

## OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 27 June 2006.

**PRESENT:** Councillor Carr (Chair), Councillors Booth, Dryden, Harris, McTigue, Mawston, Robson, Rooney and Wilson.

**OFFICIALS:** J Bennington, G Brown, P Clark, A Crawford, J Ord, K E Robinson, E Williamson and M Wood.

**\*\* PRESENT BY INVITATION:** Councillor Rogers (Vice Chair of Environment Scrutiny Panel).

**\*\* APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Cole and T Ward.

### **\*\* DECLARATIONS OF INTEREST**

No declarations of interest were made at this point of the meeting.

### **\*\* MINUTES**

The minutes of the meetings of the Overview and Scrutiny Board held on 30 May and 12 June 2006 were submitted and approved.

## **EXECUTIVE FEEDBACK – FINAL REPORTS – BORO BUZZ – TOBACCO CONTROL WITHIN ENCLOSED PUBLIC PLACES**

As part of the scrutiny process and in a report of the Executive Manager it was reported that the Executive had considered the Board's findings on the Final Reports in respect of Boro Buzz and Tobacco Control within Public Places.

The Executive had considered and supported the respective Service responses together with those of the Corporate Management Team and had also agreed the proposed Action Plans.

NOTED

## **CALL IN - OUTCOME – HOUSING RENEWAL POLICY REVIEW**

A report of the Chair was presented regarding the outcome of the meeting of the Board held on 12 June 2006 which had been arranged in accordance with the Authority's call-in procedure to review the decisions made at an Individual Executive Meeting by the Executive Member for Economic Regeneration and Culture on 19 May 2006 relating to Housing Renewal Policy Review.

Taking into account the evidence presented it had been agreed that the decisions taken at the above meeting should not be referred back for the reasons stated but it was determined that the Executive Member for Economic Regeneration and Culture should consider: -

- a) that the Council use plain English throughout the process in all dealings with the public;
- b) that particular attention is given to the needs of the elderly and vulnerable throughout the process;
- c) that the Economic Regeneration and Transport Scrutiny Panel receives reports on a six monthly basis regarding the implementation of the scheme and in particular the effect of any movement of market places on the viability of the compensation package.

The Chair referred to the overall scrutiny process and in particular the importance of the role of the Board in providing reasons in support of decisions made in respect of the Call-In procedure.

NOTED

## **STRATEGIC RISK REGISTER 2005/2006 YEAR END MONITORING REPORT AND REGISTER FOR 2006/2007**

In a report of the Corporate Performance Manager information was provided on the results of year-end monitoring relating to the Council's Strategic Risk Register (SRR) 2005/2006 and details of the SRR for 2006/2007 (Appendix B) of the report submitted.

Pursuant to internal and external audits It was noted that the Council had made significant progress and external auditors had recently stated that the 'Council is performing strongly on Risk Management'.

Details were provided of 51 identified risks which made up the SRR 2005/2006 categorised in line with the Council's six Community Strategy themes and the 'Fit for Purpose' theme as outlined.

A full breakdown of actions completed and those rolled forward were detailed in Appendix A of the report submitted. Out of the 51 identified risks it was noted that: -

- a) actions had been completed in respect of 14 risks to mitigate those risks to a level whereby they no longer needed to be included in next year's SRR for varying reasons;
- b) 37 actions were being rolled over to next year's Risk Database.

Although the Council had reviewed and significantly changed the way in which it described, scored and monitored risks an indication was given as to how all risks in the 2005/06 SRR had been reviewed and how they would be dealt with as follows: -

- included in the 2006/2007 SRR for example, emergency planning;
- included in the 2006/2007 SRR but as a 'risk factor' or an 'impact' and not necessarily as a risk description for example, declining population which was now an 'impact' arising from the risk attached to failure of key regeneration strategies;
- included in service plans, for example, Children, Families and Learning's risk 'failure to deliver 'Every Child Matters' outcomes' for which there were several plans in place to mitigate such a risk ;
- mitigating actions in-place had reduced the risk score to a level where inclusion on the SRR was no longer required although such risks remained on the database of risks maintained by Performance and Policy and were reviewed at least annually.

It was confirmed that 13 risks made up the 2006/07 SRR which took into account relevant legislation in respect of the Civil Contingencies (March-April 2005) and Freedom of Information Act.

The definition of strategic risk used in compiling the SRR was reported as follows:

- risks that will affect the achievement of two or more of the Community Strategy themes;
- risks that score seven or above (high and very high risks in the Council's risk matrix).

Members sought clarification on a number of areas and in terms of the 2006/07 SRR requested further information regarding the risk factor in relation to the population decline and adverse impact upon the Town's regeneration capacity in particular the loss of economically active persons.

NOTED

## **DIVERSITY ACTION PLANS 2005/2008 YEAR END UPDATE FOR 2005/2006 AND REVISED ACTION PLANS FOR APRIL 2006/2008**

A report of the Director of Human Resources had been circulated which outlined the results of 2005/06 year-end monitoring relating to the Council's Diversity Action Plans 2005/08 and the revised Diversity Action Plans for April 2006 to March 2008.

**ORDERED** that consideration of the report be deferred pending additional information to be presented to the Board.

### **COUNCIL'S LITTER BINS POLICY-FINAL REPORT – ENVIRONMENT SCRUTINY PANEL**

The Vice - Chair of the Environment Scrutiny Panel presented the findings of the Panel's scrutiny investigation of the Council's litter bins service, including policy and provision; budgets; operational arrangements; maintenance and repair arrangements; and associated issues.

The Board considered the following recommendations of the Panel: -

- a) That the litter bins budget is increased to an annual level which can respond adequately to a much higher level of the demands made on it; which can respond to repairs and maintenance requirements; which allows a pro-active provision of bins, together with a stock of spares; and which reflects the Council's commitment to achieving a clean, safe environment in Middlesbrough.
- b) That an achievable and sustainable Litter Bins Policy is developed which reflects the points raised at recommendation (a) above.
- c) That, in order to avoid costly re-instatement works to a litter bin site when a bin is removed for repair or replacement, the possibility of using a 'dummy cover' in its place be investigated.
- d) That a modern mapping system, such as a geographic information system (GIS), is used to record litter bin locations which would facilitate improved maintenance and repairs and also ensure that an up to date record is maintained of a valuable Council asset.
- e) That the use of plastic, post-mounted litter bins in Middlesbrough is discontinued.
- f) That as a result of recommendation (e) above:
  - i) the Council withdraws from the existing contract with a private company to supply plastic, post-mounted litter bins containing advertisements and;
  - ii) Officers investigate alternative arrangements of using litter bins for advertising, which may be more beneficial to the Authority in terms of the type and location of bins provided, and level of income.

Members sought clarification and commented on a number of areas in particular: -

- given the extent to which litter bins were vandalised the importance of the type to be used and location of litter bins was emphasised;
- given that the existing budget provisions were considered to be inadequate at £6,991 it was suggested that recommendation 1 could include the appropriate required budget figures;
- owing to budget constraints it had not been possible to develop and implement a Council Litter Bins policy despite having been previously agreed as an appropriate course of action by the Board in September 2002.

**ORDERED** that the findings and recommendations of the Environment Scrutiny Panel be endorsed and referred to the Executive subject to recommendation 1 including a reference to the current budget at £6,991 being inadequate and that there should be in the first instance a capital investment of £60,000 and thereafter an annual budget of a minimum of £30,000.

## **RESIDENTS' PARKING SCHEME-FINAL REPORT-ECONOMIC REGENERATION AND TRANSPORT SCRUTINY PANEL**

The Chair of the Economic Regeneration Transport Scrutiny Panel presented the findings of the Panel's scrutiny investigation to review the operation, boundaries and effectiveness of the current Residents' Parking Scheme in Middlesbrough. As part of its investigation consideration had also been given to the findings of the Faber Maunsell report into residents' parking in Middlesbrough, which had been developed during the period of the scrutiny review.

The Board considered the following recommendations of the Panel: -

- a) That the Council maintains its policy of free parking for residents. However, in order to cover the costs of administering the scheme, the Panel concurred with the consultants, and agreed that a nominal charge for visitors' parking of £5 pre book of 25 scratch cards should be introduced as should the £80 charge for a business permit although the Panel considered the situation regarding charging for permits should be reviewed in two years.
- b) That in recognition of the capital costs needed in order to set up any new residents' parking scheme, provision should be made within the capital budget for such schemes and in order to plan for the cost of the possible introduction of electronic parking permits in the future.
- c) That to limit the effect on local businesses, where they are located within Residents Parking Zones, provision should be made, where possible, for one hour limited stay spaces to allow customers to be able to park and access shops etc.
- d) That further consideration be given to the problems created by match day parking, especially with regard to consideration of the provision of a rail halt outside the Stadium.
- e) That further consultation is undertaken in the University area, in order to alleviate the parking problems in that area.

Members commented and sought clarification on a number of areas the main points of which were as follows: -

- it was confirmed that in respect of the priority list of new schemes outlined in table 2 of the report, Cavendish Way and Coppice Way should both read Road rather than Way;
- it was noted in particular that residents' parking schemes were self-financing generally through the receipt of enforcement fines;
- details were provided of the specific parking problems in respect of the area surrounding the University, which had been regarded by the consultants as a first priority.

**ORDERED** that the findings and recommendations of the Economic Regeneration and Transport Scrutiny Panel be endorsed and referred to the Executive subject to an additional recommendation that the proposed supplementary consultation to be undertaken in the University area be completed within six months and the other schemes as listed in the priority list be addressed within the next financial year.

### **EXECUTIVE FORWARD WORK PROGRAMME**

As part of the Board's remit in terms of holding the Executive to account a report of the Senior Scrutiny Officer was submitted which identified the most recent entries to the Executive's Forward Work Programme since the last report to the Board. It was pointed out that this would not negate Non Executive Member's ability to call-in a decision after it had been made.

NOTED

## SCRUTINY WORK PROGRAMME 2006/2007

A report of the Chair of each Scrutiny Panel was submitted which outlined the background to the formulation of suggested work programmes considered by each Scrutiny Panel. It was acknowledged that in addition it might prove necessary for Panels to respond to emerging issues and undertake reviews on an ad hoc basis throughout the year.

In terms of the Health Scrutiny Panel it was noted that at its meeting held on 14 June 2006 Members considered potential topics of smoking cessation, hospital-acquired infections, cancer services and the Patient Journey. The Panel agreed that further consultation be conducted including stakeholders outside of the immediate local health economy in order to gain views on the topics and to assist in determining the priorities.

It was noted that the significant work undertaken in respect of the Acute Services proposals emanating from the Darzi review had impacted on the work programme of the Tees Valley Health Scrutiny Joint Committee. Although there was likely to be further statutory consultations arising from the local NHS such as the future of urology services and neo-natal services it was difficult to determine the timeframes and consequently the work programme for the Joint Committee. It was also anticipated that the Joint Committee would receive training on NHS finance matters and give close attention to the impact of organisational changes to Ambulance Trusts, Strategic Health Authorities and Primary Care Trusts.

For similar reasons as indicated above regarding the current uncertainty as to whether or not there would be any NHS statutory consultations the difficulties in setting a work programme for the Middlesbrough and Eston Health Scrutiny Joint Committee were acknowledged. It was also noted that it was unclear as to whether there would be any service issues arising specifically from the recently approved local NHS reorganisations requiring the involvement of overview and scrutiny.

In a report of the Scrutiny Support Officer details were provided of suggestions arising from the consultation process in respect of potential topics which did not naturally fit into the remit of the existing Scrutiny Panels.

Such topics included: -

- a) Local Strategic Partnership – the impact of the Middlesbrough Partnership;
- b) How dependant is the Council on Bids for Funding i.e. lottery funding, grants initiatives;
- c) The Council's Corporate Property – ownership, management, use to further the Council's policies;
- d) Use of the Council's website;
- e) Assistance which is given to asylum seekers placed in Middlesbrough;
- f) Open invitation for Members to discuss proposed and existing Council procedures regarding Council Members lawful participation in the Council's business and the public's participation;
- g) Enabling Members to be accessible to the public;
- h) Performance Managing Chief Officers;
- i) Comparison of the new decision making system as opposed to the old committee system to also include civic duties;
- j) Provision of parking by the Health Authority at James Cook University Hospital.

**ORDERED** as follows: -

1. That the 2006/2007 Scrutiny Work Programme be approved as follows:-
  - a) Children and Learning Scrutiny Panel:
    - i) monitoring of CRB (Criminal Records Bureau) checks;

- ii) examine Action Plans to secure improvements following the publication of Ofsted reports in respect of the Pupil Referral Units of Ashdale and the Hospital Teaching Service;
  - iii) dealing with unruly pupils and examination of Children's Centres;
- b) Community Safety and Leisure Scrutiny Panel:
- i) presentation on the Government's Respect Agenda and the Council's Action Plan;
  - ii) Community Policing;
  - iii) Marketing Leisure Services and Middlesbrough's Entertainment Venues such as the Town Hall, Middlesbrough Theatre;
  - iv) Reparation-Offenders and work in the community;
  - v) Access to Drug Treatment (future consideration to be given to the possibility of joint working with the Health Scrutiny Panel);
  - vi) Role of Police in Traffic Management;
- c) Economic Regeneration and Transport Scrutiny Panel:
- i) Local Development Framework;
  - ii) West Middlesbrough Neighbourhood Trust;
  - iii) Traffic Congestion – (1 meeting issue);
  - iv) Erimus Housing;
  - v) Provision of Bus Services;
- d) Environment Scrutiny Panel:
- i) Parking on and Protecting Grass Verges;
  - ii) Area Care (the co-ordination of cleansing arrangements on an area basis);
  - iii) Becks and Beck Valley Management;
- e) Social Care and Adult Services Scrutiny Panel;
- i) Care Homes for the Elderly – update on the proposals to close Levick House and Albert Cocks Care Homes;
  - ii) Telecare;
  - iii) Disabled Facilities Grant.
2. That the position in relation to the Health Scrutiny Committees as outlined be noted.
3. That in terms of the list of ad hoc issues:-
- i) that the suggested topic listed as (a) above, Local Strategic Partnership – the impact of the Middlesbrough Partnership, be undertaken by an Ad Hoc Scrutiny Panel;
  - ii) that the suggested topic listed as (f) above relating to a review of the procedures for Middlesbrough Council meetings be undertaken by the Board;

- iii) it was noted that the suggested topic listed as (g) above, enabling Members to be accessible to the public, would be incorporated in the implementation of the recommendations contained within the Community Engagement Final Report in terms of the role of Ward Members;
- iv) that future consideration be given as to how any investigation in respect of the suggested topic listed at (j) above relating to the provision of parking at James Cook University Hospital would be undertaken either by an existing Scrutiny Panel, establishment of an Ad Hoc Scrutiny Panel or joint scrutiny committee.

## **BUDGET TIMETABLE**

A report of the Chair of the Board was presented which outlined the programme of the Council's budgetary information scheduled to be presented to the Board specifically for awareness, consideration and decision.

The Budget Outturn essentially consisted of monitoring the expenditure incurred by the Council in both Revenue and Capital against the expenditure profile. Such information was submitted to the Board on a quarterly basis. An important aspect of the Board's role was the monitoring of variations in expenditure the outcome of which would be reported to the Executive at the time the Board received each quarterly outturn report.

The preparation and the formulation of the budget were acknowledged as key issues for any council and a timetable had been produced which illustrated the Council's topic areas and when such information would be presented to Members. Key stages of Strategy and Principles were built into the timetable including income stream such as the Revenue Support Grant.

Details were provided of the timetable for the expected consideration by the Board of the information outlined above.

**ORDERED** as follows: -

1. That the information provided be noted.
2. That the Executive be advised that as a matter of principle, consultation with Non- Executive Members with particular regard to the Annual Revenue Budget should be undertaken prior to the decision making process.

## **SCRUTINY REVIEWS - CONSIDERATION OF REQUESTS**

It was confirmed that apart from the suggestions outlined in the draft scrutiny work programme no additional requests for scrutiny reviews had been received from the Executive, Executive Members, Non Executive Members and members of the public since the last meeting of the Board.

NOTED

## **SCRUTINY REVIEWS - IMPLEMENTATION OF RECOMMENDATIONS**

The Senior Scrutiny Officer submitted a report which outlined progress achieved in relation to the implementation of agreed Executive actions resulting from the consideration of Scrutiny reports.

In terms of the Executive actions which should have been implemented by May 2006, 203 had been implemented, 10 partially completed and 6 had not been implemented.

Specific reference was made to Appendix A of the report submitted which outlined those recommendations, which had not been fully implemented by the target date.

Appendix B of the report submitted gave an update in respect of the Health Scrutiny Action Plans.

**ORDERED** as follows: -

1. That the information provided be noted.
2. That the respective Officers be congratulated in respect of the 203 Executive actions, which had been implemented by the target date.
3. That in the event of the outstanding progress reports as requested be not forthcoming for submission to the next meeting of the Board, the respective officers be advised that in the absence of acceptable reasons such cases could be referred to in the Chair's report to Council.
4. That as part of the monitoring arrangements target dates be included within the Action Plans for the implementation of recommendations whenever possible.
5. That the information provided in Appendix B of the report submitted in respect of the Health Scrutiny Action Plan be noted and referred to the Health Scrutiny Panel.

**SCRUTINY PANELS – POSITION STATEMENT**

In a report of the Chair of the Board an update was provided on the current position regarding the conclusion of the 2005/06 Scrutiny Work Programme for which most reviews had or were in the process of being completed.

NOTED

**CALL IN REQUESTS**

The Chair confirmed that in accordance with the Council's Call-In Procedures a meeting of the Overview and Scrutiny Board had been arranged for Friday 7 July 2006 commencing at 10.00 a.m. The Call-In related to proposals outlined in the report entitled Older Persons Change Programme considered at a meeting of the Executive held on 20 June 2006.

NOTED