

**OVERVIEW AND SCRUTINY BOARD**

A meeting of the Overview and Scrutiny Board was held on 10 January 2012.

**PRESENT:** Councillor Brunton (Chair), Councillors Cole, Kerr, McIntyre, Purvis, J A Walker and Williams.

**OFFICERS:** J Bennington, E Chicken, P Clark, L Harrington, J Ord, M Robinson, N Sayer, J Turner and S Vickers.

**\*\* PRESENT BY INVITATION:** Councillor Rostron, Executive Member for Community Protection  
Councillor Junier, Vice Chair of Health Scrutiny Panel.

**\*\* ALSO IN ATTENDANCE:** Councillor Hubbard and members of the public.

**\*\*APOLOGIES FOR ABSENCE** were submitted on behalf of Councillors Dryden, C Hobson, Mawston, Sanderson and Saunders.

**\*\* 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 13 December 2011 were submitted and approved as a correct record.

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

In a report of the Senior Scrutiny 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 Councillor Rostron, the Executive Member for Community Protection who in her initial comments indicated the main functions within the portfolio the majority of which was statutory based.

In order to mitigate some of the impact of significant budget reductions within the Environment service specific reference was made to additional training of Street Wardens to assist them in working together with the Environmental Protection and Neighbourhood Safety Team. Such training had enabled Street Wardens to undertake other enforcement proceedings.

Special mention was made to the Bereavement Services and the Institute of Cemetery and Crematorium Management which had awarded Middlesbrough the Gold Standard in the combined Crematorium and Cemeteries Services category for 2011.

An update was given of the Register Office and reference made to a new facility available at James Cook University Hospital for the registering of births and deaths avoiding the need to go to the Town Centre Register Office.

Reference was made to other projects and reviews as reported to Council which included:-

- following a Government initiative work to be undertaken in identifying the most problematic families across the Town and pursuing a new 'whole family centred' approach;
- a review of emergency planning arrangements in terms of major Town events in the light of incidents in recent years such as that referred to at Chester-Le-Street regarding an inflatable exhibition;
- Bus Station review;
- efforts to generate more interest in credit unions.

Given the current financial constraints one of the main concerns of the Executive Member was the difficulties for the Service to maintain its current very high environmental health and safety standards. Another matter of concern related to increased pressures on the money advice and welfare rights service.

Members commented on the increased problems associated with bad debt and suggested that ways of increasing awareness to the availability of Credit Unions such as the use of Councillor's newsletters should be examined. Although the Government was currently examining credit reform with a view to regulating excessive interest rates by credit companies it was considered that the Council should be urging for such action to be taken.

Following discussion on the Register Office service it was confirmed that further clarification would be sought regarding the legislation governing fees for registration services.

Members expressed support for the high standard of work in respect of environmental health matters and referred to recent prosecutions which had received media attention which it was hoped would assist in acting as a deterrent. The importance of partnership working with particular regard to the role of street wardens and neighbourhood policing was highlighted.

The Executive Member for Community Protection confirmed her intention to consider the matters raised.

**ORDERED** that the Executive Member for Community Protection be thanked for the information provided.

## **POLICE AND CRIME COMMISSIONERS – POLICE AND CRIME PANELS**

The Head of Community Protection presented a report regarding Police and Crime Commissioners and Police and Crime Panels which was to be presented to the Executive at its meeting to be held on 31 January 2012.

The Police Reform and Social Responsibility Act 2011 provided for the election of a Police and Crime Commissioner (PCC) for all provincial Police forces in England and Wales and for the establishment of a Police and Crime Panel (PCP) to scrutinise the functions of the Commissioner.

The report outlined the legal powers and duties of PCCs and responsibilities of the Chief Constable.

The Act required the establishment of a PCP of at least 12 and maximum of 20 although funding for administrative support was only available for 12. At least ten would be councillors and the remainder co-optees with a minimum of two co-opted members. It was intended that PCPs would be in place prior to November 2012 PCC elections. It was noted that elected Mayors would automatically take one of the places for their authority unless also elected as PCC.

The PCP would scrutinise the PCC's exercise of their statutory functions. The Chief Constable would be accountable to the PCC and not the PCP.

In terms of the Cleveland PCP it was proposed that Stockton-on-Tees Borough Council would act as lead authority and the initial composition based on population be as follows:-

Hartlepool Borough Council	-two Elected Members
Middlesbrough Council	- three Elected Members
Redcar & Cleveland Borough Council	- three Elected Members
Stockton-on-Tees Borough Council	- four Elected Members.

The Board was also advised of the intention for the Cleveland PCP and the Durham and Darlington PCP to extend reciprocal observer arrangements which would provide for one or more members of each panel to be invited to sit as an observer at the meetings of the other Panel.

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

## **EXECUTIVE FORWARD WORK PROGRAMME**

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

NOTED

## **ERIMUS HOUSING – REMOVAL OF ASBESTOS – SCRUTINY REQUEST**

Further to the meeting of the Board held on 22 November 2011 a joint report of the Director of Regeneration and Director of Legal and Democratic Services was presented which provided further clarification on the legal interpretation of contractual liabilities in the Stock Transfer Agreement between Erimus Housing and the Council with regard to managing or removal of asbestos pre and post the ten year term.

In relation to the current situation Erimus Housing was required to report annually on the spend on asbestos treatment the current figure for which was reported as £3,000,000+. The Board was advised that such a figure spent over seven years would appear to be below that which would have been anticipated. It was considered that there were a number of factors which may have accounted for the same such as the original sample may not have been truly representative; the budgeted cost had therefore been too high; the nature of the works undertaken by Erimus Housing in the seven years to date had not required the anticipated expenditure whilst those in the next three years may do so; and demolition rather than remediation of properties had reduced the anticipated cost of dealing with the asbestos.

An assurance was given that Erimus Housing was currently compliant with the terms of the Agreement which contained no provision for Middlesbrough Council to intervene by requiring additional attention to properties or accelerated expenditure. It was confirmed that any such requirements would call for renegotiations.

It was also stated that Middlesbrough Council had been and would continue to be protected by the terms of the Agreement from any liability arising from the presence of asbestos in the housing stock since November 2004 and until the agreement was terminated.

It was reiterated that the Stock Transfer Agreement required Erimus Housing to complete the asbestos work in accordance with the recommendations of the MIS Survey over a period of 10 years from the date of the Agreement or such further time as may be deemed reasonable to complete the works.

In seeking assurances regarding appropriate safeguards for residents the Board was reminded of Erimus Housing's legal responsibilities in this regard.

The Board agreed that they had been assured by the information presented in response to the concerns raised by the Audit and Governance Committee as considered by the Board at its meeting held on 22 November 2011.

**ORDERED** that the Officers be thanked for the information provided.

### **NEUROLOGICAL SERVICES – FINAL REPORT OF THE HEALTH SCRUTINY PANEL**

The Chair of the Health Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a review into Neurological Services.

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

- (i) James Cook University Hospital should be designated as a Level 1 neuro-rehabilitation centre. This would ensure that the south of the region has appropriate access to Level 1 facilities and service. It would also be seen as a logical step, given that JCUH has recently being designated as a major trauma centre. The North East Specialised Commission Team and South Tees Hospitals NHS Foundation Trust should expedite their work to ascertain the precise level and type of rehabilitation activity performed at JCUH. The Panel would like to hear the outcome of this work and the rationale behind a decision, as soon as possible after its completion.
- (ii) Connected to the above work and whatever its outcome, action needs to be taken by commissioners to tackle the perceived inequality of access to specialist rehabilitative services for those in the south of the region. If it is perception and not reality, it should be rebutted with evidence. If, after investigation, a genuine inequality of access exists, action must be taken to ensure better access to such specialist support for those in the south of the region. The Panel would like to know what that action will be.
- (iii) That NHS Tees leads a piece of work to ascertain the current capacity of neuro rehab services in Tees, against the current level of evidenced need. It should then develop a commissioning strategy to ensure that there is a plan to ensure service capacity for accessible neurological rehabilitation is more closely aligned to actual need. Connected to the point of rehabilitation, the Panel would emphasise the importance of service (and provider) integration when providing someone with rehabilitation services. Specifically around the proposed Gateway project at Middlehaven, the Panel would like to receive a report on how service integration will be ensured.
- (iv) That the local health and social care economy investigate whether a specialist, neurological services based social worker would be worth introducing. The Panel would like to know the outcome of that work.
- (v) That the next iteration of the Joint Strategic Needs Assessment has a section on Neurological Services and the services required, versus those currently provided. All of this should be presented against the backdrop of current and rigorously obtained intelligence about local prevalence of Neurological conditions.
- (vi) That a plan be developed as to how the North East Neurosciences Network will be supported to operate in the future.

In supporting the Panel's findings and recommendations the Board agreed that it was an excellent comprehensive report and demonstrated the value of scrutiny.

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

### **14 TO 19 REFORM AGENDA – FINAL REPORT OF THE CHILDREN AND LEARNING SCRUTINY PANEL**

The Chair of the Children and Learning Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following its investigation of the 14-19 reform agenda in Middlesbrough.

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

- (a) That Middlesbrough Council works with all relevant stakeholders and partners to develop a collaborative and inclusive model of 14-19 educational provision which best meets the needs of all of Middlesbrough's young people.
- (b) That a report on progress is submitted to the Scrutiny Panel in six months or as soon as there are any significant developments locally.
- (c) That measures are put in place to ensure that a co-ordinated approach to promoting apprenticeships locally is taken by the Council's Children Families and Learning and Regeneration Departments.
- (d) That monitoring is undertaken to measure the success of the Council's involvement in promoting apprenticeships – i.e. how many Middlesbrough residents are accessing apprenticeships and how many Middlesbrough employers are offering apprenticeship opportunities.

In commenting on the Panel's findings Members agreed that it was a very good Final Report and specifically referred to the importance of recommendation (d) outlined above regarding the need for appropriate monitoring arrangements.

**ORDERED** that the findings and recommendations of the Children and Learning Scrutiny Panel be endorsed and referred to the Executive.

#### **ORTHODONTIC SERVICES PROPOSED CHANGES – FINAL REPORT OF THE HEALTH SCRUTINY PANEL**

In a report of the Chair of the Tees Valley Health Scrutiny Joint Committee the Board was appraised of changes being made to Orthodontic Services across the Tees Valley. Reference was also made to a formal response by the Joint Committee to the South Tees Hospitals NHS Foundation Trust on such changes.

The Joint Committee had been advised that following discussion with commissioners it was proposed that hospital delivered orthodontic services for the population of Stockton, Hartlepool, Middlesbrough, Redcar and Cleveland, Hambleton and Richmondshire, Darlington and the South Durham areas of County Durham areas should from January 2012 be centralised within the South Tees Hospitals NHS Foundation Trust but with two treatment localities, one at James Cook University Hospital and the other at the Friarage Hospital, Northallerton (FHN). The majority of non-complex orthodontic provision for the Tees Valley was provided from primary care orthodontists in Darlington, Durham, Billingham and Middlesbrough.

Following consideration of the evidence available the Joint Committee had resolved to support the proposed changes to orthodontic services. The Joint Committee had acknowledged the service pressures facing South Tees Hospitals NHS Foundation Trust whilst still being required to deliver a safe and clinically effective service.

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

#### **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 – CORONERS' OFFICE – AREA CARE**

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

In relation to the current scrutiny investigation by the Community Safety and Leisure Scrutiny Panel the Board was advised that the Ministry of Defence had suspended its enquiry into the conduct of the Coroner until the outcome of the Final Report was published.

Members referred to the likelihood of the scrutiny process being involved in examining the impact of certain budget reductions and specifically highlighted the work of Area Care.

NOTED AND APPROVED

**CALL IN REQUESTS**

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

NOTED