

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 6 April 2010.

PRESENT: Councillor Brunton (Chair), Councillors Dryden, Ismail, McPartland (as substitute for Councillor Khan), Purvis and Williams.

OFFICERS: J Bennington, C Breheny, G Brown, S Cartlidge, P Clark, A Crawford, G Field, S Joscelyne, J Ord, J Shiel and P Slocombe.

**** PRESENT BY INVITATION:** Councillor Coppinger, Executive Member for Community Protection

Councillor N J Walker, Executive Member for Resources

Councillor Carter, Vice - Chair of Environment Scrutiny Panel.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Cole, C Hobson, J Hobson, Kerr, Khan and Sanderson.

**** DECLARATIONS OF INTERESTS**

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 1 and 9 March 2010 were submitted and approved as a correct record.

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

In a report of the Scrutiny Support Officer the Board was reminded of 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 their aims, aspirations, objectives, 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 FOR COMMUNITY PROTECTION

The Chair welcomed the Executive Member for Community Protection to the meeting to advise on his key aims and objectives and any emerging issues of significance.

Although tackling anti-social behaviour was regarded as one of the main priorities the Executive Member for Community Protection indicated that given an impending briefing for all Members on Neighbourhood Policing and a Community Crime Fighters event later in the month he intended to focus on other priorities at this meeting. Reference was made however to reductions in crime figures in Middlesbrough over the last two years and of the review of Neighbourhood Policing with a view to strengthening current arrangements. In response to a Members' question regarding likely future pressures the Executive Member for Community Protection indicated that it was important that Neighbourhood Policing resources and number of Officers involved across the four Boroughs were preserved.

Following Members' questions the Executive Member for Community Protection indicated that the promotion of community safety was regarded as one of the most important priorities in terms of creating a better quality of life and reducing the fear of crime. Measures continued to be pursued in this regard. Specific reference was made to the introduction of annual Neighbourhood Policing Awards Scheme to recognise the good work being undertaken. Such a scheme would allow local communities to nominate.

The Board's attention was drawn to environmental protection issues with particular regard to ongoing work to reduce the number of empty and eyesore properties specifically 34 sites over the last 12 months.

In terms of the Climate Change agenda reference was made to the recent approval by the Executive of a Climate Change Adaptation Action Plan in order to raise awareness to such issues and to comply with national guidance and meet a commitment of the Local Area Agreement.

Reference was made to the current position with regard to the Food Hygiene Star Rating for food businesses which demonstrated that the number of premises which had achieved the highest five star rating had increased by 31%. It was confirmed that efforts were being made in terms of providing appropriate advice and support to those premises, currently 15, which had no star rating.

The intention to review the Licensing Act and ongoing work in relation to an Alcohol Strategy was referred to although it was acknowledged that such areas would be influenced by the central Government regime. In response to clarification sought from Members it was confirmed that the Council was making best use of the powers available and had made representations to Government at every opportunity.

Following a review of the Albert Park Dog Control Order it was anticipated that a report would be submitted to the Executive in June 2010.

In terms of emerging issues and pressures on services reference was made to the current economic climate and to issues such as increases in dumped waste; need for a further emphasis on money advice services; increase in the number of stray dog and pest control services.

Members discussed possible areas for future scrutiny investigation such as domestic violence services; licensing policy; and issues around noise complaints.

In response to a Members' question regarding any potential conflict, the Executive Member for Community Protection confirmed that the roles of Executive Member and that of the Council's representative on the Cleveland Police Authority were very clear and had distinctive roles.

A Member referred to the current scope of enforcement work and the public's perception that such work could be extended further. The Executive Member for Community Protection confirmed that work focussed on areas where there was firm evidence and appropriate enforcement action could be taken. It was acknowledged however that further enforcement work could be undertaken if more members of the public were willing to pursue a case and provide substantiated evidence.

ORDERED that the Executive Member for Community Protection be thanked for the information provided and contribution to the subsequent deliberations.

EXECUTIVE FEEDBACK – QUALITY OF HOMECARE SERVICES –CLEANSING ARRANGEMENTS – TREE POLICY

As part of the scrutiny process and in a report of the Executive Office Manager it was reported that the Executive had considered reports in respect of the following:-

- a) Quality of Homecare Services – Final Report of the Social Care and Adult Services Scrutiny Panel
- b) Cleansing Arrangements – Final Report of the Environment Scrutiny Panel
- c) Tree Policy – Update Report - report of the Overview and Scrutiny Board.

The Executive and the Corporate Management Team had considered and supported the Service Responses in respect of (a) and (b).

NOTED

BUDGET CONSULTATION PROCESS

Further to the meeting of the Board held on 17 November 2009 the Director of Resources presented a report, which outlined the Council's current approach to consulting on its budget setting process.

The purpose of the consultation was to share the Council's assumptions and budget proposals with residents together with internal and external stakeholders and offer an opportunity to challenge, understand and influence the Council's budget setting before any final decisions were made.

The consultation process was integrated into the annual budget cycle and medium term financial planning process and agreed annually by the Executive. As part of the Medium Term Financial Plan reports the Executive had agreed at its meeting held on 15 September 2009 to consult with various target groups as detailed in the report submitted.

The list and date of the consultation meetings carried out as part of the 2010/2011 consultation process was outlined in Appendix A of the report submitted.

On average in excess of 20 individual presentations were made each year during January and early February. Details of the key elements of the 2010/2011 presentation were outlined in Appendix B of the report. It was pointed out that a variation to the presentation had been developed in an attempt to improve the way the information was presented to young people as outlined in Appendix C.

Reference was made to meetings held with the general public in the north, south, east and west areas of Middlesbrough attended by the Director of Resources and the Executive Member for Resources and usually chaired by the Cluster Group Chair of that area. It was noted that consideration was being given to change some of the venues which been used for several years in an endeavour to increase attendance.

It was pointed out that for the first time the Council had consulted on all of its proposed budget reductions at a public meeting held on 16 December 2009.

A summary of the feedback received over the last two years was shown in Appendices D and E of the report submitted and specific reference made to the positive feedback received in respect of the 2010/2011 consultation exercise.

Attendance at the meetings had been variable over recent years at the general public meetings, head teachers and business sector meetings. The dates of the general public meetings were publicised through the website and in the local media. Notices were also placed in all of the libraries. In an endeavour to maximise the opportunity for engagement letters were sent to all members of Community Councils and Community Cluster groups.

Reference was made to a video, which had been made of one of the presentations, which had subsequently been placed on the Council's website along with a copy of the budget presentation slides.

It was acknowledged that it was an ongoing process to identify different ways to present the information and engage with the various groups effectively.

In response to clarification sought from Members on attendance it was noted that in addition to the figures shown in Appendix A of the report, 80 had attended the meeting held on 16 December 2009. In terms of overall attendance it was noted that 750 had attended which although appeared to be low in the context of the Town's population it was considered to be high in comparison with other local authorities.

Information was also sought regarding costs of the exercise. It was noted that the costs in relation to the DVD were £750 approximately and that the costs of printing the various documents were not likely to be more than £200.

Members discussed the various levels of information available including that which was available by means of the Lotus Notes Tile and website.

Members commented positively on the overall budget consultation process and expressed thanks to all concerned.

NOTED

RECYCLING AND PACKAGING REDUCTION – ENVIRONMENT SCRUTINY PANEL

The Vice - Chair of the Environment Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following its investigation of recycling and packaging reduction.

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

1. That, following the introduction of the Council's new recycling contract in April 2010, the Environment Scrutiny Panel monitors recycling levels and, considers what action, if any, is needed to further increase levels.
2. That the Council continues to press, at a national level, for the inclusion of recyclable materials from the energy from waste plant in recycling levels.
3. That the Environment Scrutiny Panel's 2006 recommendation relating to recycling from Council buildings is revisited, with such recycling being further developed and encouraged.
4. That the Environment Scrutiny Panel is consulted in respect of the exercise to review Middlesbrough's recycling 'bring sites'.
5. That an awareness campaign is undertaken in relation to the issue of packaging reduction. This should highlight the importance of this issue in reducing overall waste levels and the part that the public can play in bringing pressure to bear on producers to use less packaging.
6. That the Council lobbies relevant national bodies in pressing producers and retailers to reduce the amount of packaging that they produce and in pressing the Government to consider how sources of waste other than household/domestic can be reduced.
7. That representations are also made to Government to strengthen the powers available to trading standards authorities to take action in respect of excessive packaging.

Members commented on the significant increase achieved in recycling levels in Middlesbrough in recent years and noted the continuing efforts to promote waste reduction and encourage recycling.

In commenting on the recycling 'bring sites' Members expressed support for the review of such sites and for the Environment Scrutiny Panel to be consulted regarding the exercise.

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

ENERGY REDUCTION – ENVIRONMENT SCRUTINY PANEL

The Vice - Chair of the Environment Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following its investigation of the topic of energy reduction.

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

1. That the Council's approach to energy reduction and climate change is endorsed by the Scrutiny Panel.

2. That further action is taken to publicise the importance of energy saving by all Council employees and to encourage the changes in behaviour and culture that are required. As well as environmental benefits, financial benefits should be stressed – for example by highlighting the financial cost of hundreds of PCs being left switched on in terms of how many jobs this could equate to; or, similarly, by highlighting the Authority's huge energy costs.
3. That work is undertaken to collate energy use figures on an individual Council building and departmental/service area basis. This can then be used to support action at recommendation 2 above by encouraging individual departments to consider how energy costs can be reduced, such as by including energy reduction measures in departmental service plans. Steps should also be taken to ensure that meter readings and energy bills are validated for all Council buildings. This issue could be further supported by introducing an 'energy champion' in each service area, with responsibility for ensuring that, for example, lights and computers are switched off when not required.
4. That an update on the issue of energy reduction is submitted to the Environment Scrutiny Panel at the beginning of the 2010/2011 financial year, including an assessment of the impact of energy reduction measures to date.

The Vice-Chair specifically referred to an article in a recent edition of Middlesbrough News, which reported that investigations had shown that overnight on 8 December 2009, 387 PCs had been left switched on which equated to expenditure of £33,669 over a period of one year.

Members expressed support for the detailed work undertaken by the Panel and subsequent recommendations.

ORDERED as follows: -

1. That the additional information regarding the implications of PCs being left switched on as outlined which had been included in the March 2010 edition of Middlesbrough News be included in the Panel's Final report.
2. That the findings and recommendations of the Environment Scrutiny Panel be endorsed and referred to the Executive.

COMMUNITY JUSTICE COURTS – COMMUNITY SAFETY AND LEISURE SCRUTINY PANEL

A Final Report of the Community Safety and Leisure Scrutiny Panel had been circulated regarding the Panel's scrutiny of Community Justice Courts.

ORDERED that consideration of the report be deferred to the meeting of the Overview and Scrutiny Board to be held on 4 May 2010.

BLUE BADGE PARKING SCHEME – SOCIAL CARE AND ADULT SERVICES SCRUTINY PANEL

The Chair of the Social Care and Adult Services Scrutiny Panel outlined the Panel's findings following its investigation into breaches relating to the Blue Badge Scheme and current assessment process for applicants who applied for a blue badge under the discretionary criteria.

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

- i) That more publicity is needed to ensure that residents and particularly family members and friends of blue badge holders are fully aware of the rules using a blue badge as well as the negative impact misuse by able-bodied people has on genuine blue badge holders. In addition the rules of the scheme need to be highlighted via posters/adverts at Council operated on and off street disabled parking bays across the Town.

- ii) That an annual programme of 'mini blitz' enforcement exercises which focus on preventing the misuse and fraudulent use of blue badges be undertaken and the findings be reported to the Panel.
- iii) That an online reporting mechanism for members of the public to report suspected cases of misuse of a blue badge be developed to further enable incidents of misuse /fraudulent use of blue badges within the Town to be detected.
- iv) That in line with the Government's Comprehensive Blue Badge Reform Strategy the Council undertakes a joint piece of work with the Primary Care Trust to examine the way in which medical assessments for blue badge applicants are currently commissioned. This would be with a view to developing and implementing a move to independent assessments.
- v) That the Council aspires to develop a service in line with the best practice identified at the nationally recognised Centres of Excellence.

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

TREE POLICY

Further to the meeting of the Board held on 12 January 2010 the Business Development Manager (Environment) presented a report which outlined proposals for the introduction of a Middlesbrough Council Tree Policy.

In terms of an inspection regime it was suggested that the significant number of trees for which the Council was responsible, in excess of 45,000, could be grouped into three broad areas of those on adopted highway; those on public open spaces and play areas; and those within parks, cemeteries and woodland areas.

At present the Council inspected all trees that were either on the public adopted highway, or were within public open space but within falling distance of a public adopted highway, which included trees within the Town Centre. Such inspections had been carried out in order to establish the condition of the trees and to identify any urgent remedial treatments. It was confirmed that a rolling five-year inspection programme for such trees was being introduced.

It was proposed that trees within public open spaces and play areas should be inspected using the same criteria as highway trees in order to establish their condition and identify any urgent remedial treatments.

In terms of trees within parks, cemeteries and woodlands it was proposed that with the exception of footpaths, public rights of way or clearly defined publicly accessed areas which would be dealt with as above it was proposed that a general visual inspection of such areas would be sufficient to satisfy the requirement for such areas not generally accessed by the public

The report outlined a proposed draft tree policy, which took into account the prevailing legislation in respect of the following: -

- Tree removal
- Pruning of trees
- Right to light
- Television and satellite reception
- Bird nesting
- Hedges and hedgerows
- High hedges (residential)
- Trees under Tree Preservation Orders
- Trees in conservation areas
- Trees causing damage to property
- Trees which were not the Council's responsibility
- Disputes.

In discussing the draft policy Members referred to the understanding of the Council's current arrangements in terms of replacement trees and suggested that the Executive consider the inclusion of the circumstances whereby a replacement tree would be required.

In response to specific problems with regard to certain trees on verges within the Stainton area reference was made to prevailing legislation and the likelihood that tree maintenance work was not carried out, except in exceptional circumstances between the end of March and the beginning of September.

ORDERED that the report be referred to the Executive taking into account the Board's comments.

SCRUTINY REPORTS IMPLEMENTATION OF RECOMMENDATIONS

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

The Board was advised that of the 589 Executive actions, which should have been implemented by February 2010, 579 had been implemented, 8 partially completed and 2 had not been implemented.

Appendix B of the report gave an update in relation to the Health Scrutiny Action Plan, all of which had met the target.

NOTED

SCRUTINY REVIEW 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

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

Since the circulation of the reports the Chair of the Health Scrutiny Panel referred to a number of issues which had been raised in the national and local media which were to be considered at the next meeting of the Panel.

NOTED AND APPROVED

CALL IN REQUESTS

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

NOTED

ANY OTHER BUSINESS – SCRUTINY WORK PROGRAMME 2010/2011

The Chair referred to work being undertaken in order to gain information from various sources to assist the Board in consideration of suitable topics for inclusion in its Scrutiny Work Programme 2010/2011.

NOTED