

Runnymede Borough CouncilCORPORATE MANAGEMENT COMMITTEE7 November 2002 at 7.30 p.m.

Members of the Committee present : Councillors G.B. Woodger (Chairman), J.M. Edwards (Vice-Chairman), A. Alderson, D.P. Easton, J.E. Haas, H.W.V. Meares, C.J. Norman, R. Pate, G.J. Thomas and P.B. Tuley

Members of the Committee absent : None

385. NOTIFICATION OF CHANGES TO COMMITTEE MEMBERSHIP

The Groups mentioned below had notified the Chief Executive Officer of their wish that the changes listed below be made to the membership of the Committee for a fixed period ending on the day after the meeting. Thereafter the Councillors removed should be re-appointed.

Group Requesting Change	Remove from Membership	Appoint Instead
Conservative	Councillor R. K. Habgood	Councillor G. J. Thomas
Runnymede Independents	Councillor Mrs. E. E. Price	Councillor A. Alderson

The Chief Executive Officer had given effect to these wishes in accordance with Section 16(2) of the Local Government and Housing Act 1989.

386. MINUTES

The Minutes of the meeting of the Committee held on 3 October 2002 were confirmed and signed as a correct record.

387. DRAFT COMPREHENSIVE PERFORMANCE ASSESSMENT FRAMEWORK FOR DISTRICT COUNCILS - RESPONSE TO CONSULTATION PAPER

The Committee considered the consultation paper on the Comprehensive Performance Assessment (CPA) methodology for District Councils, which had been discussed and a response recommended by the cross-party Local Government Act Member Working Group on Tuesday 28 October 2002.

The draft CPA process for District Councils had two main aims:

- To assess the Council's capacity to deliver services and improvements to meet the ambitions and priorities set by Councils for local people, including initiatives that cut across traditional service boundaries or involved more than one service or agency, known as "cross-cutting".
- To assess current performance in housing, the environment and benefits, as well as the management of resources using inspections, performance indicators, plan assessments and auditor judgements.

The CPA assessment was proposed to be based on the following elements:

- A self-assessment, challenged by an external peer review, to understand and assess the Council's capacity to deliver against the key priorities.
- Two cross-cutting inspections to assess the Council's ability to deliver in two key areas, 'Balancing Housing Markets' and 'Clean, Green and Safe Public Space'.
- The cross-cutting inspections would be used to assess current performance. Inspection judgements and performance assessed against Performance Indicators and Plans and strategies (e.g. the Housing Strategy), would provide an overall evaluative assessment.

- The Benefits Fraud Inspectorate (BFI) would evaluate the Benefits service element of the Council's activities.

Another consultation in Spring 2003 would outline how all of these elements of the assessment would be amalgamated to form a final judgement on performance. The Council would then be awarded one of five labels:- excellent, good, fair, weak or poor.

As with Best Value service inspections, a draft report would be produced by the Audit Commission outlining the assessment results. Comments could then be made by the Council on its content. These observations would be considered before a final report was produced and published. The Audit Commission had advised that a provisional inspection timetable for the eleven Borough/Districts in Surrey would be "Winter 2003/04".

The Committee considered the Local Government Act 2000 Member Working Group's suggested response. The Working Group had centred on three issues. It was not clear how the process would be undertaken and what the underlying principles which would guide it were going to be. The weightings to be applied to each element in the scoring process by the Audit Commission had not been announced. The public and local authorities would not recognise the value of the assessment if they did not consider that it was a sound exercise. More information was also needed on the way that the Audit Commission would deal with the outcomes, how the improvement programme would be managed and how sustained improvement would be secured. The Committee also considered that once a good level of performance had been reached the pressure for improvement should be lifted and measurement should stop. They thought that the concept of "continuous improvement" was therefore flawed in this aspect. It was noted that this argument had been made to the Government on a number of occasions in different contexts but had not been accepted although it would continue to be put forward by local authorities.

The Committee made some minor textual changes to the response and also agreed that in the response to specific question (iv) a sentence should be added to reflect that the Council was not able to influence all the factors which would balance the housing market and that the third sentence of specific question (vi) should be rephrased to convey the sense that while benefit administration was important to individuals, the differing numbers of claimants in each local authority area would determine its significance in each area. These changes have been reflected in Appendix 'A' attached. Members also made the general observation that the Government appeared to be aiming for a consistency across all local authorities which did not, of itself, guarantee high standards. This might be obtained more readily by the inherent diversity of local Councils, arising from the different character of the locations they served.

RESOLVED that -

the suggested response to the consultation document on the CPA methodology for District Councils as outlined in Appendix 'A' be approved.

388. BEST VALUE - MUNICIPAL STORES AND DEPOT SERVICES SCOPING AND CHALLENGE REPORT

The Committee considered the scoping and challenge report for the Municipal Stores and Depot Services which is attached at Appendices 'B' to 'D' inclusive. Members were asked to consider whether the objectives for the provision of the services continued to meet the Council's aspirations and to satisfy themselves that there had been sufficient rigour in completing the challenge phase of the Best Value Review.

A long-standing policy of the Council had been to maintain a depot within the Borough. This had served two principal objectives. The first of these had been to provide a convenient operational base for its services, whether or not these services were provided in-house, in order to promote the efficient delivery of services to the public. The second objective had been to maintain the flexibility of managing services in-house should it wish to do so. These issues had been discussed at the Challenge Workshop and it was concluded that these remained important Council objectives. As a result of this policy, the Council had retained significant services in-house (including Refuse Collection and Street Cleansing) at a lower cost than external provision. Therefore this Best Value Review would not consider the outsourcing of the depot as an option. The question had also been raised as to whether the depot could be relocated to a cheaper or more convenient site, but this option had been rejected as the costs of moving outweighed the value of the site. Members of the Committee reaffirmed these strategies and agreed the proposals in the report, subject to an extra

objective being added at 3.2 Stores, to ensure the timely availability of goods to users, which is reflected in Appendix 'C' attached. Concerning Challenge No 13, it was noted that there was sometimes a resistance among Budget Managers to using the Stores because of a perceived additional oncost. However, such resistance did not take account of the opportunity costs saved by the specialist stores function. The Committee was pleased that the possibility of supplying stores to other districts was being examined.

RESOLVED that -

- i) the objectives of the Municipal Stores and Depot Services be endorsed as set out in Appendix 'C';**
- ii) the challenges set out in Appendix 'D' be approved for further investigation; and**
- iii) the scope of this review and the challenge phase be endorsed.**

389. FREEDOM OF INFORMATION ACT 2000 - DRAFT PUBLICATION SCHEME

The Committee considered a Draft Publication Scheme in connection with the Freedom of Information Act 2000. The Council was required to provide the Commissioner with a Draft Publication Scheme for approval prior to 31 December 2002 and operate the Scheme from February 2003. Information would have to be published in accordance with the Scheme. The timetable for implementation was phased up to January 2005, when the right of access to documents for a member of the public under the Act, including a regime of fees, would come into force. There would be no requirement to respond to vexatious or repeated requests or requests whose cost exceeded £600.

The overlying principle of the Act was that all information held by an Authority would be open to the public unless one of the exemptions in the Act justified the Authority in not disclosing it. The Government anticipated that the Act would result in more requests for information than had been the case under existing legislation such as the Data Protection Act 1998 which would continue to govern rights of access to personal data. The Scheme had to identify information which the Authority currently made public, information which the Authority was obliged to make public and classes of information which would, in future, be disclosed. The Scheme also had to specify the manner in which information would be published and whether there would be a charge. Information which was made available under the Scheme would not be subject to the Statutory Right of Access procedure. It would be possible to amend and add to the Scheme over time. The Committee agreed the Scheme, subject to the information currently available on the Council's website being marked in the availability column.

RESOLVED that -

- i) the Draft Publication Scheme at Appendix 'E' be adopted and submitted to the Information Commissioner for approval; and**
- ii) the Borough Secretary and Leisure Services Officer be authorised to make any necessary changes to the Scheme suggested by the Information Commissioner or as otherwise seem appropriate, from time to time, including reference to website availability.**

390. LOCAL LAND CHARGES - PROGRESS ON CONTINUOUS IMPROVEMENT PLAN

The Committee considered progress on the Best Value Continuous Improvement Plan for Land Charges approved by the Council in October 2000 which contained five targets. The five day turnaround time for searches, the introduction of a 24 hour expedited service and ISO 9000 quality accreditation had all been achieved. The other two targets outstanding were a review of the search fee and the introduction of electronic access to the service by external organisations.

Approval had been given to the migration of the present ARCLLC system (a Geographic Information System (GIS)) to TLC (Total Land Charges) at a cost of £80,000 with £7,000 per annum maintenance charge. This new system would facilitate electronic access to the service which complied with the Government requirement to have electronic access to local authority services by 2005 and also achieved the Continuous Improvement Plan target. Currently a limited measure of

electronic access was possible. The budget for Land Charges including GIS in 2001/02 forecast a deficit of £23,000 but in fact a surplus of £68,000 was achieved. Income projections for the service were difficult as much depended on the state of the housing market and on the number of searches received during the year. In view of the cost of providing the service and particularly the cost of providing electronic access to the service, it was agreed that the search fees should not be reduced and that future reporting on the Continuous Improvement Plan would relate to full electronic access, the achievement of which would follow the introduction of the new software.

RESOLVED that -

the search fee should not be reduced at present.

391. REVIEW OF SALARIES 2002

(Ref: Minutes of Corporate Management Committee, 30 May 2002, page 26, para. 54)

The Committee had resolved on 30 May 2002 that with effect from 1 July 2002 individual salaries for staff on the Local Contract be adjusted by 3% and if the National Award was settled at a higher level, the Local award to be adjusted accordingly and the necessary supplementary budgetary provision authorised and reported to Members.

Following a breakdown in national negotiations and subsequent industrial action, the Advisory Conciliation and Arbitration Service (ACAS) had brokered a solution which both sides had accepted.

The agreement was:-

- a) a 3% increase or a minimum of £5.00 an hour from 1 April 2002;
- b) a 1% increase from 1 October 2002 with an additional 1% increase for staff on spinal points 4 and 5; and
- c) a 3.5% increase from 1 April 2003 to 31 March 2004 with an additional 1% increase for those on spinal points 4 and 5.

Local Runnymede salary scales had to be further adjusted by 1% with effect from 1 October 2002 at a cost of £53,600 (£48,000 to the General Fund and £5,600 to the Housing Revenue Account) in the current financial year by way of supplementary budgetary provision and budgetary provision would need to be made for a 3.5% pay review in the 2003/04 financial year. The decisions concerning spinal points 4 and 5 and the £5.00 minimum wage would have minimum impact on Runnymede salaries.

392. FIXED TERM EMPLOYEES (PREVENTION OF LESS FAVOURABLE TREATMENT) REGULATIONS 2002

Members were advised of the implications to the Authority of the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations and approval was sought to arrangements to ensure compliance. The Regulations came into force on 1 October 2002 and were aimed at preventing staff employed on a fixed term or most kinds of temporary basis being treated less favourably than permanent employees doing the same or similar work and also to limit the use of successive fixed term contracts.

The Council's current treatment of "casual" staff made it potentially vulnerable to a claim at an Employment Tribunal for less favourable treatment in terms of pay and conditions because a number of staff working for the Council who were classified as "casual" staff would, under the new Regulations, be entitled to claim parity of treatment with permanent staff doing the same or similar work in terms of pay and conditions of employment, unless objective justification existed for the differential. Staff were only genuinely "casual" if they were under no obligation to work and the authority had no obligation to provide work (known as "mutuality of obligation").

The Committee noted a full list of current "casual" staff posts, along with an indication of whether those posts would be affected by the Regulations set out at Appendix 'G'. The Committee also considered a revised approach set out at Appendix 'F' to take account of the Regulations.

Many current "casuals" were engaged on a six monthly renewable basis and most would have been engaged on an ad hoc basis, without competition and without medical or reference clearance. A number of "casual" appointments were made for staff above retirement age who were currently not covered by unfair dismissal provisions. As a result of the potential for full terms and conditions and permanency of employment, the procedures for engaging any staff on anything other than a short term "casual" basis would need to be reviewed. These new measures would add administration and staffing costs to the services concerned and could increase the Authority's permanent staff establishment. The complexity of the new requirements was noted and it was agreed that the opportunity should be taken to simplify the processes, where it was feasible to do so.

RESOLVED that -

with immediate effect, unless there is objective justification

- i) all staff appointments (whether permanent or fixed term within the meaning of the Regulations) be made on a full terms and conditions basis subject to:**
 - 1. the necessary Committee approval of changes in establishment for appointments exceeding nine months;**
 - 2. medical and reference clearance;**
 - 3. the appointment not being on a genuinely casual basis;**
- ii) the approach set out in Appendix 'F' be adopted; and**
- iii) staff currently employed on a temporary basis whose working arrangements are identified in Appendix 'G' as falling within the Fixed Term Regulations be appointed on a full terms and conditions basis.**

393. SPECIAL RESPONSIBILITY ALLOWANCES – REVIEW BOARD

(Ref: Minutes of the Council 19 July 2001, page 225, para. 172, 20 December 2001, page 699, para. 448; Corporate Management Committee, 8 November 2001, page 505, para. 340)

The Local Authorities (Members' Allowances) (England) Regulations 2001 required the Council to pay a basic flat rate allowance to all Members and provided discretion, inter alia, for special responsibility allowances.

The revised Council Constitution which came into effect in May 2002 provided for two Review Boards, each consisting of five Members to discharge the statutorily required overview and scrutiny Committee functions. Members gave further consideration to the arrangements for overview and scrutiny at the cross party Local Government Act Member Working Group on 28 May 2002, at which the Chairmen of both Review Boards were present. On the subsequent recommendations of the Corporate Management Committee, Council agreed that a single Review Board of nine Members be constituted with effect from 1 September 2002. In addition, the Independent Remuneration Panel on Members' Allowances was asked to reconsider the Responsibility Allowances for the Review Board Chairman, its Vice-Chairman and any Lead Members designated.

Correspondence had accordingly been undertaken with the Members of the Independent Remuneration Panel outlining the proposed new arrangements, reminding them of the previous recommendations, relativity of allowances, the fact that one Review Board was now replacing two previous Boards, and the anticipated work programme for the remainder of the Municipal Year. The Panel's unanimous view was that the Chairman of the Review Board should have a responsibility allowance of £1,600 (previously £1,200) and the Vice-Chairman £800 (previously £600), thus bringing them into line with the Chairmen and Vice-Chairmen of the Policy Committees. The Committee concurred with these recommendations.

At this stage there were no proposals to identify Lead Members, their workload or the length of time for which they would be engaged in a particular task. If a Lead Member or Members were appointed, then the details of their tasks and the likely time commitment and length of role would be put to the Remuneration Panel for further guidance. The proposed uplift in the Special Responsibility Allowances for the Chairman and Vice-Chairman of the single Review Board could be contained within existing budget provision. The Council had recommended the creation of a single Review

Board of nine Members with effect from 1 September 2002. The Committee therefore recommended that the revised Responsibility Allowances should become operative from that date.

RECOMMEND that -

- i) the Scheme of Members' Allowances be revised to provide for Special Responsibility Allowances as follows:**

Chairman of the Review Board	£1,600
Vice-Chairman of the Review Board	£ 800

- ii) these revised Special Responsibility Allowances be effective from 1 September 2002.**

394. WRITE-OFFS

RESOLVED that -

- i) the Council tax arrears, totalling £4,265.73, be written off as irrecoverable;**
- ii) the non-domestic rates arrears totalling £23,115.24 be written off as irrecoverable; and**
- iii) the rent arrears totalling £2,946.08, be written off as irrecoverable.**

395. PRINTING AND DESIGN SERVICES - AWARD OF CONTRACT

By resolution of the Committee, the press and public were excluded from the meeting during the consideration of this matter under Section 100A(4) of the Local Government Act 1972 on the grounds that the discussion would be likely to involve the disclosure of exempt information of the description specified in paragraphs 7, 8 and 9 of Schedule 12A to Part 1 of the Act.

Members were advised that following a tendering exercise the Council's printing contract for the five years from 1 December 2002 had been awarded to the current providers of the service, SD&P LLP (Savage Design and Print). Details of the tenders submitted were noted. Although Officers had delegated authority to accept the most financially favourable tender, Standing Orders required that the tenders be reported to Committee for information where (as here) the value of the contract over its life exceeded £100,000.

Chairman

(The meeting ended at 8.50 p.m.)