

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 3 November 2010.

PRESENT: Councillors Brunton (Chair), Councillors Cole, C Hobson, J Hobson, Ismail, Khan, Mawston, Purvis, Sanderson and Williams.

OFFICERS: J Bennington, P Clark and S Wright.

****PRESENT BY INVITATION:** David Egglestone, Lead Manager, Durham Tees Valley Probation Trust
Chris Smith, Managing Director, Erimus Housing.

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Dryden and J A Walker.

**** DECLARATIONS OF INTEREST**

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

****MINUTES**

The minutes of the meeting of the Overview and Scrutiny Board held on 13 October 2010 were taken as read and approved as a correct record.

WINTER MAINTENANCE – INTRODUCTION – FUTURE MEETING

The Senior Scrutiny Officer submitted a report the purpose of which was to outline the evidence received so far; the terms of reference; and to introduce representatives from the Probation Service and Erimus Housing to provide information on their experiences gained during the last winter and future action.

The Chair welcomed all representatives and gave an indication of the specific areas upon which the Board was examining and sought information as to how the organisations could work together to assist residents during severe winter weather conditions.

ORDERED as follows: -

1. That the information provided be noted.
2. That a further meeting of the Board be arranged in order to receive additional information regard the following:-
 - a) impact on Social Care as a result of an increase in the number of falls and associated incidents during the winter of 2009/2010;
 - b) an update on the Council's winter maintenance action plan;
 - c) liabilities surrounding snow and ice clearance on paths.

WINTER MAINTENANCE – PROBATION SERVICE

In a leaflet a copy of which had previously been circulated details were given of Community Payback, which had been launched in 2005 and became the brand name for Unpaid Work. The focus of Community Payback had been on greater visibility with the intention of raising public awareness of the sentence, giving the public a chance to nominate work that could be done by offenders and ultimately improving public confidence.

It was acknowledged that Community Payback was well established in Middlesbrough and had been at the centre of some high profile community justice initiatives in the area. It was noted that there were currently 150 on orders for unpaid work.

The work carried out by offenders on Community Payback projects had to meet certain criteria, which included: -

- it should be of benefit to the community;
- local people should have a voice in the decision making process about the work undertaken;
- the work should give offenders the opportunity to pay back to their communities in a constructive and demanding way.

Over the last two years Community Payback had been in a position to assist the Council by means of a partnership agreement in terms of carrying out a programme of work which had included snow clearing and gritting during the winter of 2009/2010.

It was suggested that in future there might be scope for Community Payback to assist further such as working at depots and filling salt bins. It was noted that in Middlesbrough there were currently two teams of 8 offenders who were also available on Sundays. It was confirmed that the teams would be able to undertake snow clearing in the priority areas as identified by the Council. The Town Centre together with schools and Health Centres had been identified as priority areas for such action. Members gave examples of how Community Payback had assisted with snow clearing helping the elderly and vulnerable residents of the Town. In general terms during periods of snow clearing Community Payback had received a positive response from members of the public and had been thanked for the work they had undertaken.

In terms of seeking future improvements it was suggested that it might be beneficial if there was a single point of contact within the Council and similarly with the Probation Trust to deal with last minute demands such as the need for priority snow clearing.

ORDERED that David Egglestone be thanked for the information provided which would be incorporated into the overall review.

WINTER MAINTENANCE –ERIMUS HOUSING

Chris Smith presented a report, which focused on how Erimus Housing as a landlord to over 10,500 homes had responded to the unprecedented weather conditions of the winter of 2009/2010. The Board was advised that such circumstances had highlighted certain inconsistencies in how Erimus operated and identified what practices needed to be reviewed in preparation for future events.

The approach adopted by Erimus during the 2009/2010 winter period had been similar to that by the Council prior to stock transfer. Given the large number of elderly and vulnerable residents the stance adopted by Erimus had been to encourage people to stay put in their homes rather than go out into bad weather. As a landlord, Erimus had been conscious of their liabilities as a landlord and therefore ensured what was required in relation to clearing and gritting communal areas/entrances to buildings and ensured the following: -

- concierge staff cleared the access to high rise blocks that predominantly housed older and vulnerable people;
- communal paths were cleared around sheltered schemes where it was believed that there was an added risk;
- the older and vulnerable residents had been assisted by the delivery of food; shopping, running errands, contacting relatives and making regular contact with them directly.

In view of inconsistencies which had occurred the respective policies had been reviewed in order to develop a consistent approach across the organisation including the Sister Company of Tees Valley Housing. The revised policy stated what would be undertaken in the event of severe weather. It was intended for such a policy to be reviewed every three years in order to take account of changed circumstances and business priorities.

In relation to the 2009/2010 winter Erimus considered that the Council had been good in coping with very difficult, unpredictable circumstances over a prolonged period of time although it was felt that there were some inconsistencies in the Council's approach. It was also noted that staff had faced some criticism from a small minority of Council Members who believed that more should have been done. As a result of such interventions dissatisfaction had occurred amongst tenants when individual paths and access to properties had not been cleared or gritted.

In order to work more effectively it was considered that the following areas should be examined:

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- a) to gain a better understanding of what each organisation's responsibilities are within their available resources rather than presume what each should be doing which it was felt would help in managing expectations from residents and agencies and ensure people were treated equally by each organisation;
- b) it was considered that a common understanding of liability issues would be helpful as there was currently no clear guidance from central Government about potential compensation claims if paths were gritted and slips and falls occurred;
- c) it was felt beneficial if the Council and key agencies allowed time to pre-plan appropriate actions and responses before each winter period which would assist in setting out what organisational responsibilities were and to improve working in partnership.

It was pointed out that the Extreme Weather Policy included an assurance that in the event of extreme weather, Erimus Housing and Tees Valley Housing would review what additional support it could practicably support and sustain within its normal housing activity.

In response to a number of questions from Members it was confirmed that although there had been discussions between the Council and Erimus during the last severe winter period there had been no specific meetings. It was considered that the establishment by Erimus Housing of an Extreme Weather Policy would assist with future activities and scope for better partnership arrangements.

In supporting the establishment of the Extreme Weather Policy by Erimus and the Winter Maintenance Programme Members also suggested that it would be beneficial to have a single point of contact in both organisations during periods of severe winter weather conditions. It was considered important to share information and raise awareness to the existence of such plans and policies, both of which were on the respective websites.

It was agreed that further clarification should be sought regarding issues of liability around any compensation claims subsequently received arising from slips and falls following the gritting and /or clearing of paths. The potential costs of defending such claims were recognised. The importance of encouraging community spirit and helping each other in such difficult circumstances was recognised.

ORDERED that Chris Smith be thanked for the information provided which would be incorporated into the overall review.