

Public Document Pack



**Assistant Director, Governance and
Monitoring**

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Wednesday 12 August 2015

Notice of Meeting

Dear Member

Overview and Scrutiny Management Committee

The **Overview and Scrutiny Management Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **10.00 am** on **Thursday 20 August 2015**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Assistant Director of Legal, Governance and Monitoring

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Overview and Scrutiny Management Committee members are:-

Member

Councillor Julie Stewart-Turner (Chair)

Councillor Cahal Burke

Councillor David Hall

Councillor Mohan Sokhal

Co-optees

John Briggs (Co-Optee)

Fatima Khan-Shah (Co-Optee)

9 Day Change

Under the provision of a 9 day change, Councillor Mohan Sokhal will replace Councillor Carole Pattison for the meeting.

Agenda

Reports or Explanatory Notes Attached

Pages

1: Appointment of Co-optees

1 - 4

The Committee will appoint new co-optees and co-optees to the Overview and Scrutiny Management Committee.

Contact: Penny Bunker, Governance and Democratic Engagement Officer
Tel: 01484 221000

2: Interests

5 - 6

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests

3: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

4: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

5: Admission of the Public

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

MATTERS FOR CONSIDERATION

6: Call-in of Cabinet decision in relation to the Parks & Open Space Maintenance Standards.

7 - 14

The Panel will formally receive and note the notice of call-in and consider the issues raised in relation to the decision taken by Cabinet on the 28 July 2015, on the Parks & Open Space Maintenance Standards.

Contact: Penny Bunker, Governance and Democratic Engagement Officer
Tel: 01484 221000



Name of meeting: Overview and Scrutiny Management Committee

Date: 20 August 2015

Title of report: Appointment of Co-optees

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Is it in the Council's Forward Plan ?	Not applicable
Is it eligible for "call in" by Scrutiny ?	Not applicable
Date signed off by <u>Director</u> & name	David Smith 12.8.15
Is it signed off by the Director of Resources?	Yes
Is it signed off by the Assistant Director - Legal & Governance?	Yes
Cabinet member portfolio	n/a

Electoral [wards](#) affected: N/A

Ward councillors consulted: N/A

Public / Private report: Public

1. Purpose of report

1.1 Following a recruitment event, the Overview and Scrutiny Management Committee (OSMC) intended to use it's next scheduled meeting on 7 September to formally appoint new Scrutiny Co-optees to the pool of co-optees that can be used for committee and panel work. The OSMC will also consider the effective use of co-optees within current scrutiny structures.

However, as an additional meeting has been called to review a Cabinet decision, the appointment has been brought forward. The lay person perspective that is brought to scrutiny work by voluntary scrutiny co-optees has been valued by councillors, officers and Council partners. Co-optees have played an important role in previous call in meetings and it is considered important that continuity is maintained for the additional OSMC call in meeting.

This report seeks to appoint three new co-optees to a co-optee pool for assignment to Committee or Panels as appropriate.

The report further recommends that two co-optees be appointed to the OSMC for the call in meeting on 20 August 2015. It should be noted that for the purposes of this call in meeting, co-optees do not have voting rights.

At the meeting of the OSMC on 7 September, the Committee is recommended to continue to give further consideration to the deployment of co-optees within current scrutiny structures.

2. Key points

2.1 Following agreement by members of the OSMC a recruitment event was held on 20 July for those people who had been placed on a waiting list having previously expressed an interest in being a Scrutiny Co-optee.

Following the exercise the Committee agreed to appoint the following members of the public as co-optees:

- Fatima Khan-Shah - as a statutory Education co-optee for 1 year and thereafter for three years as a voluntary co-optee.
- Robert Walton – as a voluntary co-optee for four year term
- Rosa Vella - as a voluntary co-optee for four year term

A further candidate was offered the chance to undertake the training before the OSMC made a final decision on his appropriateness for the role.

All appointments are subject to signing the code of conduct, completing a programme of training and a successful probationary period.

2.2 The OSMC has taken on the responsibilities previously covered by some Scrutiny standing panels. As previously, it is considered important that a lay perspective is brought to call in discussions. For this reason it is recommended that John Briggs and Fatima Khan- Shah are appointed to the OSMC for the call in meeting on 20 August 2015.

3. Implications for the Council

3.1 The proposals within the report recognise the importance of the scrutiny co-optee role and the need to ensure that the valued contribution is effectively maintained in the revised overview and scrutiny arrangements.

4. Consultees and their opinions

The Chair of Overview and Scrutiny has been consulted on the proposals and supports the recommendations.

5. Next steps

A programme of training for new co-optees will be arranged to start in September 2015

6. Officer recommendations and reasons

- (1) That the three new co-optees set out in section 2.1 of the report be appointed to the co-optee pool for assignment to Committee or Panels as appropriate.
- (2) That John Briggs and Fatima Khan-Shah be appointed with immediate effect to be members of the Overview and Scrutiny Management Committee for the meeting on the 20th August 2015
- (3) That, at the meeting of the OSMC on 7 September, the Committee give further consideration to the deployment of co-optees within current scrutiny structures.

7. Cabinet portfolio holder recommendation

Not Applicable

8. Contact officer and relevant papers

Penny Bunker, Governance and Democratic Engagement Manager
Tel: 01484 221000

9. Assistant director responsible

Julie Muscroft, Assistant Director Legal, Governance and Monitoring

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KIRKLEES COUNCIL				
COUNCIL/CABINET/COMMITTEE MEETINGS ETC				
DECLARATION OF INTERESTS Overview & Scrutiny Management Committee				
Name of Councillor				
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an “Other Interest”)	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest	

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



Name of meeting: Overview & Scrutiny Management Committee

Date: 20 August 2015

Title of report: Parks and Open Spaces Maintenance Standards

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Is it in the Council's Forward Plan ?	Yes
Is it eligible for "call in" by Scrutiny ?	Yes
Date signed off by Director & name Is it signed off by the Director of Resources? Is it signed off by the Assistant Director - Legal & Governance?	N/A For Information purposes only
Cabinet member portfolio	Streetscene & Housing Cllr Cathy Scott

Electoral [wards](#) affected: All

Ward councillors consulted: N/A

Public or private: Public Report

1. Purpose of report

To provide members of the Overview and Scrutiny Management Committee with background information in respect of the Call-In.

2. Key Points

- 2.1 On 3 August 2015, the Assistant Director Legal, Governance & Monitoring received written notification from twenty four non-executive councillors of their wish to call-in a decision of Cabinet made on 28 July 2015. The decision was in relation to the Parks and Open Spaces Maintenance Standards. A copy of the notice, including reasons for the call-in is attached at Appendix 1.

- 2.2 The Assistant Director Legal Governance and Monitoring has discretion, under section 18 paragraph 18.8 of the Overview and Scrutiny Procedure rules to extend the period during which the appropriate Scrutiny Panel must meet. As such an extension of 2 days has been granted due to the availability of key parties.
- 2.3 The Committee has access to all papers considered by the Cabinet when making the decision, and will be able to question the relevant officers and Cabinet Members. Committee Members are also able to hear from other interested parties including other councillors and members of the public. A detailed timetable for the Committee meeting is attached at Appendix 2.
- 2.4 The Committee should focus its attention and questions on those issues that are the subject of the call-in.
- 2.5 Once the Committee has considered the decision and all supporting information and evidence, it must resolve either to:
- (1) Free the decision for implementation
 - (2) Refer it back to the Cabinet with a recommendation for amendment
 - (3) In exceptional circumstances, refer the issue to the next Council meeting if the decision is not consistent with the budget or any policy previously agreed by the Council. This can only be done with advice from the relevant senior officers and the Assistant Director: Legal, Governance & Monitoring.
- 2.6 If the decision is referred back to Cabinet, it will be considered at the next meeting of Cabinet. Cabinet may:
- Accept the recommendation of the Scrutiny Panel and amend its decision;
 - Decide that further work needs to be done and defer the item until this is completed. The Scrutiny Panel should be kept informed of the work as it progresses and be formally notified when it is to be reconsidered;
 - Not accept the view of the Scrutiny Committee and confirm its original decision;
 - Refer the issue for discussion at the next appropriate Council meeting.
- 2.7 If the Cabinet rejects the recommendation from the Committee and confirms its decision, it can be implemented immediately as there is no scope for further review and challenge. A decision may only be reviewed once.

3. Implications for the Council

There are no specific implications for the Council within this report as the Committee does not have decision making powers. However as a result of hearing the call in evidence, recommendations may be made to

Cabinet to amend its decision which if accepted could result in implications for the Council.

4. Consultees and their opinions

No consultation was appropriate in respect of the contents of this report.

5. Next steps

Following consideration of all the information and evidence, Members of the Committee need to make one of the following three recommendations, in accordance with the Council Procedure Rules:

- (1) Take no further action and free the decision for implementation.
- (2) Refer it back to the Cabinet with recommendation(s) for amendment.
- (3) In exceptional circumstances, refer to the next Council meeting (only if the decision is not in line with the budget or any policy previously agreed by the Council. This can only be done with advice from the relevant senior officers and the Assistant Director: Legal, Governance & Monitoring.)

6. Officer recommendations and reasons

That Members of the Committee consider all of the information and evidence and make one of the above three recommendations, in accordance with the Council Procedure Rules.

7. Cabinet portfolio holder recommendation

Not applicable

8. Contact officer and relevant papers

Penny Bunker, Governance & Democratic Engagement Manager
Tel: email: penny.bunker@kirklees.gov.uk

9. Assistant Director responsible

Julie Muscroft Assistant Director: Legal, Governance & Monitoring

We the undersigned request scrutiny call in the following decision made by cabinet on Tuesday, 28th July 2015:

Item 10: Parks & Open Spaces maintenance Standards

We believe the decision was made without due regard to all material considerations, namely:

- No financial figures were presented to the meeting corresponding to the different levels of service.
- Neither Cabinet nor officers justified which sites were chosen to be serviced at which level. This was done without the input of ward councillors or residents.

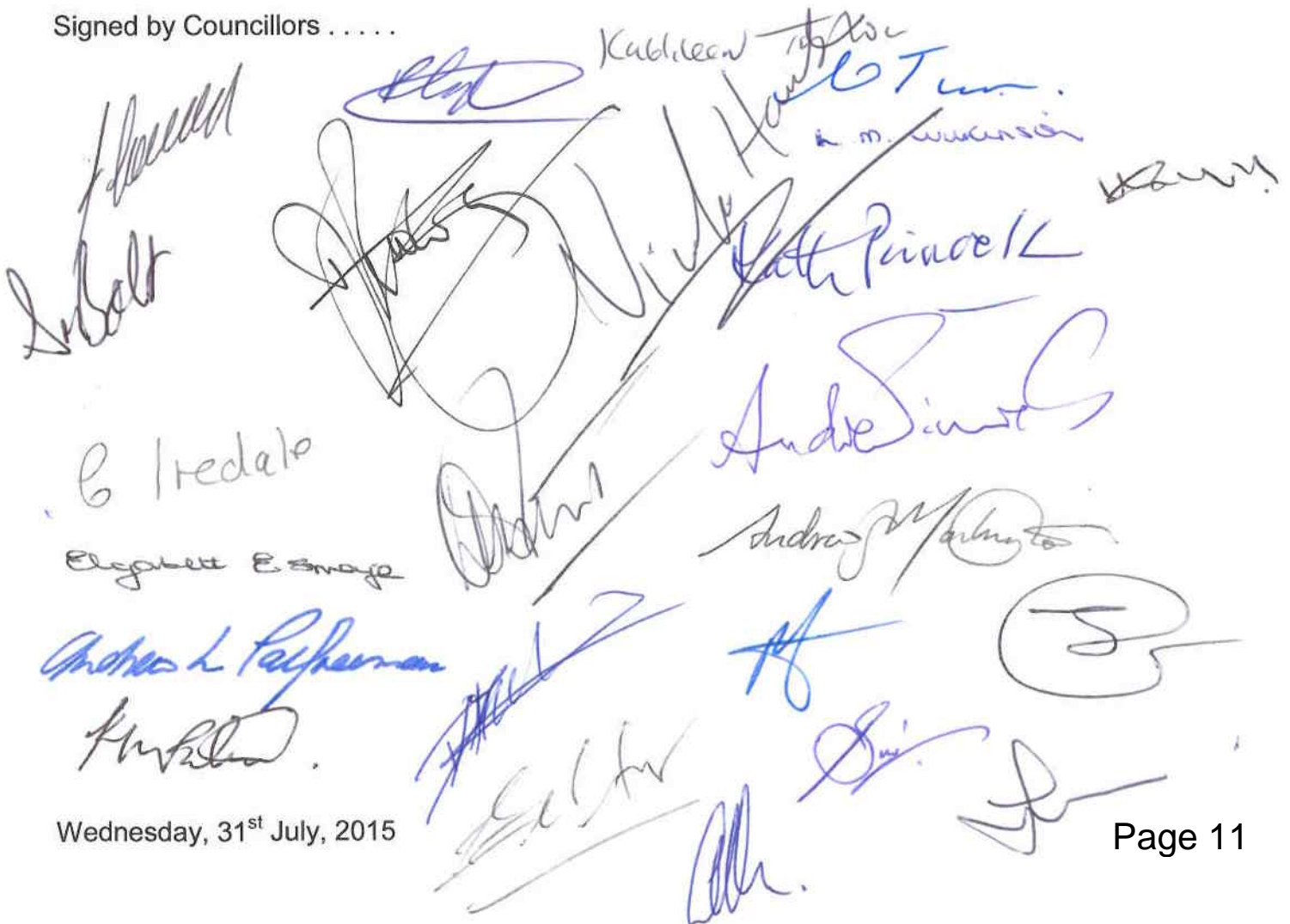
We further believe that inadequate consultation was made with the public or ward members before this trial was put in place.

Furthermore, such a trial, which is a material departure from present council policy, should have been subject to a formal, public decision by cabinet before it was implemented.

We therefore believe that the decision taken contravenes the council's constitution which embeds the following principles to decision-making:-

- due regard to all relevant considerations and disregard of all irrelevant factors;
- a presumption in favour of openness;
- the ability to explain the options considered and the reasons for decisions.

Signed by Councillors



Wednesday, 31st July, 2015

Call-In Procedure
Parks & Open Spaces Maintenance Standards

Meeting		Timetable
1.	Welcome by Chair of Panel	10:00 am
2.	Opening Statement by signatories to the Call-In - the signatories' spokesperson will outline the reasons for Call-In	10:05 am*
3.	Clarification by Panel Members - Panel Members raise issues of clarification with signatories to the Call-In	10:20 am*
4.	Opening Statement by Decision-Makers - the relevant decision-makers, with support from appropriate officers, will outline the reasons for their decision and the issues that they took into account (this could include the Leader of the Council and/or the relevant portfolio holder)	10:35am*
5.	Clarification by Panel Members - Panel Members can raise issues of clarification with the decision-makers	10:50 am*
6.	Public Participation (Councillors) - councillors who are not signatories may attend to give evidence on issues raised by the Call-In (up to 5 minutes each) - Panel Members may seek clarification on points raised by councillors	11:10 am*
7.	Public Participation (Public) - members of the public may attend to give evidence on issues raised by the Call-In (up to 5 minutes each – it is recommended that pressure groups are represented by 1 speaker) - Panel Members may seek clarification on points raised by members of the public	11:40 am*
LUNCH		12:00 pm*
8.	Panel Questions - Panel Members can ask any outstanding questions of the decision-makers	12:45 pm*
9.	Signatories to the Call-In have the opportunity to identify any outstanding questions through the Chair. The Chair will then look to the decision-makers to respond to the Panel on those issues.	13:05 pm*
PANEL WITHDRAW TO FORMULATE DECISION		13:25 pm*
10.	Panel reconvenes to read out their decision and the reasons for this, which will be in accordance with the Council Procedure Rules: (1) take no further action and free the decision for implementation (2) refer it back to the Cabinet with recommendation/s for amendment (3) in exceptional circumstances, refer to the next Council (only if the decision is not in line with the budget or any policy previously agreed by the Council. This can only be done with advice from the relevant senior officers and the Head of Legal Services.)	

*please note that the timings are for guideline purposes only and are subject to change on the day

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