via the County Council website and include a Press Notice. Mrs R Vigor-Hedderly said that she would like to see the consultation pushed further to include District and Parish Councils.

The Chairman said that the consultation should follow the County Council consultation

process and highlighted that the consultation process is one of the items on the work programme for the Commissioning Committee.

Mrs R Vigor-Hedderly said that the document was published on the 2 November and that comments were due by the 9 November. She said that an extension of time was required.

**Action: Policy Officer**

*[Addendum: Post meeting note:*

*To clarify the Cabinet Member decision on the 'Civil Enforcement Area – Parking Policy and Enforcement' is around the following recommendations:*

***The Cabinet Member for Transport is invited to AGREE:***

- the draft 'Civil Enforcement Area – Parking Policy and Enforcement' document should be placed on the BCC web site;*
- the document should be subjected to consultation via the BCC web site and include a Press Notice;*

*The period of 2-9 November was around the decision to place the policy document on the public website and is not in relation to the consultation on the civil enforcement area policy document as a whole. The consultation for this document will occur over the next 3 months.]*

Mr P Hardy advised that the decisions for Resources included the outline business case for the Academy at Quarrendon and the Resources Service Plan 2009/10. It was highlighted whether the Overview and Scrutiny Commissioning Committee should have a way of dealing with Service Plans. The Chairman invited suggestions on how the Commissioning Committee could deal with Service Plans, which are regarded as the operational plan for each portfolio area. A Member suggested that Members who have each agreed to monitor a portfolio area for the Forward Plan and Cabinet Member Decisions could also look at the Service Plans. The Chairman said that the Committee needs to think about how it deals with Service Plans in the future and that a system needs to be agreed. He suggested adding the item to the Committees forward plan.

**Action: Policy Officer**

## **7. CALL-INS**

There were no call-ins.

## **8. BUS CONSULTATION**

Val Letheren, Cabinet Member for Transport and Andrew Clarke, Group Manager for Transport attended the meeting to answer Members' questions in relation to how the County council consults on changes in bus routes.

The Cabinet Member informed the Committee that after years of being able to meet inflation, last year in the MTP, the Transport service area had to face major decreases. This year however bus contracts are not subject to further decreases. The Cabinet Member said that the more people who have concessionary travel on buses, the less viable the service becomes as commercial contractors do not want to run these services. In rural areas bus services have a number of concessionary travellers totally approximately 40-90% of service users. These services may have increased capacity

but decreased revenue.

The Committee was informed that in LTP2 the Transport service area consulted on how they ran services and issues are addressed. The Cabinet Member said that when they are required to look at how money is spent there are guideline criteria for evaluating supported bus services which are used. Hard copies of the criteria were provided to Members of the Committee.

In relation to the recent changes in rural bus services, the Cabinet Member said she had looked at the letter which was sent to Parish Councils and said that in retrospect the letter could have been written in softer tones and apologised. The Committee was advised that given the consultation period covered the month of August an extra two weeks was provided for the consultation period totally eight weeks instead of six.

The consultation on how services are run was done in LTP2 and the service area is now developing LTP3. The Cabinet Member said that it was necessary to have a look at the rural bus network and informed the Committee that a seminar or workshop was to be run in December. She said she will let Members know the dates once agreed.

The Chairman informed the Cabinet Member of the letter received by the Commissioning Committee from Mr J Mole, Oakley Parish Council. Mr M Edmonds advised that Oakley Parish Council was within his local area and that he has spoken to Oakley Parish Council and other Parish Councils within his area and that they informed him that they had not received the letter from Transport and was unaware of the proposed changes. The Cabinet Member said that she had met with Mr J Mole and a representative from Brill Parish Council. She highlighted that the bus service in question only ran on a Friday to Bicester. Brill Parish Council had indicated that they were willing to contribute a sum towards the continuation of the service and Mr J Mole had informed the Cabinet Member at the meeting that he would go back and speak to his Parish Councillors regarding also making a contribution. The Cabinet Member was awaiting to hear from Mr J Mole.

Members then asked questions and the questions and answers are summarised below:

**Many Parish Councils have reported that they did not receive the letter advising of the bus changes. How do you decide who to consult with?**

Letters were sent to Parish, District and County Councillors and responses were received. The Cabinet Member said that she understood from the discussions that most Parish Councils have email addresses and that in future Parish Councillors will be contacted by post and email.

**Did you put up a notice in the actual buses whose services would be affected inviting comments?**

An information sheet was produced but this is a good idea which will consider for the future.

**Many villages have parish magazines or newsletters. You should consider including any information in these or putting a notice on the bus shelters.**

We are intending to put some small modifications on the website and keep local Members informed.

**The Workshop/seminar is very short notice. How are elderly residents expected to attend this in Aylesbury? Can you visit the Parishes?**

We will be attending Local Area Forums (LAFs) and involving users, Parish Councils and local Members where possible.

**Iver doesn't have a LAF, how do you propose to contact them?**

For areas without LAFs visits to the Parish Councils, or public meetings could be arranged.

**The decision making process needs to be made clearer to interested parties. In the recent bus consultation process it was not clear whether interested parties were being 'consulted' on the decision to cut bus services or whether the decision itself was already made and 'consultation' involved influencing the proposed changes.**

The criteria used are a guide and the service area continually receives feedback. There is further work to be done in this area.

**Was it right to cut £400k from bus services when there are other discretionary services which possibly should have been cut first. Hopefully Cabinet colleagues will learn from this exercise that the decision regarding what services should be cut should be considered in greater detail before any decisions are made.**

It is not an easy decision when cuts have to be made. Hopefully with LTP3 we have changed direction.

The Chairman commented that important issues were raised during the discussions and that with future pressures the County Council needs to make real informed decisions and not sweeping cuts to services budgets. He said he was encouraged that the Cabinet Member acknowledged the problems regarding the consultation process and that there should be greater involvement of the public. The Chairman asked the Cabinet Member if she could put some thoughts in writing regarding how consultations are going to move forward in the future.

Mrs R Vigor-Hedderly commented that the Councillor Call for Action which she had previously raised still had outstanding issues and asked where she goes from here. The Chairman said she should discuss this with the Cabinet Member for Transport and that if her issues remained unresolved she could raise the issues at a future meeting of the Overview and Scrutiny Commissioning Committee.

**9. FUTURE DIRECTION OF COUNTRY PARKS AND GREEN SPACES**

The Chairman welcomed Mr M Woods, Group Manager, Countryside and Heritage.

The Chairman advised that the Officer was invited to attend as Members raised concerns at the previous meeting of the Commissioning Committee regarding Member involvement in the process of investigating alternative means of managing country parks and green spaces.

Mr M Woods introduced the report and advised that the Programme Board representing a range of stakeholders has been established to investigate alternative means of managing the Country Parks and Green Spaces. The Programme Board had met twice by the time the issue was discussed at the previous Commissioning Committee and the Programme Board asked that a report be compiled for Cabinet. Cabinet received the report of the Cabinet Member for Planning and Environment outlining proposals for the nominated Programme Board and agreed the recommendations.

The Project has been put forward to consider ways to manage Country Parks and Green Spaces and there are various possible outcomes. Market sounding and testing has been completed and meetings will be arranged with various organizations including the National Trust and other Trusts which operate in and outside of the County. It was noted that it is unlikely that a single organization will want to manage all the sites.

Mr M Edmonds advised that the Cabinet Member for Planning and Environment had asked him to look at this issue as Cabinet Spokesman.

Members then asked questions and the questions and answers are summarised below:

**Milton Keynes Council have open spaces, many of which are run on a Trust basis of which Milton Keynes Council sit on. Would it be useful for the Commissioning Committee to talk to Milton Keynes Council so we are more informed of our options?**

The Chairman said that it might be too early for the Commissioning Committee to undertake this until some options are developed.

**Mansfield Farm in Iver has a tenanted farm what would happen to the tenanted farm should the Parish Council consider managing the land?**

This is not such a good example as it is in-hand woodland with limited public access. However, some of the sites are quite large and fairly costly to manage such as Black Park and Langley Park which make up most of Wexham Parish Council. In this instance it may not be appropriate for the Parish Council to manage as the Parks are so large. Parish Councils will be contacted individually where details of the project will be communicated to them and the question posed regarding whether they would consider managing any of the Country Parks or Green Spaces within their area.

**What is the total budget and current cost of running the Country Parks and Green Spaces?**

This information is in the report.

**Facilities Management is expensive. Are there any examples in other comparable authorities which have taken this option?**

There are a number of examples, for example: Torbay, Fife, Martonvale, Nene Park Trust and Milton Keynes Park Trust. Three of which are fairly close to Buckinghamshire, although they all have slightly different models. Might be interesting to invite Milton Keynes Partnership Trust to a future meeting of the Commissioning Committee.

**How can Members get involved? Country Parks and Green Spaces are well used and cost the County Council in the region of £450k and it is important that Members and residents are consulted and involved in the management of one of the County Councils prime assets before it goes into an unelected partnership.**

Members were drawn to the Communication Strategy on page 43 of the report. It was highlighted that the Communication Strategy sets out internal and external means of communication. Mr M Woods said he wanted to volunteer to attend a meeting of the Commissioning Committee to inform Members about what was happening. The Cabinet Member for Planning and Environment has also written to Members and District Councils twice, once in August 2009 and again recently. Another means of Member involvement is the Country Parks and Green Spaces Liaison Group which is due to meet next on 16 November 2009.

Mr M Edmonds invited Members to contact him should they have any contribution to make and said that local Members will be kept informed.

Mr M Woods said that the Programme Board itself has County Councillor membership

but that should Members feel it was necessary to have more they would need to discuss this with the Cabinet Member for Planning and Environment.

A Member said that they would like this issue to keep coming back to the Commissioning Committee.

The Chairman referred Members to the recommendations on page 26 of the report and asked Members of the Committee how they would like to be involved with or kept informed about the Project. The Chairman suggested that a Task and Finish Group could be set up to look at this issue and involve Members who are interested.

The Committee AGREED to set up a Task and Finish Group for Country Parks and Green Spaces to work alongside the Programme Board.

**Action: Policy Officer**

## **10. TASK AND FINISH GROUP WORK**

Members had received the draft scoping documents for the Task and Finish Group projects into Safeguarding Practices in Client Transport and the Examination of the Budget in Public.

Members NOTED the report and the Chairman asked that if any Member had any comments to forward them to Mr M Chard, Policy Officer.

The Chairman advised that the membership of the Task and Finish Groups was currently being arranged.

## **11. CAPITAL RECEIPTS - EVALUATION OF PROGRESS**

Mr F Downes, Cabinet Member for Resources and Mr G Morley, Strategic Property Group Manager attended the meeting regarding implementing the recommendations from the Capital Receipts review.

The Cabinet Member advised that the County Council is required to fund all borrowing it wishes to make and that surplus properties were disposed of to fund the Capital Projects which was sufficient until the credit crunch. Alternative methods to fund Capital Projects is now required and options are being considered. The County Council may have to cut back on Capital aspirations or move more boldly into borrowing.

The Committee was advised that the past 12 months had been difficult as developers were not developing and prices have decreased.

The Chairman thanked the Officer for a very comprehensive report but raised concern that there appeared to be a slippage on the Corporate Property Strategy and Capital Receipt Strategy. The Officer said that due to changes within Property Services there had been delay in bringing forward the Corporate Property Strategy and highlighted that the Strategy is more than just a Strategy it is a change in culture in how to deal with property.

The report has been to Chief Officers Management Team (COMT), Leaders Advisory Group (LAG) and following a small additional will be going to Cabinet in early January 2010. The document will provide the authority with a set of procedures in how to take forward the role of corporate landlord. However it was highlighted that once the procedures had been established the property market still played a vital role in the achievement of capital receipts.

Following discussion Members asked questions. The questions and answers are summarised below:

**Would the County Council evict tenants such as those in tenant farms or would the County Council honour the tenancy?**

At 65 a tenant farmer is required to give up the farm. The County Council is not in the business of evicting tenants and over the past 10 years a third of Agricultural land has been lost in this way. Tenant farmers may also be offered the opportunity to purchase the property at market value. There are also time limited leases and the tenant is clearly aware of the expiry date of the lease. The County Council may seek to sell a property when the lease is due to expire.

**Is the primary criteria to sell property or are you waiting for a plan for the Council? There must be consideration for the greatest possible return?**

Any possible changes are in the future and as part of the recommended proposals there will be a strategy. The County Council does not sell anything which has not already been declared surplus by the authority. The new strategy will allow the County Council to be more open.

From 1 April 2009 property owners become responsible for the rates payable. Before this the owner was not required to pay rates for empty properties, which is an important factor to consider as there are now cost implications for empty properties.

The Officer advised that when a service area no longer requires a property they approach property services for disposal. Difficulties arise however when the properties are not declared surplus as in some cases the service area receives income from subletting. This highlights a need for a Corporate Property Strategy.

**How professional and direct is your group going to be?**

In early April 2009 Property Services was restructured into Operational and Strategic areas. The Operational side deals with the general repairs of properties whilst the strategic core looks at the opportunities available and considers how they can be taken forward and professionals are used to prepare reports.

**Why is the County Council so afraid of borrowing?**

The County Council has no problem in borrowing provided as there is the revenue to support that borrowing. Last year the Council borrowed approximately £5m. It would be wrong to support the Capital programme by merely selling property. We are aware of the situation and looking at options.

**There could be a delay from when a property is declared surplus to when it is sold. What are the associated revenue costs such as boarding up, general maintenance, security and so on?**

Approximately £200k a year is retained for the demolition and maintenance of properties.

**With a change in the law regarding empty property rates are property services likely to hear about more previously unknown properties and are you well equipped to dispose of them?**

There is not an enormous number of empty properties which the Council do not know



about and an eye is kept on those not declared surplus. Where property is not declared surplus they usually have tenants. Some properties do not have tenants though as the service areas do not want to have tenants to generate rights.

**Is the Councils policy to sell surplus properties?**

Yes

**Do the receipts from sales go into the general pot?**

Yes

**Can disposals of Country Parks be ringfenced?**

The receipts from any disposals go into the corporate pot it is not the policy of the County Council to ringfence proceeds. Property is within the ownership of the County Council not the individual service areas.

**12. STATUTORY/MANDATORY AND DISCRETIONARY SERVICES REVIEW - PHASE 1**

Members NOTED the report.

**13. EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED**

**That the press and public be excluded for the following item which is exempt by virtue of Paragraph 2 of Part 1 of Schedule 12a of the Local Government Act 1972 because it contains information which is likely to reveal the identity of an individual**

**14. CAPITAL RECEIPTS - EVALUATION OF PROGRESS - CONFIDENTIAL**

This item was dealt with in the public session.

**15. CONFIDENTIAL MINUTES OF MEETING HELD ON 20 OCTOBER 2009**

The confidential minutes of the meeting held on 20 October 2009 were confirmed.

**16. STATUTORY/MANDATORY AND DISCRETIONARY SERVICES REVIEW - PHASE 1 - CONFIDENTIAL**

This item was dealt with in the public session.

**17. CHAIRMAN'S UPDATE**

The Chairman thanked Members for attending the meeting and for all their contributions to discussions.

**18. DATE OF NEXT MEETING**

The date for the next meeting is 8 December 2009 at 10am in Mezzanine Room 3, County Hall, Aylesbury

**CHAIRMAN**