

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 17 November 2009.

PRESENT: Councillor Brunton (Chair), Councillors Elder, C Hobson, J Hobson, Ismail, Junier (as substitute for Councillor Dryden), Kerr, Khan, McPartland (as substitute for Councillor Cole) Purvis and Sanderson.

OFFICERS: B Baldam, C Breheny, P Clark, A Crawford, J Ord, N Sayer and J Sheil.

**** PRESENT BY INVITATION:** Councillor Rostron, Executive Member for Social Care
Councillor N J Walker, Executive Member for Resources.

**** ALSO IN ATTENDANCE:** Councillor J A Walker.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Cole and Dryden.

**** DECLARATIONS OF INTERESTS**

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

**** MINUTES**

The minutes of the meeting of the Overview and Scrutiny Board held on 20 October 2009 were submitted and approved as a correct record.

The Chair advised that in respect of the Health Scrutiny Panel's Final Report on Car Parking at James Cook University Hospital clarification had been sought on the section 106 agreement and this would be brought back to the next meeting of the Board.

EXECUTIVE MEMBERS – ATTENDANCE AT MEETINGS OF THE OVERVIEW AND SCRUTINY BOARD

In a report of the Scrutiny Support Officer the Board was reminded of the arrangements for individual Members of the Executive to attend meetings of the Overview and Scrutiny Board and update Members on their respective work in terms of the aims, aspirations, objections, priorities and any emerging issues. The process was part of the arrangements of 'holding the Executive to account' and also provided the opportunity for the Board to identify or highlight any issues of concern.

NOTED AND APPROVED

EXECUTIVE MEMBER – SOCIAL CARE

The Chair welcomed Councillor Rostron who focussed on her main aims, objectives and emerging issues which included the following: -

Aims: -

- to maintain and improve services wherever possible. Middlesbrough had attained an excellent rating in the last Care Quality Commission (CQC) inspection but there was a cost involved in delivering an excellent service. The CQC had commented that a wide range of information was available to services users, although working within budgets was becoming increasingly more difficult as demand for services continued to increase and some cuts would need to be made.
- the next CQC inspection was due in January 2010 and the aspiration was to achieve another excellent rating. Middlesbrough was the top performing authority in the country and the Dsepartment wanted to retain that position. Older People would be the focus of the inspection.
- the 2010 inspection would involve both health and social care services and the Council's rating was dependent on health's performance as well as its own.

- The Council would continue to pursue joint commissioning arrangements with the South Tees Hospitals NHS Trust and Middlesbrough Primary Care Trust.

Objectives and Priorities: -

- to help support more people to live independently in their own homes;
- to promote the benefits of direct payments in enabling service users to purchase services as and when required;
- for Fair Price for Care to be implemented for Domiciliary Care Providers and a booklet produced to inform service users of the options available to them;
- to promote employment opportunities for People with Disabilities

Emerging Issues: -

- a pilot exercise for personalised budgets had been undertaken and the benefits for the service users were apparent, although it would be interesting to see how personalised budgets would impact on staff.
- the Council had been unsuccessful in a bid to secure funding for a pilot scheme for an integrated social care and health system, which would provide a single point of access, the Council had therefore funded the scheme and the system was now up and running.
- the potential impact of the National Care Service requirement for people to be provided with free personalised care in their own home from October 2010 was unknown.
- difficulties had arisen in getting people involved in self assessments.
- the uptake of the Telecare service had been lower than expected and a survey was currently being conducted to establish the reasons for this.
- the recession had impacted on Ayresome Industries and it was hoped that the company would be successful in obtaining two contracts for which it had recently submitted bids.
- the Street Wardens been given new powers and to date these were proving effective.

Members sought clarification and further information on a number of areas.

Reference was made to the Domiciliary Care brochure and it was confirmed that this was currently in production and that a copy would be provided to all Members. A leaflet containing information on Ayresome Community Transport, which had replaced the Dial-a-Ride service would also be distributed.

In relation to the lower than anticipated uptake of the Telecare service the Board was advised that the Head of Performance and Planning had established a user group to look at this issue and efforts were being made to offer assistance wherever possible in respect of the charges. It was acknowledged that the costs associated with maintaining someone in their own home were substantially less than a residential care placement and that there were some very good examples of service users being helped to live at home independently.

Specific reference was made to the need for job cuts and it was stated that consultation was currently ongoing in all service areas and that to date no decisions had yet been made on any cuts in posts. The Chair advised that a report had recently been submitted to Corporate Affairs Committee, which had included information on voluntary redundancies.

The difficulties facing Ayresome Industries were highlighted and it was questioned whether any thought had been given to whether the Council had any specific pieces of work that could be undertaken by Ayresome Industries. The Executive Officer Manager informed the Board that a report had recently been submitted to CMT, which had asked Corporate Directors to give some consideration to this issue.

Members were also encouraged to inform the FORWARDS team of any employment opportunities that they were aware of that could be suitable for someone with disabilities.

Reference was made to the joint commissioning arrangements with health and it was queried whether social care was satisfied with these arrangements. The Board was informed that social care were providing support to health in respect of commissioning but owing to the size of the NHS organisations it was often difficult to gain specific financial commitment.

ORDERED that the Executive Member for Social Care be thanked for the information provided.

EXECUTIVE FEEDBACK – DEMENTIA IN MIDDLESBROUGH – PRACTICE BASED COMMISSIONING – UPDATE REVIEW OF IMPROVING THE LEVEL OF EMPLOYMENT FOR PEOPLE WITH DISABILITIES – FEAR OF CRIME

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 the following final reports: -

- a) Dementia in Middlesbrough – Dementia Ad Hoc Scrutiny Panel
- b) Practice Based Commissioning – Health Scrutiny Panel
- c) Update Review on Improving the Levels of Employment for People with Disabilities – Social Care and Adult Services Scrutiny Panel
- d) Fear of Crime – Community Safety and Leisure Scrutiny Panel

The Executive had considered and supported both the Service and Corporate Management Team responses and had also agreed the proposed actions plans.

NOTED

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 issues to be considered by the Executive as outlined in Appendix A of the submitted report.

A query was raised in respect of the revised target date for the Local List and the Executive Office Manager advised that the report had now been submitted to CMT.

In response to concerns regarding some delay in relation to a number of the target dates detailed within the Forward Work Programme the Executive Office Manager agreed to investigate the matter and provide an update to the Board.

ORDERED that the Executive Office Manager review the Forward Work Programme and provide an update in respect of revised target dates to the Board.

SECOND QUARTER – CAPITAL MONITORING AND REVIEW 2009/2010

A report of the Director of Resources was presented which provided an update on the Council's capital programme (2009/2010 to 2012/2013) based on the second quarter review of capital expenditure.

As part of the background information it was noted that the capital programme had an agreed time line to 2012/2013 and a gross programme of expenditure of £279.923 million. The capital programme was funded from a number of sources including government grants, affordable borrowing, capital receipts, external funding and direct revenue funded contributions.

It was reported that the change in overall net expenditure across all schemes since the last review was a decrease of £1,583,000 in Council wide resources needed to support the capital programme (0.56% of the total programme). The gross expenditure had increased from £279.923 million to £280.322 million and the level of over-programming was reported as £1.445 million. The overall programme position in respect of the second quarter was shown in Appendix F of the report submitted.

The changes in gross expenditure and resources since the last review were reported as an increase of £399,000 with resources having increased by £1.982 million, thus a net difference of £1.583 million. Details of changes in gross expenditure and resources by service and individual scheme were outlined in Appendix A of the report submitted.

The Board's attention was drawn to significant variations to the programme as outlined in the report, which included the following: -

a) Building Schools for the Future (Design & Build):

The Council was currently contributing £10.6 million of its own resources, in addition to the Government grant funding, towards delivering the Building Schools for the Future (BSF) programme. A review had been undertaken and the outcome of the review was that it was appropriate for the Council contribution to be reduced by £4 million, without impacting on delivery.

b) Whinney Banks Community Centre:

In order to see the delivery of the Whinney Banks Community Centre by West Middlesbrough Neighbourhood Trust, the Council had agreed to make available £700,000 in the form of a £100,000 contribution and £600,000 loan facility, that would be repayable. The loan would be secured against the future capital receipt from Bellway or assets to the value of the loan.

c) Equal pay provision

It was likely that further provision would be needed for potential equal pay claims and it was recommended that the provision be increased by a further £2 million.

Reference was made to other variations relating to changes in existing projects that did not have an impact on the overall gross expenditure as shown in Appendix B of the report submitted.

In terms of re-profiling, £4.870 million had been re-profiled from 2009/2010 to 2010/2011 and future years, details of which were shown by service and individual scheme in Appendix C of the report submitted.

The Board's attention was drawn to the reasons for material re-profiling into 2010/2011 and future years from 2009/2010 as outlined in the report. In overall terms £479,000 had been re-profiled from 2010/2011 and future years to 2009/10. The details by individual scheme were shown at Appendix D.

The detailed allocation of block budgets held by service areas was shown by individual schemes in Appendix E of the report submitted. Such allocations had already been included within the gross expenditure of the capital programme and had no impact on the net expenditure of the programme.

In overall terms there was a decrease in the need for Council wide resources to support the capital programme of £1.583 million. The gross expenditure had increased from £279,923 million to £280.322 million and the level of over-programming was currently estimated at £1.445 million. The overall programme position as at the quarter 2 review was shown at Appendix F.

ORDERED as follows:

1. That the information provided be noted.
2. That the overall capital programme outlined in Appendix F was approved.

SECOND QUARTER – REVENUE BUDGET PROJECTED OUTTURN

A report of the Director of Resources was presented which provided an estimate of the annual projected outturn for 2009/2010 based on the second quarter review of revenue expenditure against the current year's Revenue Budget.

Reference was made to a previous request for an update report on the budget consultation and it was confirmed that the report was forthcoming and would be presented to the Board.

As part of the background information the Board was reminded that the Council on 6 March 2009 had set its revenue budget at £130.980 million for 2009/2010 and had approved a Council Tax increase of 4.5%. In setting the budget approximately £6.5 million of efficiency savings had been identified and an additional £2.1 million had been identified for key services including £0.8m for Children, Families and Learning; £0.7m for Social Care for older people and disadvantaged groups; and £0.6m for investment in Environment, Highways and Transport.

Reference was also made to the projected outturn position for 2009/2010 of a net budget pressure of (+£989,000) which represented a 0.76% pressure against the £130.980m 2009/2010 budget. The report included a summary of the outturn position in respect of the service areas. A breakdown of Gross Expenditure and Income budgets against projected Expenditure and Income outturns was provided at Appendix A of the report submitted.

The Council had embedded within its budget monitoring procedures, reporting on efficiency savings. The Board was advised that the Council was projected to under-achieve its efficiency savings target by (+£457,000) as outlined in the report.

Services had been requested to identify areas for future review as part of the 2008/2009 budget setting exercise and a list of proposed reviews had been presented to the Executive in January 2009. It was acknowledged that it was important for such reviews to be undertaken during 2009/2010 to assist in addressing the significant budget pressures the Council would need to deal with in future years. It was noted that there had been varied progress so far and Services had been requested to provide an expected completion date for each of the reviews.

The report gave a summary of the projected movements on reserves and provisions for 2009/2010, a detailed breakdown of which was provided in Appendices E and F respectively.

In terms of bad debt provision details were provided of such debt across each service and impact on service budgets as summarised in the report submitted.

It was noted that no assets had been disposed of in the second quarter of 2009/2010 and as a result no gains or losses were reported.

The report provided details of a net budget pressure of (+£989,000) which was forecast within general fund services for the year which reflected percentage service variances of Children, Families and Learning (-1.00%), Social Care (0%), Environment (0%), Regeneration (-1.0%), Corporate Services (-0.20%), and Central Costs and Provisions (3.07%).

The estimated revenue balance as at 31 March 2010 was reported as £4,550,000.

The Board's attention was drawn to a number of key budget pressure areas detailed in the report in respect of the following: -

a) Children Families and Learning:

Safeguarding – there had been continuing pressures in relation to children looked after with a pressure of (+£911,000) after the first quarter and an additional (+£1,600,000) after the second quarter. The increase would have implications for the Medium Term Financial Plan and the issue was being examined by the Director of Resources. Independent Fostering Agencies were a significant pressure owing to the number of additional placements, 80

placements had increased to 113 placements in October 2009. The Children Looked after service had a net pressure of (+£2,583,000).

Reference was made to a saving of (-£800,000) which had been referred to be the Deputy Director of Safeguarding at the previous meeting of the Board and it was queried why that saving was not reflected within the report. The Board was advised that the figure included in the report represented the overall net increase in the number of placements and not the gross change. The Board requested that in the future more detailed information be included within the report. The final area of pressure (+£1,883,000) in Children, Families and Learning related to residential placements.

a) Social Care:

The service predicted a net budget pressure of (+£44,000) at the end of the second quarter compared with (+£451,00) at the end of the first quarter.

The economic downturn was affecting sales at the Ayresome Industries workshop, particularly on UPVC window and door production. Trading was further hindered as 2009/2010 saw the end of the Erimus window replacement programme.

b) Environment:

In Parking Solutions there was a projected shortfall in income of £180,000 mainly due to the economic downturn and the reduction of people coming into the town to shop. It was anticipated that the Christmas period would result in an increase in income and the figures would be reflected in the third quarter report.

Waste services had a predicted pressure of (+£120,000), partly due to a fire at the Energy from Waste plant and the increased disposal cost associated with diverting waste to landfill (+£70,000). This pressure was to be funded from the pay and prices provision (-£150,000).

c) Regeneration:

The service predicted a net saving of (-£98,000) at the end of the second quarter. The Libraries service was projecting a saving of (-£149,000) from the service staffing review.

d) Corporate Services:

The service predicted a net budget saving of (-£56,000) at the end of the second quarter.

f) Strategic Resources:

The Government Office North East (GONE) had agreed in principle to forgo the clawback on £125,000 of potential urban programme grant providing it was reinvested on urban programme delivery or to deliver LAA outcomes.

g) Efficiency Savings:

The Council was projected to under-achieve its efficiency savings target by (+£457,000).

In conclusion the major pressure area for the Council remained Children Families and Learning, although Social Care continued to face significant pressures going forward.

Members sought clarification on a number of areas and the action being taken to address the identified pressures.

ORDERED as follows:

1. That the information provided be noted.
2. That a report be presented to the Overview and Scrutiny Board on the Budget Consultation.

STROKE SERVICES IN MIDDLESBROUGH – FINAL REPORT – HEALTH SCRUTINY PANEL

The Vice Chair of the Health Scrutiny Panel outlined the process of investigation by the Panel into how local Stroke Services were performing, with a particular reference on what services were available for patients (and their carers) following discharge, when the immediate dangers of a Stroke were over. Particularly, the Panel was interested in rehabilitation services such as physiotherapy, support for families of patients, awareness of Strokes and efforts to prevent as many Strokes as possible.

The Board considered the following recommendations of the Panel based on the submitted evidence in the Final report entitled Stroke Services in Middlesbrough: -

- a) That NHS Middlesbrough and Middlesbrough Council instigate a series of targeted awareness campaigns of the symptoms and severity of Strokes. Such awareness campaigns should include information on the services provided designed to deal with Strokes, but also the preventative services designed to prevent Strokes. They should be targeted at particular groups such as the BME community, General Practice and older people. The PBC model would be in an ideal position to progress this matter.
- b) That the capacity of community based services be critically appraised, so that a judgement can be made about whether there is sufficient capacity to provide services for longer term stroke patients, as well as those recently discharged. Consideration should be given to whether there is sufficient capacity and whether the available capacity is maximised. This should include psychological support and carers support and advice.
- c) That Community Councils use a part of their budget to publicise Stroke awareness in their areas.
- d) That Middlesbrough Council considers whether it currently offers sufficient support to back into work schemes, for Stroke patients of working age. The Panel would like to hear the outcome of this assessment.
- e) That NHS Middlesbrough and Middlesbrough Council considers in detail as to whether there is sufficient psychological support for the family of Stroke patients in dealing with the impact of a Stroke. The Panel would like to suggest that existing patient and carer groups, given their expertise and subject interest, are involved as possible partners in delivering such a service.
- f) That the South Tees Hospitals NHS Foundation Trust look to improve the social / lounge area facilities within the Stroke unit at JCUH, to enable patients to have better access to their friends and family, to assist in their recovery.
- g) That a single point of access be established for recovering Stroke patients to contact and self refer, should they or their carers, feel in need of assistance or advice of the specialist multidisciplinary teams that are available. The Panel see no reason as to why people should have to access services via General Practice.
- h) The Panel heard from senior clinicians at JCUH that additional Stroke specialists are required at JCUH, to deal with the number of cases that present. The Panel fully accepts that it is not sufficiently expert to make a judgement on this statement. Nonetheless, given the seniority of the people who expressed this view to the Panel, the Panel asks the South Tees Hospitals NHS Foundation Trust to consider whether the Stroke Unit has sufficient clinicians. The Panel would like to hear the outcome of this exercise.

ORDERED that the findings and recommendations of the Health Scrutiny Panel be endorsed and referred to the Executive.

MATCHDAY PARKING – INTERIM REPORT OF THE ECONOMIC REGENERATION AND TRANSPORT SCRUTINY PANEL

The Vice Chair of the Economic Regeneration and Scrutiny Panel presented an update report on the Panel's review of Matchday Parking. The overall aim of the Scrutiny investigation was to consider the extent of the effect of Matchday Parking on the town centre and other areas and to investigate potential solutions to any problems identified.

In considering the progress made and information received the Economic Regeneration and Transport Scrutiny Panel had agreed to the following: -

- a) To note the information submitted to date.
- b) To request Council Officers and the Police to continue to monitor the position and gather information.
- c) To consider the position further at the end of the 2009-10 football season, when an update would also be sought on Middlesbrough Football Club's promotion of car sharing and the development of a park and ride scheme.

A final report on this topic, which would detail the Panel's findings in full, would be submitted to the Overview and Scrutiny Board in due course.

ORDERED that the update report on Matchday Parking be endorsed and referred to the Executive.

FLOOR PREVENTION – REPORT OF ENVIRONMENT SCRUTINY PANEL

The Chair of the Environment Scrutiny Panel presented a report on the Panel's findings following its decision to examine flood prevention arrangements in Middlesbrough.

The Board considered the following findings and recommendations of the Panel based on the evidence submitted in the report: -

- a) The position has changed since the recommendations that were made in the 2002 scrutiny review of flooding – there is now a more pro-active approach to flood prevention rather than a reactive approach to flooding.
- b) The draft sandbags policy submitted to the scrutiny panel is supported and endorsed – although it is recognised that the use of sandbags, and the policy, is a small element of flood prevention work.
- c) The new local authority duty to report annually to scrutiny on flood prevention arrangements is welcomed.
- d) There is a need to continue to publicise the need for individual householders to take responsibility for their own flood prevention arrangements and to highlight the areas at risk of flooding. Existing publicity leaflets should be amended to reflect the updated position, the responsibilities of householders and the sandbags policy, once this is approved.

ORDERED as follows: -

1. That an additional recommendation be included, which states that there is a need to ensure that the area of flood risk is regularly re-assessed by relevant agencies.
2. That the findings and recommendations of the Environment Scrutiny Panel, including the additional recommendation, be endorsed and referred to the Executive.

PLAYSCHEME PROVISION FOR CHILDREN WITH COMPLEX NEEDS – FINAL REPORT OF THE CHILDREN AND LEARNING SCRUTINY PANEL

The Chair of the Children and Learning Scrutiny Panel outlined the process of investigation by the Panel in its assessment of how the Council's summer playschemes made provision for children with complex needs.

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

- a) That, given the mixed range of service provision and funding arrangements in respect of playschemes for children with complex needs and disabilities, a review is undertaken with a view to rationalising such provision. This should include how the two non-Council playschemes for children with complex needs/disabilities at Beverley School and Priory Woods School can be better supported by the authority – for example by assessing the existing budget split, or determining whether the authority can make provision to offer activities such as free sports (for example swimming with appropriate support) within and outside the current playschemes' operation. It should also investigate the possibility of providing some form of playscheme facilities for children with complex needs/disabilities who are under five.
- b) That, within the constraints of the Aiming High funding regime, every effort is made to maximise the use of the funding to support playschemes for children with complex needs and disabilities – for example by encouraging relevant organisations to apply, assisting them with the application process and determining whether the requirement to offer new provision could be satisfied by offering playschemes in non summer holidays (subject to organisations wishing to do so.)
- c) That efforts are continued to encourage children with complex needs and disabilities to access mainstream playscheme provision – such as by further publicising opportunities that are available, publicising success stories in appropriate media such as Disability Matters and Middlesbrough News and by highlighting that 1:1 support is available for these groups of service users.
- d) That Council Officers initiate discussions with NHS Middlesbrough (i.e. the former local Primary Care Trust) to ascertain whether that organisation can assist in any aspects of supporting playscheme provision for children with complex needs and disabilities.

ORDERED as follows: -

1. That Conclusion 3 within the report should be amended to indicate that the playschemes at Beverley School and Priory Woods School receive no direct local authority funding towards their running costs.
2. That the findings and recommendations of the Children and Learning Scrutiny Panel be endorsed and referred to the Executive.

FEAR OF CRIME – FINAL REPORT – COMMUNITY SAFETY AND LEISURE SCRUTINY PANEL

The Chair of the Community Safety and Leisure Scrutiny Panel outlined the process of investigation by the Panel on 'Fear of Crime' the overall aim of which was to assess the issues associated with the statement made by the Council's auditors in their Audit and Inspection letter presented to the Board at its meeting held on 5 May 2009.

The Board was advised that the Panel had specifically addressed the auditor's comments regarding the proposal that the Council needed to take action regarding the fear of violent crime. In addressing this term of reference, the Panel had determined that they could not find any evidence that indicated the fear of violent crime in Middlesbrough was high or had deteriorated.

Consequently the Panel had agreed the following recommendation: -

That the Council's Executive engage with the Auditors to ensure that future proposed actions contained within the Audit and Inspection letter are well founded and that proposals clearly state their evidence source.

ORDERED that the findings and recommendation of the Community Safety and Leisure Scrutiny Panel be endorsed and referred to the Executive.

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.

The Scrutiny Support Officer submitted a report, which outlined a request from a Non Executive Member to consider undertaking an investigation into Youth Service/Youth Club Involvement with Children of Secondary School Age.

The Chair advised that a further request from a Non Executive Member to consider undertaking an investigation into GP / Hospital dispensing practices had also been received.

Taking into account the agreed criteria the Board considered the appropriateness of undertaking a scrutiny review into the suggested topics.

ORDERED as follows: -

1. That the 2008/09 Children and Learning Scrutiny Panel's final report – Middlesbrough Youth Service and Connexions, be re-examined to determine any outstanding issues in relation to Youth Service/Youth Club Involvement with Children of Secondary School Age. Following the Panel's consideration of the issue, a report be submitted to OSB to inform the Board of the outcome.
2. That the topic of GP/Hospital dispensing practices be referred to the Health Scrutiny Panel.

SCRUTINY PANELS – PROGRESS REPORTS

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

NOTED

CALL IN REQUESTS

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

NOTED