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<b>Meeting</b>	Budget and Performance Overview and Scrutiny Committee
<b>Date</b>	19 September 2012
<b>Subject</b>	<b>Members Item – Development and Regulatory Services Programme</b>
<b>Report of Summary</b>	Overview and Scrutiny Office  This report informs the Committee of a Member's Item seeking clarification in relation to the Development and Regulatory Services (DRS) Programme and the possibility of utilising a Joint Venture Company as the delivery vehicle of the DRS contract.

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Officer Contributors	John Murphy, Overview and Scrutiny Officer
Status (public or exempt)	Public
Wards Affected	All
Key Decision	No
Reason for urgency / exemption from call-in	N/A
Function of	Budget and Performance Overview and Scrutiny Committee
Enclosures	None
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## **1. RECOMMENDATIONS**

- 1.1 That the committee consider the request as set out in paragraph 9.1 and give such instructions as the Committee consider appropriate.**

## **2. RELEVANT PREVIOUS DECISIONS**

- 2.1 Cabinet, 6 May 2008 (Decision item 5) approved the establishment of the Future Shape of the Organisation<sup>1</sup>.
- 2.2 Cabinet, 3 December 2008 (Decision item 5) approved the programme structure for the next phase of the Future Shape programme and that a detailed assessment of the overall model for public service commissioning, design and delivery should be undertaken.
- 2.3 Cabinet, 6 July 2009 (Decision item 5) approved that three principles would be adopted as the strategic basis for making future decisions:
- a new relationship with citizens;
  - a one public sector approach; and
  - a relentless drive for efficiency
- It also approved a phased approach to delivering the Future Shape Programme and immediate consolidation of activity in the areas explored by the property, support and transact groups.
- 2.4 Cabinet, 21 October 2009 (Decision item 8) approved plans to implement the Future Shape programme.
- 2.5 Cabinet, 20 October 2010 (Decision item 9) – Noted the impact of the Emergency Budget, the consultation on formula grant, and the revised medium-term financial strategy; and that consultation responses in setting budget headlines would be reported to a special meeting on 13 December 2010, following the local government finance settlement.
- 2.6 Cabinet, 29 November 2010 (Decision item 7) – authorised the Commercial Director to commence the procurement process to identify a provider for the delivery of the Development and Regulatory Services project.
- 2.7 Cabinet, 10 January 2011 (Decision item 8) – following the referral back by the Business Management Overview and Scrutiny Committee on 16 December 2010, Cabinet reaffirmed the decision to commence the procurement process (as stated in 2.6 above).
- 2.8 Cabinet Resources Committee, 28 March 2011 (Decision item 5) – approved the Development and Regulatory Services business case and the start of the competitive dialogue process.

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<sup>1</sup> The Future Shape programme has been renamed One Barnet Programme. The relevant previous decisions shown refer to meetings held before this change.

- 2.9 Budget and Performance Overview and Scrutiny Committee, 6 December 2011, (Decision item 10) – the committee noted the report outlining the DRS business case.
- 2.10 Cabinet Resources Committee, 14 December 2011 (Decision item 5) – the committee approved the recommended shortlist of two bidders for stage 2 of the competitive dialogue process.

### **3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS**

- 3.1 The Overview and Scrutiny Committees, Panels and Task and Finish Groups must ensure that the work of Scrutiny is reflective of the Council's priorities.
- 3.2 The three priority outcomes set out in the draft 2012-13 Corporate Plan are: –
  - Better services with less money
  - Sharing opportunities, sharing responsibilities
  - A successful London suburb
- 3.3 The One Barnet programme has three overarching aims: –
  - A new relationship with citizens
  - A one public sector approach
  - A relentless drive for efficiency

### **4. RISK MANAGEMENT ISSUES**

- 4.1 The One Barnet programme recognises that Barnet residents deserve and expect high quality, efficient public services. The council accepts that it is not best placed to deliver all services on its own and that some will be delivered more effectively and efficiently and with greater quality by working with other boroughs, public sector partners, or the private or third sector.
- 4.2 To enable the Council's Overview and Scrutiny function to provide a critical friend challenge to the executive, it is essential that the Committee have the opportunity to provide a robust, proportionate and timely challenge to the One Barnet workstreams as they progress through the council's decision-making framework. Failure to facilitate pre-decision scrutiny in this way might result in reputational damage to the council.
- 4.3 Risk management considerations as they relate the Development and Regulatory project are set out in the Business Case Update.

### **5. EQUALITIES AND DIVERSITY ISSUES**

- 5.1 In addition to the Terms of Reference of the Committee, and in so far as relating to matters within its remit, the role of the Panel is to perform the Overview and Scrutiny role in relation to:
  - The Council's leadership role in relation to diversity and inclusiveness; and

- The fulfilment of the Council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

## **6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)**

- 6.1 None in the context of this report. Any financial implications are considered within the budget framework of the DRS programme.

3.1

## **7. LEGAL ISSUES**

- 7.1 Pursuant to the Local Government Act 2000 and subsequent legislation, certain responsibilities fall within the remit of the Overview and Scrutiny function. These include: (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive; (b) to make report or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive; (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive; (d) to make report or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive; (e) to make recommendations to the authority or the executive on matters which affect the authority's area or inhabitants.

## **8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)**

- 8.1 Constitution – Overview and Scrutiny Procedure Rules – Paragraph 8.1 states that “Any member of an Overview and Scrutiny Committee shall be entitled to give notice to the Head of Governance that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request, the Head of Governance will ensure that the item is included on the next available agenda”.
- 8.2 The scope of the Overview & Scrutiny Committees is contained within Part 2, Article 6 of the Council’s Constitution.
- 8.3 The Terms of Reference of the Overview & Scrutiny Committees is set out in the Overview and Scrutiny Procedure Rules (Part 4 of the Constitution). The Budget and Performance Overview and Scrutiny Committee has within its terms of reference the following responsibilities:

To perform the overview and scrutiny role in relation to the One Barnet transformation programme, particularly performance and financial issues.

To receive and consider options appraisals, business cases and closure reports for One Barnet projects.

To monitor the implementation of One Barnet projects throughout the programme lifecycle.

To engage with partner organisations, other relevant public sector bodies, private sector organisations, trade unions, local residents or any other appropriate witnesses when fulfilling the overview and scrutiny role in relation to the One Barnet programme.

## **9. BACKGROUND INFORMATION**

9.1 In response to news items that have appeared in the local press relating to the DRS Programme, Councillor Coleman has requested that the relevant Cabinet Members and Senior Officers provide clarification to members in relation to:

1. What is the current position regarding the DRS Programme and the possibility that a Joint Venture company will be adopted as a delivery vehicle for the DRS contract?
2. What is the position regarding the possible utilisation of Joint Venture companies within the overall One Barnet programme?

## **10. LIST OF BACKGROUND PAPERS**

10.1 None.

<b>Cleared by Finance (Officer's initials)</b>	<b>MC/JH</b>
<b>Cleared by Legal (Officer's initials)</b>	<b>TE</b>