

Name of meeting: Cabinet
Date: 22nd September 2015

Title of report: Overview and Scrutiny Management Committee –
 Recommendation from Call-In Hearing – 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. The decision being called-in affects all electoral wards
Is it in the Council's Forward Plan?	Yes. The decision being called in first went in the Forward Plan on 10 June 2015
Is it eligible for "call in" by Scrutiny?	Not applicable
Date signed off by <u>Director</u> & name	
Is it signed off by the Director of Resources?	Yes 11.9.15 – Debbie Hogg on behalf of David Smith
Is it signed off by the Assistant Director – Legal, Governance & Monitoring?	Yes 11.9.15 – Patricia Hannen on behalf of Julie Muscroft
Cabinet member portfolio	Resources and Community Safety

Electoral [wards](#) affected: The Parks and Open Spaces Maintenance Standards affects all electoral wards in Kirklees.

Ward councillors consulted: None.

Public or private: Public

1. Purpose of report

To advise the Cabinet of the decision reached by the Overview and Scrutiny Management Committee on 20th August 2015, following their consideration of the Call-In in respect of the decision made by Cabinet on 28th July 2015 on 'Parks and Open Spaces Maintenance Standards'.

2. Key points

2.1 On 20 August 2015, the Overview and Scrutiny Management Committee met to consider the Call-In in respect of the decision made by Cabinet on 28 July 2015 on 'Parks and Open Spaces Maintenance Standards'.

2.2 The Panel considered evidence from the Councillors who were signatories to the Call-In, the Cabinet Member for Resources and Community Safety, an officer from the Streetscene and Housing Service and members of the public in attendance at the meeting. The Panel had also studied all relevant

background information used in the decision-making process to determine the rationale behind the decision and to determine if it had been made in accordance with the Council's decision-making principles.

2.3 According to the Overview and Scrutiny Procedure Rules, the Panel had three options available to it:

- (1) To take no further action and free the decision for implementation.
- (2) To refer it back to Cabinet with recommendations for amendment.
- (3) To refer it back to the next Council, if the Panel considered that the decision was not made in accordance with the budget or policy framework.

2.4 The Panel had sought advice from the Assistant Director for Legal, Governance & Monitoring and was satisfied that the third option did not apply in this instance.

Scrutiny Decision

2.5 It was therefore the Panel's decision that, taking all factors into account, the decision be referred back to Cabinet.

In respect of the financial information, this was insufficient particularly regarding the decision to devolve the flexibility to change service standards to District Committees.

The Committee found that the report to Cabinet had a rationale for each level of service standards.

The Committee found that, whilst there was no statutory obligation to consult on grass cutting and maintenance issues, it would have been good practice to inform ward councillors, consult with Friends Groups and make the public aware. The Committee found some evidence of consultation but it was inadequate to the change proposed. The budget book indicated that the budget savings would be made through modernised working practices, together with targeted support from Councillors, community groups and neighbourhoods, however this was not evident in the approach to date.

The Committee considered the decision making principles and felt that there had not been adequate consideration of all relevant factors, in particular financial / resource implications, views of affected groups and evidence of considering other options. The Committee do not consider this omission to have been intentional.

Scrutiny Recommendations

2.7 In light of the above findings, the Committee concluded that the report should be referred back to Cabinet with the following recommendations:

- (1) There is insufficient information for District Committees to be able to make decisions, Further information should be provided for them to be able to do so.**

(2) It is important that we develop a clear approach to engage with Friends Groups and other community led organisations and ward members to support this change, as outlined in the Budget statement

(3) The Committee supports part 3 of the decision:

“That the Assistant Director (Physical Resources and Procurement) be delegated responsibility to find the most cost effective solution to the future provision of seasonal plants in order to achieve best value.”

However, the options should be reported back to Cabinet.

The Committee is anxious that changes are being implemented before research is undertaken.

3. Implications for the Council

This report sets out the recommendations of the Overview and Scrutiny Management Committee and the Cabinet has a number of options available to it. The implications for the Council will be dependent upon the course of action taken by the Cabinet.

4. Consultees and their opinions

None.

5. Next steps

In considering the Scrutiny Panel’s recommendation, Cabinet has the following courses of action available:

- 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 Panel and confirm its original decision;
- Refer the issue for discussion at the next appropriate Council meeting.

6. Officer recommendations and reasons

That the Cabinet consider the Scrutiny Panel’s recommendation and determine one of the courses of action set out in paragraph 5 above.

7. Cabinet portfolio holder recommendation

As this is a Scrutiny referral, this is not applicable.

8. Contact officer and relevant papers

Helen Kilroy, Principal Governance & Democratic Engagement Officer
Tel: 01484 221000 E-mail: helen.kilroy@kirklees.gov.uk

Relevant papers: Agenda papers of Overview and Scrutiny Management Committee on 20 August 2014 and the Cabinet meeting held on 28 July 2015.

9. Assistant director responsible

Julie Muscroft, Assistant Director: Legal, Governance & Monitoring
Joanne Bartholomew, Assistant Director, Place