

## **Resources and Governance Overview and Scrutiny Committee**

### **DRAFT Minutes of the meeting held on 5 February 2009**

#### **Present:**

Councillor Watson – In the Chair.

Councillors Bhatti, Clayton, Glover (Items 1- 10), Hitchen, Jones, M Khan (Items 1-7), McCulley, Morrison, P. Murphy, Sandiford, Smith and Trotman.

#### **Present by Invitation:**

Councillor Priest, Executive Member for Finance and Human Resources

#### **Apologies:**

No apologies submitted

### **RG/09/06 Urgent Business**

The Chair informed the Committee that she had consented to the items 'Town Hall Complex Programme', 'Town Hall Complex Programme – Part B' and 'B of the Bang' being considered as urgent business.

#### **Decision**

To note that the items 'Town Hall Complex Programme', 'Town Hall Complex Programme – Part B' and 'B of the Bang' would be considered by the Committee as urgent business.

### **RG/09/07 Minutes**

The minutes of the meeting of the Resources and Governance Overview and Scrutiny Committee held on 8 January 2009, and the minutes of the Human Resources Sub Group of this Committee held on 13 January 2009 were submitted.

It was announced that the Overview and Scrutiny Co-ordinating Group had agreed, at their meeting of January 22<sup>nd</sup>, that Scrutiny Committee minutes should record apologies. The minutes should record who has submitted apologies to the Committee officer and which items of business members of the Committee were present for.

#### **Decision**

1. To approve the minutes of the Committee and the Sub Group as a correct record of the meetings.
2. To note the decision of the Overview and Scrutiny Co-ordinating Group.

## **RG/09/08 Information and Overview Report**

A report of the City Solicitor was submitted tracking the recommendations of the Committee and providing the forward work programme. Members requested that the minutes of the meeting of the Governance Sub Group held on January 27<sup>th</sup> be submitted to the meeting of this Committee on March 5<sup>th</sup>, rather than the meeting on February 23<sup>rd</sup>. This was so that the meeting on February 23<sup>rd</sup> could focus exclusively on the budget.

### **Decision**

1. To agree the work programme.
2. To agree that the minutes of the Governance Sub Group will be submitted to the meeting to be held on March 5<sup>th</sup>.

## **RG/09/09 Legal Services Business Plan**

A report of the Head of Legal Services was submitted which gave an overview of the provision of legal services to the council. The report included the Legal Services Business Plan covering the period 2009/10 to 2011/12.

Members commented that the report was clear and easy to follow and reflected the quality of the services that the section had provided to the Council.

Focusing on the Business Plan members questioned how the section addressed changing work levels. Members noted that the section provided legal services in relation to asylum seekers to whom the Council had a legal duty. The level of resource required to provide this service depended on the numbers of people requiring or requesting a service. As with many areas of Legal Services work this included some elements which could be predicted and some unknown elements, and this was reflected in the Business Plan. The service strived for a balance between being able to cater for peak demand periods and avoiding situations where more staff were employed than work levels demanded.

Members also asked for insight into the reasons why the service had been able to 'reject' the need to take action against the possibility of reductions in the legal services budget and changing workload patterns as a result of the economic downturn. The Head of Legal Services advised that any economic downturn was outside the control of Legal Services and that workloads and income targets were kept under review but so far no significant changes had occurred and no additional action was warranted.

In turning their attention to the overview of legal services members asked what in-house training was planned for 2009, and whether it would be suitable for Councillors to attend. The Head of Legal Services advised that the programme for 2009 was being drawn up but would include employment law training on dealing with absence and on disability discrimination issues. The training was delivered at a technical level

and might not meet the demands of members. Legal training for Councillors could be delivered, and this could cover the areas that would assist them most in their roles.

The report included information detailing the numbers of cases that had been opened during 2007 and 2008. The information was broken down according to the section of the Council the client represented. Members noted that the breakdown was based on department names that were now out-of-date following a reorganisation of the Council's departments. The Head of Legal Services advised that the IT action plan for the section had identified this and would align the recording to existing structures from April 09.

Members also requested insight into the reasons why some clients opened a large number of new cases at particular times, for example January and February 2008 had seen a large number of new cases opened in Social Services. Members identified that it would be helpful to them and to the service if analysis was carried out into the reasons behind these figures.

### **Decision**

1. To welcome the report and to acknowledge the high quality of legal services provided to the Council.
2. To request that analysis be carried out and reported back to the Committee identifying the reasons behind significant fluctuations in the numbers of cases opened at particular times by particular client groups.
3. To request that officers explore the demand for, and potential for delivering, legal training sessions for Ward Councillors.

### **RG/09/10 Manchester Improvement Programme**

A Report of the Strategic Director of the Manchester Improvement Programme (MIP) was submitted giving an update on MIP activities over the past twelve months and providing details of the proposed work programme.

The MIP had achieved cashable savings in excess of £20 million and non-cash limit savings in excess of £5 million. This was set against a budget for 2008/09 of £4 million. In addition to these cashable savings, MIP had implemented transformational changes resulting in services being delivered more efficiently, more customer focused and had contributed to the start of a change in organisational culture.

Members noted the work with AGMA to introduce more collaborative working across the sub region and asked how this would affect future collaborative work across the sub region. The Head of Business Change, MIP responded that the MIP was identifying potential opportunities for improving the service offered to customers. The objective was to achieve significant efficiencies through collaboration in service improvement and procurement. The Executive Member for Finance and Human

Resources praised the work of the section as exemplary and added that the benefits would be brought into sharp focus when the Council considered its budget in March.

Members also noted that the MIP had been invited to submit a tender to look into the feasibility of pooling resources across a number of local authorities to access savings in purchasing books for libraries on a large scale.

Members noted that the MIP had not met its savings target for the period 2008/09 and asked for some insight into this. The Strategic Director of MIP commented that the section's role was not one of a 'rent collector.' It was important to ensure that proper investigations had been done to ensure that services could run more efficiently before savings are made, to avoid reductions in the quality of services. The Executive Member for Finance and Human Resources added that further savings would occur, but it was important that savings were made at the right time. Having spent the last year developing proposals to make services run more efficiently, the implementation of these proposals in future years would bring about even greater levels of savings.

### **Decision**

To note the report and the work the Manchester Improvement Programme is carrying out to bring about a cultural transition in the Council.

### **RG/09/11 Town Hall Complex Programme**

A Report of the Strategic Director of Manchester Improvement Programme (MIP) and City Treasurer was submitted setting out how the future working environment and culture of the Town Hall Complex will deliver improved, more accessible services to the Council's customers. It also detailed the costs, funding arrangements, benefit and timescale of the refurbishment.

The refurbishment will support the delivery of the Customer Services Strategy in ensuring that all Council services deliver excellent customer service as well as preparing the Complex for many more years of civic duty.

Members raised questions relating to the cost of the resurfacing work that would be carried out on Lloyd Street. The Strategic Director of MIP advised that proposals for Lloyd Street were still being planned but would also include improved car parking facilities.

Members were also keen to ensure that accommodation was available for rooms to be used for democratic processes and that commercial customers were not prioritised. The Executive Member for Finance and Human Resources agreed with this position, and undertook to look into instances where there was evidence that commercial customers were prioritised.

In relation to the proposals for St Peter's Square members questioned whether it would be beneficial to remove the buses and cars from the Square as it might make the complex less accessible. Other members commented that similar questions had

been raised in relation to Albert Square which was now regarded as a key public space. The Strategic Director of MIP highlighted that an international competition to design the new layout of the Square had been proposed. There were certain existing features that would be retained such as the Metrolink facilities, the Peace Gardens and the Cenotaph however other features of the Square would be determined through the competition.

Members referred to references in the report that every effort would be made to allow access to the Memorial during the construction phase of the project for the annual commemoration ceremony. The Committee believed that it was vital that access was allowed for the ceremony and that they should recommend to the Executive that this occurs.

Members noted that the proposed Member Review Panel would be established at an early stage of the project subject to agreement by the Executive. Members commented that the term 'Back Bench Members' was ambiguous and recommended that it should be replaced with the term 'Non-Executive Members'.

### **Decision**

1. To support the recommendations to the Executive
2. To recommend to the Executive in addition that they ensure access to the Cenotaph memorial is safely allowed during the commemoration ceremony whilst construction is taking place.
3. To recommend that section 12.7 of the report be amended to refer to 'Non-Executive Members' rather than 'Back Bench Members'.

[Councillor Sandiford declared a personal interest as a member of the Passenger Transport Authority]

### **RG/09/12 Exclusion of the Press and Public**

A recommendation was made that the public be excluded during consideration of the next item of business.

### **Decision**

To exclude the public during consideration of the next item which involved consideration of exempt information relating to the financial or business affairs of particular persons which are commercially sensitive, and public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **RG/09/13 Town Hall Complex Programme – Part B**

A joint report of the Chief Executive, City Treasurer and Strategic Director of MIP was submitted outlining the financial details of the strategy for temporarily relocating staff and services.

Members were keen to test that appropriate risk management arrangements had been put in place. The City Treasurer outlined the contractual arrangements that were currently proposed and emphasised that negotiations were ongoing during which the Council would be seeking to further strengthen its position.

Members were satisfied that appropriate risk management arrangements were in place but requested that the final details of the agreement be reported to the Committee at the appropriate time.

### **Decision**

To note the current position in the contractual negotiations and to request that final details of the agreement be reported to the Committee at the appropriate time

### **RG/09/14 B of the Bang**

In June 2003, the Council and New East Manchester Limited (NEM) commissioned Thomas Heatherwick Studio Limited (THS) to design and construct the sculpture B of the Bang at Sportcity. The sculpture was intended to commemorate the successful staging of the Commonwealth Games in 2002 in Manchester and was commissioned following an international design competition in which the proposals were evaluated by an independent evaluation board. The sculpture was completed by January 2005. Shortly after completion defects and failures began to become apparent. Remedial works, repairs and removal of parts of the sculpture have been carried out to attempt to solve the problems and maintain the safety of the structure. However the problems persisted and legal proceedings were commenced for damages in respect of the losses incurred in connection with the sculpture.

A report was submitted to explain that the legal proceedings brought in connection with the design and construction of the sculpture B of the Bang had been settled. The City Council had received £1.7 million in full and final settlement of all claims including costs. Of this, £700,000 would be used to cover the Council's costs for testing of the sculpture, repairs and legal expenses, leaving a balance of £1 million which funders have indicated can continue to be used for the purpose of public art on the site.

Following settlement of the proceedings the Council has worked with THS to consider options available in relation to restoring the sculpture. The use of composite carbon/glass fibre materials to manufacture replacement spikes has emerged as a potential solution.

The report proposed alternative courses of action that could now be taken pending further work on the viability of the restoration scheme and the investigation of potential sources of funding:

- retain the sculpture in its current position with or without its spikes attached;
- dismantle the sculpture to be reinstated on the site at a later date.

The implications and costs of both alternatives were explained in the report, and the advantages and disadvantages of each were analysed. The first option was perceived as setting a negative impression in East Manchester that did not complement the legacy of the Commonwealth Games. The second option had the advantage of minimising any ongoing cost of monitoring and maintenance, potentially allowing more of the settlement monies to be made available for a remedial scheme. It also would allow the existing site to be incorporated into the redevelopment proposals for Sportcity and contribute towards delivering a viable scheme for the site which would include a comprehensive public realm strategy.

The Interim Chief Executive of New East Manchester Ltd. presented the report which would be submitted to the Executive on 11 February 2009 asking them to determine the option to be pursued by the City Council.

Members requested that the Interim Chief Executive advise them on whether restoration of the sculpture was a viable option. He advised that the findings of the workshop held with THS and Arup had identified a potentially feasible solution but further work would be required.

Members viewed the sculpture as an important cultural attraction for the whole city, not just East Manchester.

Members felt that the spike failure had occurred because the sculpture was exposed to the wind, which caused spikes to vibrate. Members requested that officers should explore the possibility of sheltering the structure from the wind. It was suggested that this could be done by screening the sculpture in a transparent structure, possibly with appropriate illumination.

### **Decision**

1. To support the recommendations to the Executive
2. To request officers also explore the possibility of a modified option one with measures to screen the structure from the wind for consideration by the Executive.