

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE SCRUTINY PANEL – RESOURCE DEVELOPMENT

held in the Council Chamber,  
Adam and Eve Street, Market Harborough

15<sup>th</sup> December 2011

commencing at 3p.m.

Present:  
Councillor Holyoak (Chairman)

Councillors: Bannister, Mrs. Burrell, King, Knowles and Smith

Officers: K. Mehta, E. O'Neill and V. Wenham.

Apologies for absence were received from Councillors: Dr. Bremner, Evans, Hall, Johnson and Mrs. Page.

358 NOTIFICATION OF SUBSTITUTION

Councillor Mrs. Burrell substituted for Councillor Johnson.

Councillor King substituted for Councillor Mrs. Page.

359 MINUTES

RESOLVED that: the Minutes of the Meeting of the Scrutiny Panel for Resource Development held on 27<sup>th</sup> October 2011 be taken as read and signed by the Chairman as a true record.

360 REVENUE BUDGET AND CAPITAL PROGRAMME MONITORING (QUARTER TWO)

The Panel received a report on the Council's Revenue and Capital Programme Monitoring up to 30<sup>th</sup> September 2011 (Quarter Two). This report forms part of a standard series of reports which are presented to the Panel on a quarterly basis. The report was due to be presented to the Executive on 19<sup>th</sup> December 2011.

K. Mehta, Deputy Chief Executive and Section 151 Officer, outlined the main features of the report and invited questions from the Panel.

The following questions and responses were discussed:

Question/Comment	Response
The report shows that, up to 30 <sup>th</sup> September 2011, the Council had an underspend of £177, 000. Is this correct?	Yes, this is an underspend against profiled budgets.
<b>Re. Item 10018 shown on page 8 of Appendix A to the report:</b>  The Harborough Innovation Centre (HIC) shows a 'Full Year Budget' of £0 and a 'Profiled Budget' of £0. Why is this?	When the Council's current budget was set in February 2011 the HIC had not been completed.
<b>Re. Item 10117 (On-street C.P.E.) shown on page 16 of Appendix A to the report:</b>  A variance of (£21, 059) is shown. Is this due to a post being vacant?	Yes.

<p><b>Re. Item 10078 (Emergency Plan/ Bus' Continuity) shown on page 10 of Appendix A to the report:</b></p> <p>What does the acronym 'WOW' stand for?</p>	<p>The acronym stands for Welland, Oadby and Wigston.</p>
<p><b>Re. Item 10303 (Lutterworth Office) shown on page 11 of Appendix A to the report:</b></p> <p>A 50% overspend is shown. Why is this?</p>	<p>These costs can be accounted for by ongoing utilities and maintenance costs. These costs will cease at the end of the year.</p>
<p><b>Re. Item 10128 (Recreation Strategy) shown on page 15 of Appendix A to the report:</b></p> <p>Can the Panel be provided with further information on how Arts Fresco is funded?</p>	<p>K. Mehta, Deputy Chief Executive and Section 151 Officer, agreed to provide a written response to all members of the Panel within four weeks of the date of this Meeting.</p>
<p><b>Re. Item 10188 (Homelessness) shown on page 15 of Appendix A to the report:</b></p> <p>Can the Panel be provided with further information on how the £76, 554 shown has been spent?</p>	<p>K. Mehta, Deputy Chief Executive and Section 151 Officer, agreed to provide a written response to all members of the Panel within four weeks of the date of this Meeting.</p>

The Panel RECOMMENDED that, in the future, more-thorough rationale should be included in the 'comments' column of the standard Budget Monitoring reports. This should explain the reason for variances and whether savings/overspends are permanent or transient in nature.

#### 361 NEW HOMES BONUS

K. Mehta, Deputy Chief Executive and Section 151 Officer, explained the contents of this report and the options for the implementation of a New Homes Bonus scheme.

Having considered the report, the Panel RESOLVED that the following comments be presented to the Executive on 19<sup>th</sup> December 2011.

- (i) the Panel recognises the difficulty that the Council faces with setting the forthcoming budget and the need to use funds from the New Homes Bonus to help meet the budget shortfall. However, the Council should ensure that any future surplus funds, arising from the New Homes Bonus scheme, be used for the benefit of the public and their services.
- (ii) paragraph 2.6 of the Executive report suggests that Scrutiny may wish to review a proposed policy on bringing derelict properties back into use. The Panel would welcome this opportunity.
- (iii) paragraph 5.2.2 of the Executive report sets out three options for New Home Bonus Policy. The Panel feels that Option C is the most appropriate.
- (iv) whichever option the Executive implements, a mechanism for annual review, and review throughout the year, should be put in place. This could be achieved through the work of the Scrutiny Panel for Resource Development or a new, standalone New Homes Bonus Panel.
- (v) the Council's Section 151 Officer should have delegated authority to decide the Council's 'split' of the New Homes Bonus funds.
- (vi) areas in which housing development is greater should have a higher, proportionate 'split' of the New Homes Bonus funds.

- (vii) no New Homes Bonus funds are immediately available. Areas of the District that are currently experiencing development should not be disadvantaged as a result of this.

**362 PROGRESS OF THE COUNCIL'S SHARED LEGAL SERVICE**

V. Wenham, Head of Legal and Democratic Services, provided the Panel with an update on the progress of the Council's Shared Legal Service.

The Panel NOTED that:

- (i) Harborough District Council and Melton Borough Council have worked collaboratively with respect to the provision of legal services since 2008. The Head of Legal Services who has always been employed by Harborough District Council works for Melton Borough Council for two days a week. The principal solicitor, who has been in post since March 2009 and who was employed by Melton Borough Council works for Harborough District Council for two days a week. In 2009 the Head of Legal Services was tasked with investigating the possibility of implementing a true shared legal service and whether there would be any benefits to both authorities in this course of action.
- (ii) following that review, both authorities agreed to share legal resources with Harborough District Council providing the legal service to Melton Borough Council. As from the 1<sup>st</sup> September 2010, Melton Borough Council delegated the provision of its legal service function to Harborough District Council, and entered into a Service Level Agreement which governs how that service is provided.
- (iii) a new structure has subsequently been implemented consisting of the post of Head of Legal Services, Principal Solicitor, Legal Officer and Legal Assistant. Harborough District Council is effectively the 'lead' authority and employs the officers providing the service. The three officers employed by Melton Borough Council transferred to the employment of Harborough District Council as of that date. The posts of Head of Legal Services and Principal Solicitor continue to provide a legal service to Melton Borough Council for two and three days per week respectively. In addition, the Head of Legal Services fulfils the role of the Solicitor to the Council for Melton Borough Council as well as the role of Deputy Monitoring Officer. The new posts of Legal Officer and Legal Assistant split their time equally between the two authorities.
- (iv) the legal team provides legal advice across a broad range of local government areas, including planning, licensing and regulatory matters, enforcement and local authority governance issues, as well as property-related matters including leases and licenses. The Head of Legal Services is also Monitoring Officer and provides legal advice to Council, Planning Committee, Constitutional Review Committee and Standards Committee including the appropriate sub-committees dealing with complaints regarding alleged breaches of the Code of Conduct. The Principal Solicitor advises the development Committee at Melton Borough Council. Both posts advise Licensing and Regulatory Panels. The Head of Legal & Democratic Services is also Deputy Monitoring Officer for Melton Borough Council.

The following questions and responses were discussed:

Question/Comment	Response
How does the Council select appropriate Counsel for instruction?	<p>The Council tends to use local Chambers, in the interest of reducing travel distances if meetings are required.</p> <p>Counsel is selected on an individual basis depending on their areas of specialism.</p>

Whose decision is it to instruct Counsel?	Such decisions are taken in consultation with the client department of the Council but, ultimately, are delegated to the Head of Legal and Democratic Services.
In operational terms how are the staff of this department split between the two local authorities?	The Head of Legal Services and the Principal Solicitor are split between the two authorities.  At all times each authority has a solicitor on site.

The Panel RECOMMENDED that a further report be brought before it. This report should include:

- (i) data on the activity of the Shared Legal Services department in relation to performance indicators.
- (ii) benchmarking information regarding how the Council is performing in relation to other local authorities.
- (iii) details of workload and volume of cases dealt with (e.g. number of Section 106, Licensing agreements etc.).
- (iv) an invitation to a representative of Melton Borough Council to attend a Meeting of this Scrutiny Panel.

#### 363 COSTS AWARDED AGAINST THE COUNCIL

V. Wenham, Head of Legal and Democratic Services, introduced this report to the Panel. The purpose of the report was to provide the Panel with details of instances of awards made against the Council and the reasons for these. The information provided covered the previous four-year cycle of Council.

The Panel NOTED the information provided and RECOMMENDED that it be provided with information on costs awarded regarding the Rose and Crown public house in Thurnby.

The Meeting ended at 5p.m.