



Notice of meeting of

Scrutiny Management Committee

To: Councillors Galvin (Chair), Blanchard (Vice-Chair), Kirk, Moore, Simpson-Laing, Scott, Taylor and R Watson

Date: Monday, 17 September 2007

Time: 5.30 pm

Venue: Guildhall

AGENDA

1. **Declarations of Interest**

At this point in the meeting, Members will be invited to declare any personal or prejudicial interests they may have in the business on the agenda.

2. **Minutes** (Pages 1 - 4)

To approve and sign the Minutes of the meeting held on 23 July 2007.

3. **Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Friday 14 September 2007 at 5 pm.

4. Looking Ahead at Scrutiny in York and the Role of Scrutiny Management Committee (Pages 5 - 8)

This report proposes a more proactive role for Scrutiny Management Committee (SMC) in the future in the determination of scrutiny reviews, in the light of the White Paper on Strong, Prosperous Communities becoming legislation and in order to encourage and support effective scrutiny reviews.

5. Proposed Scrutiny Review of Sale of the Barbican and Swimming Facilities in York (Pages 9 - 20)

This report informs Members that Cllr Watt has been invited to the meeting to discuss revising his registered scrutiny topic on the sale of the Barbican and swimming facilities in York, following the Committee's comments at its previous meeting.

6. Any other business which the Chair decides is urgent under the Local Government Act 1972

Democratic Services Manager

Dawn Steel

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For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

City of York Council

Committee Minutes

MEETING	SCRUTINY MANAGEMENT COMMITTEE
DATE	23 JULY 2007
PRESENT	COUNCILLORS GALVIN (CHAIR), BLANCHARD (VICE-CHAIR), MOORE, SIMPSON-LAING, TAYLOR AND HOLVEY (SUBSTITUTE)
APOLOGIES	COUNCILLORS KIRK AND SCOTT

10. DECLARATIONS OF INTEREST

The Chair invited Members to declare any interests they might have in the business of the meeting. No declarations of interest were made.

11. MINUTES

The minutes of the last meeting held on 18 June 2007 were agreed and signed as a correct record.

12. PUBLIC PARTICIPATION

The Chair reported that no registrations to speak had been received under the Council's public participation scheme.

13. SALE OF THE BARBICAN AND SWIMMING FACILITIES IN YORK – FEASIBILITY STUDY

Members considered a feasibility report on the sale of the Barbican and swimming facilities in York.

Members agreed that the scale of the suggested topic was potentially too wideranging for review as drafted. They were, however, sympathetic to a review tailored to achieve improvements in handling future developments of a similar scale and nature. It was therefore requested that Councillor Joe Watt be invited to attend the next meeting of SMC to discuss what he was hoping to achieve through reviewing this topic in more detail.

It was also noted that an audit of the process and decisions taken in regard to the sale of the Barbican was due to be reported by the District Auditor in September 2007 and that its findings could inform any scrutiny review of this topic.

RESOLVED: That a review of this topic be agreed in principle and that Cllr Watt be invited to attend the next meeting of SMC to discuss and agree an amendment to his topic registration in an effort to clarify the scope and agree a remit for the review

REASON: To ensure any review remains focused and timely.

14. FINAL REPORT ON AREA ASSET MANAGEMENT PLAN (TANGHALL) SCRUTINY REVIEW

Members considered a final draft report from the Area Asset Management Plan (Tanghall) Ad-hoc Scrutiny Committee.

The report highlighted the need to adopt a range of relevant research and consultation which would be appropriate to the particular area of any future asset management plan. Also that residents, key stakeholders and ward committees be included as standard in all instances.

The Head of Property & Asset Management informed members that the first draft of the Tanghall Asset Management Plan was now ready and explained the next stages in the process to be followed i.e.

- Priority circulation to the consultees involved in the scrutiny review.
- The wider circulation of the plan for consultation to ensure all other interest parties have an opportunity to comment.
- All comments received would then be used to inform a final draft of the plan to be presented to the Executive or relevant EMAP.

Members agreed not to view and comment on the plan at this stage, but rather to wait until the priority consultees responses were received so that both could be viewed together.

Members also agreed that their comments on the final draft report from the Area Asset Management Plan (Tanghall) Ad-hoc Scrutiny Committee and their comments on the Tanghall Asset Management Plan should be presented to the Executive at the same time as the Executive consider the final draft of the Plan.

RESOLVED: That the final draft report from the Area Asset Management Plan (Tanghall) Ad-hoc Scrutiny Committee be referred to the Executive when it considers the draft of the plan and priority consultees comments.

REASON: To ensure Members are fully informed concurrently on the plan and scrutiny review.

15. UPDATE ON IMPLEMENTATION OF RECOMMENDATIONS OF PREVIOUS SCRUTINY REVIEWS

Members considered a report that detailed the progress made to date in implementing the recommendations made as a result of the reviews completed since 2004.

Members agreed to sign off the following reviews as the recommendations had been fully implemented:

- Drug and Alcohol Anti-Social Behaviour Review
- Sustainable Energy Use In Council Buildings
- Access to Archaeology

- The Cleaning of Gullies, Gutters, Footpaths & Back Lanes in Terraced Streets
- Responsibility in Procurement

Having considered the updates received for the following reviews, Members agreed to sign off all of the individual recommendations that had been fully implemented and requested a further update via email for the following outstanding recommendations:

- City Centre Retailing Recommendation 15
- Putting Libraries at the Heart of the Community Recommendations 1 & 4
- Cycling Policy & Provision of Facilities Recommendation 5

In regard to the review of Confidentiality & Transparency, Members recognised that for a majority of the recommendations, the decision to implement was in the hands of the political parties. Members therefore requested that the relevant officers provide a comprehensive update to the political groups for their consideration.

For the remaining completed reviews listed below where officers had yet to provide an update on the implementation of the recommendations, Members requested that these be looked at one by one at future SMC meetings:

- Take-Aways; Powers of Enforcement
- Recycling & Re-use
- Reducing Carbon Emissions
- Guidance for Sustainable Development
- Highways Maintenance Procurement Process & PFI – Part A
- Home to School Transport

Members agreed to start with the review on Take-Aways; Powers of Enforcement and requested that the Assistant Director of Planning & Sustainable Development attend the next meeting of SMC to provide an update on the implementation completed to date.

SMC also agreed to receive the annual update on the Floods Scrutiny Review which is scheduled to be presented to Neighbourhood Services EMAP around October 2007.

RESOLVED: That the contents of the report be noted, and that those reviews where no previous updates had been received, be considered in detail at future meetings of SMC.

REASON: To raise awareness of those recommendations which have still to be implemented.

[The meeting started at 5.00 pm and finished at 6.35 pm].



Scrutiny Management Committee

17 September 2007

Report of the Head of Civic Democratic & Legal Services

Looking Ahead at Scrutiny in York and the Role of Scrutiny Management Committee

Summary

1. During the last year, Scrutiny Management Committee (SMC) has introduced procedural changes to the way scrutiny topics are registered, evaluated, managed and monitored in City of York Council.
2. Looking ahead to the White Paper on Stronger, Prosperous Communities, becoming legislation and in an effort to encourage and support effective scrutiny reviews, this report proposes a more proactive role for SMC in the future in the determination of scrutiny reviews, as well as continuing to effectively manage and monitor their progress.

Background

3. It is anticipated that the White Paper will become legislation in Spring 2008. The White Paper will extend the powers of scrutiny in York, enabling the services of many of our partners to be scrutinised and introducing a 'community call for action'. A previous report to SMC in January 2007 explained the new provisions and suggested how scrutiny in the Council might be shaped to meet these new legislative requirements. Discussions continue within the Council as to how those arrangements might be embedded within a wider organisational response to the 'demands' of the White Paper. More information will be brought to SMC on any necessary changes to the scrutiny function over the coming months.
4. In the meantime, the new scrutiny operational arrangements for registering topics, assessing their feasibility, scoping them, reporting their findings and monitoring progress on agreed actions have now bedded in the organisation (resulting in revised scrutiny procedural rules in the Constitution). As such, it is now suggested that some enhancement to the role of SMC in promoting and leading on scrutiny for the Council, would be timely.

Revised Role for Scrutiny Management Committee

5. In order to enhance the role of SMC to enable it lead on key scrutiny issues as well manage and monitor its processes and budget, the following constitutional changes to its delegated authorities are suggested:

- To agree 3 key objectives for its coming Municipal Year on an annual basis (these will form the basis of any scrutiny reviews SMC wants to commission for the coming year);
- To propose topics for scrutiny review as appropriate (in line with its key objectives for the year), subject to the agreed feasibility and procedural processes; and
- To set its own annual work plan setting out its arrangements for commissioning, managing and monitoring reviews.

Proposed Key Objectives

6. If Members were minded to support an enhancement to the role of SMC as proposed, it is further suggested that the key objectives referred to above for the remainder of this Municipal Year might be:
 - To make a visible improvement to services provided or run by the Council, either solely or in partnership with others;
 - To contribute to successful introduction of new scrutiny ways of working brought about by the White Paper; and
 - To help establish an open/transparent internal scrutiny culture, in which lessons can be learnt from mistakes and successes celebrated.

Proposed Possible Future Scrutiny Topics

7. The Chair of SMC has already suggested a number of possible future topics which SMC might want to consider putting forward in keeping with the above proposed objectives for the year. These are as follows:-
 - The effect of geese in York, in terms of general cleanliness & hygiene and tourism and most particularly in the riverside, Rowntree Park & 'the eye of York' areas;
 - The impact of 24-hour drinking on the city, both in terms of the economy and in community cohesion;
 - Working in partnership, in terms of informing and preparing the Council for its enhanced scrutiny role under the White Paper; and
 - Use of Post Offices for payment of City of York accounts.

The above topics are merely put forward as debating suggestions and the Chair will invite all members of SMC to consider and put forward alternatives. The appropriate time to consider actual specific topics, however, would be after the Council has formally agreed a change to the Committee's delegations to allow it to propose its own reviews.

Any topics suggested in the future by SMC, subject to any constitutional change, would still be subject to the usual feasibility processes and arrangements for conducting a review, including establishment of a Sub-Committee to conduct it.

Consultation

8. The Chair of SMC, Councillor Galvin, has been initially consulted on the proposals contained in this report for enhancing the role of SMC. All other Members of the Committee are invited to comment on the proposals with a view to making a suitable recommendation to Audit & Governance Committee, in the first instance, to ask Council to revised SMC's delegation arrangements, should that be considered appropriate.

Options

9. Members may decide to either support the proposed enhanced role for SMC or not or even to put forward other alternatives for changing the role of SMC.

Analysis

10. Enhancing the role of SMC as outlined, would have the potential benefit of promoting and leading scrutiny in both public and Council perception terms. Currently, SMC manages and monitors scrutiny processes and determines the allocation of topics registered by Members. It does not presently have the constitutional authority to propose its own reviews, in keeping with some key and current themes which would help to shape the overall direction of the scrutiny function.

Corporate Priorities

11. Giving a direction on and shaping key scrutiny themes annually will help contribute to improving our organisational effectiveness.

Implications

12. There are no known financial, human resources, equalities, legal, crime and disorder, ITT, property or other implications connected to this report at this stage.

Risk Management

13. In compliance with the Council's risk management strategy, there are no known risks associated with this report. Scrutiny must continue to be alert to potential new challenges such as the White Paper and needs the constitutional structure and flexibility to be able to respond and adapt appropriately.

Recommendations

14. Members are asked to consider the proposals contained in the report and specifically whether they wish to recommend to Audit & Governance Committee and subsequently Full Council, the changes outlined to the delegations for SMC in order to enhance its role.

Reason: To enable SMC to operate pro-actively and responsively in relation to the needs of the scrutiny function in York.

Contact Details

Author:

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Democratic & Scrutiny Services
Manager
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Chief Officer Responsible for the report:

Colin Langley
Acting Head of Civic, Democratic & Legal
Services
01904 552001

Report Approved



Date 10.9.07

Specialist Implications Officers: None

Wards Affected:

All



For further information please contact the author of the report

Background Papers: None

Annexes

None



Scrutiny Management Committee

17 September 2007

Report of the Head of Civic Democratic & Legal Services**Proposed Scrutiny Review of Sale of the Barbican and Swimming Facilities in York****Summary**

1. In June 2007 Cllr Joe Watt registered a proposed new scrutiny topic regarding the sale of the Barbican and the subsequent development of swimming facilities in York. A copy of the topic registration form is enclosed at Annex A.
2. At the meeting of 23 July members considered a feasibility report on this topic (see annex B).

Background

3. At the meeting of 23 July members agreed that the topic as proposed by Cllr Watt was too wide reaching, and that scrutinising the history of decisions about the Barbican would duplicate work already in the public domain.
4. Members also agreed that the request to review current and future provision would overlap directly with the work on the Leisure Facilities Strategy Review which is due to be considered by the Executive in the near future.
5. Members did consider that there could be some merit in carrying out a review with the aim of achieving improvements in handling future developments of a similar scale and nature.
6. Cllr Watt has been invited to this meeting to discuss the possibility of an amendment to his registered topic.

Consultation

7. Relevant consultation was carried out before the feasibility study was submitted in July.

Options

8. Members may decide to form an ad hoc sub-committee to examine a revised Scrutiny proposal or they may decide to take no action at the present time.

Analysis

9. The purpose of asking Cllr Watt to attend this meeting is for him to decide if he wishes to amend his Scrutiny proposal along the lines discussed above and for members then to decide if they wish to form an ad hoc sub-committee to examine this.

Corporate Priorities

10. Making informed and appropriate decisions about topics for Scrutiny will contribute to improving our organisational effectiveness.

Implications

11. There are no known Financial, Human Resources, Equalities, Legal, Crime & Disorder, ITT, Property or Other implications connected to this report.

Risk Management

12. In compliance with the Council's risk management strategy, there are no known risks associated with this report.

Recommendations

13. Members are asked to:

- i) Consider any revised proposal for scrutiny that arises from the discussion with Cllr Joe Watt.
- ii) Decide if they wish to form an ad hoc sub-committee to scrutinise the revised topic.

Reason: To carry out their responsibilities to coordinate the scrutiny function in York.

Contact Details

Author:

Barbara Boyce
Scrutiny Officer
Scrutiny Services
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Chief Officer Responsible for the report:

Suzan Hemingway
Head of Civic, Democratic & Legal Services
01904 552001

Report Approved



Date 7/9/07

Specialist Implications Officers: None

Wards Affected:

All



For further information please contact the author of the report

Background Papers: None

Annexes

Annex A – Scrutiny topic registration form

Annex B – Report considered at Scrutiny Management committee of 23 July 2007

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Topic no 142

Scrutiny topic registration form

Fields marked with an asterisk * are required.

* Proposed topic: The sale of the Barbican and subsequent development of swimming facilities in York.

* Councillor registering the topic Watt - Councillor Joe Watt

Please complete this section as thoroughly as you can. The information provided will help Scrutiny Officers and Scrutiny Members to assess the following key elements to the success of any scrutiny review:

How a review should best be undertaken given the subject

Who needs to be involved

What should be looked at

By when it should be achieved; and

Why we are doing it ?

Please describe how the proposed topic fits with 3 of the eligibility criteria attached.

	Policy Yes? Development & Review		Service Improvement & Delivery	Accountability of Executive Decisions
Public Interest (i.e. in terms of both proposals being in the public interest and resident perceptions)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Under Performance / Service Dissatisfaction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In keeping with corporate priorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Level of Risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Service Efficiency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* Set out briefly the purpose of any scrutiny review of your proposed topic. What do you think it should achieve?

1. Review the performance of the Executive since May 2003 to determine if the sale of the Barbican represented 'Best Value for Money'.
2. Identify why York does not have a competition standard swimming pool.

3. Review current and future swimming pool provision in York to determine if it is sufficient for the City's needs and meets the requirements of the 'Leisure Facilities Strategy'.
4. Examine proposed swimming pool locations to determine if these best meet the needs of York citizens.
5. To consider if the administration was reckless or took too high a risk when, in May 2003, it initiated a consultation process leading to its adopting a community pool option, which promised greater development of the area.

* Please explain briefly what you think any scrutiny review of your proposed topic should cover.

1. The administration's decision process since May 2003.
2. Whether best value for money was achieved.
3. The overall provision of swimming facilities in York.
4. The accessibility of swimming facilities in York.
5. The need for a swimming pool in proximity to the City Centre.
6. Whether York will have sufficient 'Competition Standard' swimming facilities - particularly in the run-up to the 2012 Olympics.
7. The degree of risk taken by the incoming administration in May 2003 by changing the previous administration's plans for the barbican sale.
8. Whether the decisions taken by the administration resulted in the loss of revenue and a competition standard pool to the citizens of York.

* Please indicate which other Councils, partners or external services could, in your opinion, participate in the review, saying why.

Nil

* Explain briefly how, in your opinion, such a review might be most efficiently undertaken?

By the Scrutiny Committee: 1. Questioning the key Executives and council officers involved. 2. Examining pertinent reports and meeting minutes.

Estimate the timescale for completion.

1-3 months

3-6 months

6-9 months

Support documents or other useful information

Date submitted: Friday, 22nd June, 2007, 9.07 pm

Submitted by: Councillor Joe Watt

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Scrutiny Management Committee

23 July 2007

Sale of the Barbican and swimming facilities in York– Feasibility Study

Summary

1. In June 2007 Cllr Joe Watt registered a proposed new scrutiny topic regarding the sale of the barbican and the subsequent development of swimming facilities in York. A copy of the topic registration form is enclosed at Annex A.
2. A similar scrutiny proposal was registered in April 2006 by Cllr Janet Looker. However in the same month Cllr Looker had also put a motion to Council requesting that Council set up an Ad-hoc Scrutiny Committee. The motion, including an amendment from Cllr Andrew d’Agorne, was not approved. The effect of this decision was that the scrutiny topic was deemed to have been turned down before it was discussed by Scrutiny Management Committee.

Criteria

3. Public Interest – there is evidence that complaints were made about the sale of the Barbican and also there was considerable media interest in the past. Members must consider whether or not there is still strong public interest in the subject.
4. Corporate Priorities – members might consider that the proposed topic is relevant to the Corporate Priority to “improve the health and lifestyles of the people who live in York , in particular among groups whose level of health is the poorest”.
5. National, local or regional significance – the provision of leisure facilities can be considered to be of local and regional significance.
6. Under performance or service dissatisfaction – there are concerns about the provision of swimming and leisure facilities in the city.
7. Level of risk – so far as is known there are no risks which could be alleviated by the investigation of this topic, other than the possibility of seeking to avoid

costly delays being incurred in similar projects. There may be view that the delay in completing the sale and the costs of legal fees were a risk at the time, as might have been the sale of the Kent Street site.

8. Service efficiency –so far as is known there are no aspects of service efficiency which would benefit from this review being carried out.

Consultation

9. Political group leaders and relevant officers were asked to comment on the feasibility of carrying out this scrutiny review.
10. The leader of the Liberal Democrat Group was concerned that reprising all the events of a project that started seven years ago would be extremely time consuming. He thought that officer time spent on this might be to the detriment of other work – including the review on swimming and leisure and the implementation of the pools modernisation and replacement programme. The scope of this report on the Leisure Facilities Strategy can be seen at Annex B.
11. He suggested that the District Auditor’s report of 2006 and a summary of the sequence of events might enable the proposing member to clarify exactly what he would like to be reviewed. A copy of the District Auditor’s report can be seen at Annex C.
12. The Leader of Labour Group was worried that this scrutiny review would duplicate work that is currently in progress as part of the leisure and swimming review. He also mentioned the District Auditor’s report and states that this did not have any issues over the sale. He was of the opinion that this topic may now be past its “sell-by date”.
13. The Leader of the Conservative Group supports carrying out this review as a way of finally drawing a line under the entire Barbican project. He commented that the review of swimming and leisure facilities will take place in the future and therefore will not answer the questions being asked now about the Barbican site.
14. In his opinion the only duplication of work would be over the consideration of the District Auditor’s report but he suggests considering evidence brought forward at that time.
15. Cllr Andy d’Agorne, Leader of the Green Group, did not think that anything useful in terms of performance improvement could emerge from carrying out this scrutiny review. He was not sure that anything new could be learned from the process.
- 16.** Charlie Croft, Assistant Director for Lifelong Learning and Leisure considers that the proposal met all of the criteria for scrutiny review. However he points

out that the request to look at the decisions that have been made about the Barbican since 2003 have been extensively covered already. The process and reporting of the decisions made have been in the public domain via various Executive Reports, the High Court and the District Auditor.

17. He also emphasised that the request to review current and future provision would overlap directly with the work on the Leisure Facilities Strategy Review which is due to be considered by the executive in the near future. This would not necessarily require a great deal of extra work, but would cause a confusion of processes for the same subject matter to be reviewed in two forums at the same time.

Conduct of Review

18. This scrutiny topic registration is requesting review of the decision making processes that led to the sale of the Barbican site and whether it achieved value for money plus reviewing swimming and leisure facilities in York.
19. This suggests that any review could be carried out in two parts – Part 1 to relate to the past history of the Barbican site and Part 2 to relate to the present and future leisure facilities in the city

Implications

20. There are no known financial, HR, Equalities, Legal, Crime & Disorder, IT, Property or other implications associated with this recommendation other than the estimate of the Assistant Director (Lifelong Learning and Leisure) who considers that to bring the whole history together in a single narrative would take around ten hours. This would mainly be the responsibility of Property Services staff so the head of Property Services may have a different opinion. There would also be the time taken to prepare for and attend meetings of an Ad-hoc Scrutiny Sub-Committee if it was formed. The Head of Property Services has been asked to attend this meeting to inform members about any other resource implications which he is aware of.

Risk Management

21. In compliance with the Council's risk management strategy, there are no known risks associated with the recommendations of this report.

Recommendation

22. On balance, based on the evidence presented, members are advised not to proceed with this scrutiny review.

23. However, if members wish to proceed it would be advisable to focus on:

The key learning points which can be gained from the decision making process which led to the sale of the Barbican site. Whether or not there is anything to be learned which would inform the way any future development of a similar size and nature should be handled.

Contact Details

Author:

Barbara Boyce
Scrutiny Officer

Chief Officer Responsible for the report:

Suzan Hemingway
Head of Legal, Civic and Democratic Services

**Feasibility Study
Approved**

Date *Insert Date*

Specialist Implications Officer(s)

None

Wards Affected: *List wards or tick box to indicate all*

All

For further information please contact the author of the report

Background Papers: None

Annexes:

Annex A – Scrutiny Topic Registration Form

Annex B – Scope of Leisure Facilities

Annex C – Review District Auditor’s Report dated August 2006