

## OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 6 May 2008.

**PRESENT:** Councillor Carr (Chair), Councillors Biswas, Cole, Cox, Dryden, C Hobson, Rooney, Rostron, Sanderson and Williams.

**OFFICIALS:** J Bennington, P Clark, A Crawford, J Ord, N Sayer, L Starrs and E Williamson.

**\*\* PRESENT BY INVITATION:** Councillor Khan, Executive Member for Streetscene  
Audit Commission: S Nicklin (Relationship Manager).

**\*\* PRESENT AS AN OBSERVER:** C Breheny and J Dixon.

**\*\*APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Ismail, Mawston and G Rogers.

### \*\* DECLARATIONS OF INTEREST

Name of Member	Type of Interest	Item / Nature of Interest
Councillor Carr	Personal/Non Prejudicial	Any matters relating to Erimus Housing – Chair of Erimus Housing

### \*\* MINUTES

The minutes of the meeting of the Overview and Scrutiny Board held on 8 April 2008 were taken as read and approved as a correct record.

### \*\*SUSPENSION – COUNCIL PROCEDURE RULE NO 10 – ORDER OF BUSINESS

**ORDERED** that in accordance with Council Procedure Rule No 10, the Committee agreed that the order of business be varied and to deal with Agenda Item No. 7 as the next item of business.

### AUDIT COMMISSION – AUDIT AND INSPECTION LETTER MARCH 2008

The Chair welcomed Steve Nicklin, (Relationship Manager- Audit Commission) who presented the Annual Audit and Inspection Letter, which summarised the conclusions and significant issues that had arisen from recent audit and inspection work at Middlesbrough Council.

The Board's attention was drawn to the following key messages in the March 2008 Audit and Inspection Letter: -

- a) Middlesbrough Council was improving strongly and classified as four-star in its current level of performance under the Comprehensive Performance Assessment;
- b) the Council's current financial position was sound and the Council had strengthened internal control through the development of business continuity plans and the introduction of an Audit Committee.

In terms of the statement regarding any action needed by the Council it was stated that as the Council was rated four stars and performing strongly there were no significant actions required. It was pointed out however that opportunities remained for the Council to further improve its use of resources and well placed to secure further improvements in the use of resources score.

Members welcomed the positive comments and outcome of the Audit Commission's report and extended congratulations to all concerned. On behalf of the Board the Chair extended grateful thanks to the Audit Commission for work undertaken in recent years.

**ORDERED** that the information provided be noted.

### **EXECUTIVE MEMBER - STREETSCENE**

As part of the current arrangements to invite Members of the Executive to attend meetings of the Board, Councillor Khan outlined the scope of the portfolio of the Executive Member for Streetscene.

Councillor Khan highlighted progress in a number of priority areas including the following: -

- Waste Management Plan
- Environment and Neighbourhood Services' Service Plan
- Streetscene in particular waste management and refuse collection.

Members sought clarification and discussed a number of areas including: -

- acknowledgement of the need to give careful consideration as to how the Council would achieve the current Government target in respect of recycling of household waste of at least 40% by 2010 and 45% by 2015;
- in response to concerns which had been expressed regarding the collection of green waste an indication was given of the implementation of changes to working arrangements as part of the modernisation of waste services;
- a request was made for Members to receive a progress report on the Council's Strategy for Public Open Space.

**ORDERED** that Councillor Khan be thanked for the information provided.

### **EXECUTIVE FORWARD WORK PROGRAMME**

As part of the Board's remit in terms of holding the Executive to account Members considered a report of the Executive Office Manager which identified the forthcoming decisions of the Executive as outlined in Appendix A of the report submitted.

As previously agreed by Members an additional column had been added to the schedule indicating the issues, which were the subject of possible scrutiny examination.

Reference was made to the use of the schedule as a resource in determining the scrutiny work programme of the Scrutiny Panels.

NOTED

### **EXECUTIVE FEEDBACK – EARLY YEARS LEARNING OUTCOMES AND SURE START – LIFE EXPECTANCY**

As part of the scrutiny process and in a report of the Executive Office Manager it was reported that the Executive had considered the Board's comments on final reports in relation to Early Years Learning Outcomes and Sure Start, and Life Expectancy with a particular focus on Cardiovascular Disease.

The Executive had considered and supported both the Service and Corporate Management Team responses and had also agreed the proposed Action Plans. Consideration had also been given to the response from Middlesbrough Primary Care Trust in relation to the Life Expectancy report.

Specific reference was made to the formal response received from Middlesbrough Primary Care Trust and in particular the challenges facing both the Council and the PCT in achieving the right balance in finding the most effective way of encouraging greater use of leisure services not necessarily just by the provision of subsidised rates.

NOTED

**ERIMUS HOUSING – GROUNDS MAINTENANCE CONTRACT**

The Chair of the Environment Scrutiny Panel presented the findings of the Panel's scrutiny investigation in relation to the Grounds Maintenance Contract of Erimus Housing.

Since the circulation of the agenda and reports for this meeting reference was made to a meeting of the Environment Scrutiny Panel held on 28 April 2008 when a report outlining the detailed findings, conclusions and recommendations had been considered. The report included the following conclusions and recommendations based on the submitted evidence:

**Conclusions:**

- a) The Environment Department was inexperienced in dealing with virtual contract tender documentation.
- b) A stronger, higher level team with greater involvement from senior management would have been likely to benefit the tendering process.
- c) The points at (a) and (b) above were the major factors in the Council submitting a bid which costed works which were over and above the level required by the virtual contract. The Council's total bid of £920,000 (plus management costs) was based on detailed knowledge of existing grounds maintenance arrangements undertaken as part of the existing service level agreement with Erimus Housing. The bid reflected the actual works, which the Council considered would need to be undertaken, and not the works contained in the virtual contract.
- d) Owing to the nature of the virtual contract, Erimus Housing will ultimately pay a tender sum significantly higher than the winning bid of £500,000 and closer to the indicative sum of £900,000 included in the tender documentation. Taking all factors into account, the Council's bid was not inefficient and will not be too far removed from the bid submitted by Vale Contracts when all payments are made by Erimus Housing to the contractor.
- e) Although The Transfer of Undertakings (Protection of Employment) Regulations (TUPE) will initially apply to staff transferring to Vale Contracts from the Council, the longer-term position for those staff is unclear and will be determined by the employing organisation.
- f) The discussions which are to take place between the Council, Erimus and Vale Contracts to ensure a smooth transition in service provision and to ensure that a high level of service provision is maintained, are welcomed by the Scrutiny Panel.
- g) The fact that Erimus confirmed that any future grounds maintenance contract will not be let on the basis of a virtual contract but will be based on a fixed-price specification is welcomed by the Panel.

**Recommendations:**

- i) That the Council learns from this tendering process and takes steps to ensure that any tender bids which it submits in relation to virtual contracts are managed at a senior level and the implications and requirements of such contracts are fully understood, with prices being submitted accordingly.
- ii) That the Council continues discussions with Erimus Housing and Vale Contracts, and works with both organisations in the future, to ensure that grounds maintenance works on Erimus estates continue to be provided to the existing high standard, for example, by ensuring that grass is cut by both organisations on the same day.

The Board was advised that Erimus had subsequently confirmed in writing that they may use a virtual contract in the future.

The Panel had agreed the conclusions and recommendations outlined in the report subject to the following: -

- That conclusion (g) above be amended to read 'The contract may continue to be let as a virtual contract in the future'.
- That recommendation (i) above include an additional final sentence 'The Executive Director and the Executive Member for Environment should have a role in the process.'
- The inclusion of an additional recommendation as follows:-

As Erimus may continue to use a virtual contract for this work in the future, the Council should ensure that it is in the strongest possible position to win the contract by ensuring that appropriate training in the competition of virtual contract documentation is provided for Officers.

In supporting the recommendations of the Environment Scrutiny Panel, Members in particular referred to the importance of ensuring that a common sense approach was adopted by both Erimus Housing and Vale Contracts Ltd to ensure appropriate co-ordination and that existing service standards were maintained, if not improved.

It was also noted that although the value of the lost contract was significant, it formed only 7% approximately of the turnover of the services concerned given the scale of grounds maintenance work throughout the Borough.

**ORDERED** that the findings and recommendations of the Environment Scrutiny Panel as outlined above be endorsed and referred to the Executive.

## **SPEED CAMERAS**

The Chair of the Community Safety and Leisure Scrutiny Panel gave an outline of the process of investigation and presented the findings of the Panel's scrutiny review into Speed Cameras.

The Board considered the following recommendations of the Panel based on the submitted evidence and including the acknowledgement that the Council had little direct control on the installation and application of Speed Cameras and therefore such recommendations were intended to influence other agencies to consider the issues:

- i) That the Panel would not support the installation of Fixed Speed cameras in Middlesbrough and where need exists to moderate speed, mobile units with appropriate advances signage be deployed.
- ii) That behaviour modification as opposed to penalty points is considered will bring longer-term benefits. Consequently, the opportunity for first time offenders to attend an educational course as an alternative to receiving penalty points, as a means of longer-term improvement be further promoted.
- iii) As the term 'Safety Camera' does not convey the same deterrent factor as 'Speed Camera' and consequently to achieve the desired impact to slow drivers the term 'Speed' should be used on all occasions.
- iv) That the Council undertakes a survey of the traffic calming measures at the entrance of the schools in Middlesbrough such as chicanes, road humps, signage and use of cameras be recorded, the results of which to be presented to the Panel within six months.
- v) That future road design to slow traffic should aim to use chicanes in preference to road humps as this is considered a more effective way to slow traffic, requires less maintenance and reduces the impact on buses and emergency vehicles.
- vi) That the Council's Traffic department aim, where appropriate to introduce road signage, which is mounted on, crash collapsible pillars to reduce injury or fatality in the event of an accident.

- vii) That an article be presented in Middlesbrough News clarifying the issue of income from Speed cameras and also the reduction in road accident injuries over the last seven years in Middlesbrough.

**ORDERED** as follows:

1. That the findings and recommendations of the Community Safety and Leisure Scrutiny Panel be endorsed and referred to the Executive.
2. That the specific concerns of the Panel relating to vehicles parking or stopping outside schools which obscures the vision of drivers and pedestrians and increases the vulnerability of children in accidents be considered as a possible topic for investigation within the work programme of the Panel for 2008/2009.

## **MAJOR ADAPTATIONS**

The Chair of the Social Care and Adult Services Scrutiny Panel gave an outline of the process of investigation and presented the findings of the Panel's scrutiny review into Major Adaptations.

The Board considered the following recommendations of the Panel based on the submitted evidence: -

- a) That the Council should establish a target for waiting times which is no more than the 25.4 weeks as outlined in the indicative performance targets that had been submitted to the Panel.
- b) That the Council maintains the level of funding to the service equivalent to previous levels of match funding.
- c) That the Council investigates ways of speeding up the process to reduce waiting times, this should include:
  - i) considering the results of the benchmarking exercise and analysing the current role of Occupational Therapists in the process to see if there is scope to widen their remit or to review the staffing structure to employ an administrative worker to support OT's if their role is developed.
  - ii) That new ways of signing off projects should be investigated, for example undertaking spot checks of 1 in 10 projects and contacting service users to ensure the work is carried out satisfactorily rather than each project being signed off.
  - iii) Work with Building Control to establish a formal process to monitor the speed of applications.
  - iv) Reviewing the Tendering Process, to establish if it is necessary to tender for each new project.
- d) That Registered Social Landlords (RSLs) are encouraged to undertake and fund adaptations without referring applicants to the Disabled Facilities Grant. In return the Council would help support the RSLs through the process.
- e) That the Council should pursue a policy of developing accessible homes for the future and work with social housing providers to encourage them to adhere to the lifetime homes standards.

**ORDERED** that the findings and recommendations of the Social Care and Adult Services Scrutiny Panel be endorsed and referred to the Executive.

## SCRUTINY FUNCTION OPERATION

With a view to continuing to improve the overall scrutiny function the Chair presented a report which outlined the results of a recent review of the scrutiny function the process for which had involved discussions with the non-Executive Members and the Scrutiny Team.

As part of the process a questionnaire had been circulated to all Members of the Council the results of which were summarised in Appendix 1 of the report submitted. An analysis of the results showed that most of the nine respondents appeared to be satisfied with the majority of work areas covered in the questionnaire.

The Board considered the main areas of review as follows:

- a) the core role of the Overview and Scrutiny Board was suggested as:
  - co-ordination of the work programme;
  - co-ordination of the call-in process;
  - Mayoral accountability;
  - Executive Member accountability;
  - Approval of Scrutiny Panel Final reports;
  - establishment of Ad Hoc Scrutiny Panels;
  - monitoring budget and policy framework documents;
- b) it was proposed that Scrutiny Panel Chairs should continue to be a member of the Overview and Scrutiny Board in order to ensure a close link between the work of the Scrutiny Panels and the Board;
- c) it was proposed that the remaining work currently undertaken by the Board could be undertaken by a new 'Corporate' Panel which would be established to undertake reviews of corporate issues, budget monitoring, analysis of performance indicators, consideration of the LAA and the Strategic Plan;
- d) it was felt that a greater emphasis should be placed on the update reports presented to the Board;
- e) it was agreed that the Scrutiny Panels should continue to undertake the following:-
  - Policy review;
  - Policy development ;
  - Service/operational improvements;
  - examine policy documents;
  - monitor the Strategic Plan;
  - monitor previous recommendations and their impact;
- f) it was proposed to maintain the current panel structure and to introduce the 'task and finish' approach within panels along with the new additional ways of working;
- g) it was considered important to vary the style of evidence gathering to include more of the following suggestions:
  - organising more visits;
  - mystery shopping;
  - going 'back to the floor' for example, as recently undertaken, going on patrol with street wardens;
  - inviting Panel Members to go and speak to Officers in smaller 'task and finish' groups or on a one-to-one basis, evidence from which would be reported back to a Panel to maintain scrutiny's open and accountable approach;
  - involving Panel Members in gathering evidence directly from service users, residents and key stakeholders;

- h) Officers would be asked to prepare more reader-friendly reports and briefings to introduce the scrutiny subject and set out the issues the Officer intended to cover;
- i) in order to assist the overall process of gathering evidence the introduction of pre-meetings and post-meetings was suggested;
- j) the importance of strong chairing skills and appropriate Member training had been reiterated;
- k) it had been suggested that shorter reviews be pursued on different approaches such as:
- i) short, sharp reviews conducted by a Panel where a topic could be investigated over a period of a few meetings;
  - ii) holding of one-off day or afternoon sessions to deal with emerging issues where speakers could all be invited to attend and a short final report and recommendations produced which could be undertaken by an ad hoc panel of interested Members or by panels in addition to their established work programme;
  - iii) establishing 'task and finish' groups to focus on a particular issue over a shorter period of time.
- l) it was agreed that a more thorough approach to the analysis of the Executive Forward Work Programme should continue to be pursued;
- m) it was suggested that earlier consideration should be given by scrutiny to policy framework documents to encourage a more meaningful involvement of Members;
- n) in addition to the quarterly meetings involving the Chair of the Board and Panel Chairs it was suggested that bi-annual one-to-ones be held between the Chair of the Board and the individual Panel Chairs,
- o) it was suggested that a more structured approach to reporting the Board's views to the Executive should be developed;
- p) in order to accelerate the annual process of developing the work programme and to enable Panels to commence reviews as soon as possible at the beginning of each Municipal Year the following process be introduced:
- all Members of the Council be given the opportunity to submit their ideas for review topics;
  - Service areas to be consulted;
  - the Board to consider all suggestions and develop an agreed work programme for the Scrutiny Panels;
  - Scrutiny Panels to have the opportunity to undertake reviews on any emerging ad hoc issues and the Board to be kept informed of any subsequent changes to their work programme;
- q) in order to professionalise the scrutiny function it was suggested that Chair and Vice Chairs of Scrutiny Panels should undertake a short training course;
- r) it was felt that scrutiny Members should endeavour to attend the training provided and, as a minimum, would be expected to attend a session on questioning skills.
- s) the extent to which the Scrutiny Team could assist in providing appropriate information and advice was reiterated.

**ORDERED** that the suggested new approach to the overall scrutiny function be supported and considered further when determining the Scrutiny Work Programme of the Board and the Scrutiny Panels.

**SCRUTINY REVIEWS - CONSIDERATION OF REQUESTS**

It was confirmed that no 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 PANELS – PROGRESS REPORTS – NORTH EAST AMBULANCE SERVICE – CONTACT CENTRES**

A report of the Chair of each Scrutiny Panel was submitted which outlined progress on current activities.

Further to the meeting of the Board held on 29 November 2008 the Chair of the Health Scrutiny Panel advised Members of the latest position regarding the proposals by North East Ambulance Service in respect of the location of Contact Centres. The Chair of the Health Scrutiny Panel had sent a letter to the Chief Executive of North East Ambulance Service requesting any decisions to be deferred and that the report to be considered by the Board in May should form the basis of further consultation. It was confirmed that a decision was awaited from North East Ambulance Service.

NOTED

**CALL IN REQUESTS**

It was confirmed that no requests had been received to call-in a decision.