

**OVERVIEW AND SCRUTINY BOARD**

A meeting of the Overview and Scrutiny Board was held on 3 July 2012.

**PRESENT:** Councillors Brunton (Chair), Arundale, Cole, C Hobson, Kerr, Mawston, P Purvis and Sanderson.

**OFFICERS:** B Baldam, J Bennington, S Blood, S Brown, P Clark, A Crawford, J Ord, M Padfield and P Stephens.

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

**DECLARATIONS OF INTERESTS**

<b>Name of Member</b>	<b>Type of Interest</b>	<b>Item/Nature of Interest</b>
Councillor Arundale	Non Pecuniary	Agenda Item 6 - Revenue Outturn 2011/2012 in so far as it related to Natures World - Council representative on Botanic Centre Middlesbrough Limited Board

12/1 **APPOINTMENT OF VICE-CHAIR OF THE OVERVIEW AND SCRUTINY BOARD 2012/2013**

The Chair sought nominations for Vice-Chair of the Overview and Scrutiny Board for the Municipal Year 2012/2013.

**ORDERED** that Councillor Kerr be appointed as Vice-Chair of the Overview and Scrutiny Board for the Municipal Year 2012/2013.

12/2 **MINUTES**

The minutes of the meeting of the Overview and Scrutiny Board held on 8 May were submitted and approved as a correct record.

**INTRODUCTIONS - WELCOME**

Following introductions the Chair welcomed everyone to the first meeting of the Overview and Scrutiny Board in the 2012/2013 Municipal Year.

**SUSPENSION -COUNCIL PROCEDURE RULE NO.10 - ORDER OF BUSINESS**

**ORDERED** that in accordance with Council Procedure Rule No. 10, the Overview and Scrutiny Board agreed that, in order to accommodate the Chair of the Environment Scrutiny Panel who was attending another meeting, the order of business be varied and that Agenda Item 9, a Final Report of the Environment Scrutiny Panel relating to the Maintenance of Highway Trees and Natural Woodland be dealt with as the next item of business.

12/3 **MAINTENANCE OF HIGHWAY TREES AND NATURAL WOODLAND.**

The Chair of the Environment Scrutiny Panel outlined the Panel's key findings, conclusions and recommendations following a scrutiny investigation on the topic of maintenance of highway trees and natural woodland.

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

(i) That, in order to ensure against a permanent loss of mature trees for future generations, the TreeWise recording/information system is used as the basis of a more proactive approach

to highway tree management through a regular, scheduled, inspection and maintenance programme.

(ii) That decisions to remove mature highway trees should be based on reasonable and realistic risk assessments, with the initial presumption being for protection of the tree, rather than removal.

(iii) That, in order to maintain its effectiveness, the Council's Tree Policy is reviewed and revised/updated at least every five years.

(iv) That every effort should be made to encourage increased tree cover in Middlesbrough. This should involve a judicious approach to planting by the Council and developers and in order to facilitate more efficient future tree management ensuring the use of appropriate species in appropriate areas.

(v) That the draft Supplementary Planning Document on Design is amended to include more prominence on trees and the need to better incorporate trees in new development and protect them as part of the development process.

Members sought clarification on a number of points. It was confirmed that the Council's Arborist worked on a shared basis with Darlington Borough Council and that in accordance with prevailing legislation recognition was made of the main nesting season for birds as part of the tree maintenance programme.

Specific mention was made to the proposal to utilise the TreeWise recording/information system as the basis of pursuing a more proactive approach to highway tree management.

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

12/4

#### **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.

It was pointed out that the Executive Forward Work Programme could be viewed on E-GENDA the Council's new committee and information system which could also be viewed on the Council's website.

Members sought clarification on the proposal to establish a Safety Advisory Group.

**ORDERED** as follows:-

1. That the information provided be noted.
2. That further information be sought on the proposal to establish a Safety Advisory Group and the Members be advised accordingly.

12/5

#### **REVENUE OUTTURN 2011/2012.**

The Director of Strategic Resources presented a report concerning the 2011/2012 Revenue outturn position. Whilst the overall outturn was considered to be positive presenting a strong financial position with all services showing improvements on the figures reported at Quarter 3 it was noted that there were significant ongoing pressures in relation to demand led pressures on safeguarding and a significant decrease in car parking income as a result of increased competition and reduced demand. Given the size and scope of the Council's budget the report covered material variances from budget of £10,000 and above.

The final outturn position for 2011/2012 was reported as a net budget saving of (-£506,000)

which represented a 0.37% saving against the £136,508 million 2011/2012 budget. A breakdown of Gross Expenditure and Income budgets against projected Expenditure and Income outturns were outlined in Appendix A of the report submitted.

It was noted that savings had been achieved in all departments as a result of efficiencies in supplies and purchases and, early retirement and voluntary redundancy.

The Board's attention was drawn to a number of key budget pressure areas on which Members sought clarification on the action being taken to address the position.

Such areas included the continuing demand led pressures within safeguarding as outlined in the report submitted. Of particular note related to the significant increase in the number of placements which had increased to 140 in March 2012 in comparison with 108 at the same time last year. Increased pressures in relation to Children's Agency Residential School costs were also pointed out which showed 56 residential placements at the end of March 2012 compared to 43 at March 2011. Although concerns were expressed at such increases it was recognised that given that it was very much a demand led pressure it was difficult to predict the likely numbers. In commenting on the statistical information provided Members indicated that it would be useful to have details on the number of children looked after from other local authorities.

Although the extent to which Agency staff had been utilised had reduced the Board was advised that they had been involved in very complex cases given the demand on the Council's social workers in such cases and the current lack of the required experience of the new recruits within the service.

Whilst the savings achieved in relation to Social Care were noted there were significant budget pressures in respect of Ayresome Industries as a result of reduced sales in view of the economic downturn. The Board was advised, however, of alternatives being pursued which included an expansion of the Data Destruction service which would hopefully improve their overall financial situation.

In response to Members' concerns regarding the large increase in relation to the Social Care demand led budgets the Board was advised of significant work being progressed around projections arising from changes to demographics in particular the ageing population and increased number of people with complex health needs.

In terms of Environment specific reference was made to significant net budget pressures on Parking Solutions as a result of income shortfalls on Off-Street Parking and Decriminalised Parking Enforcement. In commenting on the scale of the problem and possible strategies being pursued it was noted that similar problems were being experienced in other towns such as Newcastle upon Tyne, Manchester, York and Leeds not just attracting people into the town centre shopping centres but also to retail parks.

In response to a Members' question relating to an identified budget pressure of +£16,000 in respect of the Pest Control budget it was noted that improvements had been made in relation to debt collection but there had been a reduction in the use of the service.

In relation to a budget pressure identified in respect of MIMA the Board was advised of the action being pursued in order to mitigate such a pressure.

**ORDERED** that the Officers be thanked for the detailed information provided which was noted.

12/6

### **STRATEGIC PLAN 2012/2013.**

The Policy and Improvement Manager presented a report of the Assistant Chief Executive which summarised the development of the 2012/2013 Strategic Plan.

It was noted that in response to the reduction in the Government's oversight of local government performance, the Council had significantly streamlined the Plan in recent years.

Derived from departmental business plans and the Council's emerging transformation programme, the Plan outlined for each service area the headline performance measures, standards and targets, and major improvement activity for the coming year and beyond. In addition, the 2012/2013 Plan incorporated the Council's agreed Equality Objectives, required by the Equality Act 2010 and approved by the Deputy Mayor on 27 March 2012.

It was confirmed that the draft Strategic Plan had been endorsed by the Executive on 19 June and would be considered by Council at its meeting to be held on 4 July 2012.

In response to Members' concerns regarding the consultation process with regard to the 2012/2013 Strategic Plan in terms of Scrutiny Panels the Board noted the reasons given for the delay in receiving the required information for the Plan in respect of the new vision and departmental plans which had impacted on the usual consultation with the individual Scrutiny Panels as well as the Board. An assurance was given that in future the overall process would include consultation with Scrutiny Panels and the Board prior to submission of the Plan to the Executive and the Council.

Members noted with concern the figure of 11% in terms of reducing the persistent absence rate in secondary schools. It was confirmed that this was a local target and that significant work was being pursued on a number of strategies to improve attendance levels.

It was agreed that any further comments on the Plan should be forwarded to the Chair and the Policy and Improvement Manager.

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

12/7

#### **COUNCIL PERFORMANCE 2011/2012**

The Policy and Improvement Manager presented a report of the Assistant Chief Executive which provided an overview of the Council's performance during 2011/2012 against the 2011/2012 Strategic Plan.

The report summarised progress at the end of 2011/2012 by Department and Service against the Council's corporate performance measures and improvement actions.

The Council's floor target for achievement of improvement actions was reported as 85%. It was confirmed that performance at the end of 2011/2012 was 82% of actions achieved by deadline with 11 actions deferred and five cancelled which reflected a decrease from 86% in 2011/2011. It was pointed out, however, that of the 27 actions missing target a further 12 were expected to be completed by mid-year 2013 (90%).

Of the performance indicators that had a target set, the overall performance level of 57% (46/80) were on target at the end of the year which demonstrated an increase from 53% in 2010/2011.

The report outlined key performance issues at the end of 2011/2012 by each theme focussing on the key points of progress and areas for improvement.

The Board acknowledged the difficulties in achieving certain targets given the impact of the overall economic climate. Specific reference was made to the continuing reduction in Government funding and the likely impact of detailed information which was awaited from the Government in respect of Welfare Reform and non-domestic rates system.

In commenting on the overall position the Board agreed that it would be useful to receive information in relation to comparative authorities.

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

12/8

**EXPERIENCE OF VULNERABLE OLDER PEOPLE IN CARE SETTINGS.**

The Chair of the Social Care and Adult Services Scrutiny Panel outlined the Panel's key findings, conclusions and recommendations following a scrutiny investigation into the social care elements of 'the experience of vulnerable older people in care settings'.

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

(i) That the Department of Social Care should complete or commission a piece of work, identifying the population projections for Middlesbrough for the next ten to twenty years, both in terms of age breakdown, as well as morbidity rates, with a specific focus on dementia. Until this essential piece of work is completed, with sufficient detail and rigour, care home provision and the associated skill mix cannot be reliably planned. The Panel would look to the Executive and Department of Social Care to set a deadline for this work to be completed.

(ii) That following completion of this work, a strategy should be prepared with sufficient political oversight and leadership, outlining how the implications/findings of the research will be put into practice with the development of the configuration and skill mix in care homes. The document should articulate how the Department of Social Care will manage the market to deliver on these needs, as well as contain appropriate milestones to chart progress against.

(iii) That the Care Homes brochure, as produced by the Department of Social Care, should contain a section on good questions for people to ask when selecting a care home.

(iv) That the Care Homes brochure should also contain details of any care homes suspension of placements and reasons for those suspensions.

(v) That the Local Authority, at a political level, lobbies central government about the needs of a town like Middlesbrough, with relatively few self funders, when considering national social care reform.

(vi) That when the Government publishes its White Paper into Social Care, a detailed paper is prepared by the Department of Social Care, for consideration within the political domain, of its implications for Middlesbrough.

(vii) That the Local Authority, as a political entity, holds a debate about the prevalence of a low wage economy in care homes and any steps it may wish to take to address the matter. The Local Authority has a responsibility to promote good care and good employment practices. Better wages for such an important area of work would also help boost the local economy.

In commenting on the Final Report, Members specifically referred to the responses received from Age UK and the Care Quality Commission as to the reasons for not accepting an invitation by the Panel to attend a meeting and provide information and a perspective on the topic.

**ORDERED** that the findings and recommendations of the Social Care and Adult Services Scrutiny Panel be endorsed and referred to the Executive subject to the addition of the response received from the Care Quality Commission.

12/9

**SCRUTINY WORK PROGRAMME 2012-2013.**

The Senior Scrutiny Officer submitted a report, which outlined progress by the various scrutiny panels in considering the proposed scrutiny work programme for 2012/2013. The report summarised the suggested topics for investigation in respect of the following:-

Community Safety and Leisure Scrutiny Panel

In order or priority:

(a) Police Resource: Effect of reduction in Police budget on the resources applied to Middlesbrough in terms of Community Safety

(b) Neighbourhood Watch: The effectiveness of Neighbourhood Watch and its relationship to

Police and Street Wardens

- (c) Leisure Facilities: The shaping of Leisure Facilities provided by the Council in response to budgetary reduction
- (d) Exploitation of Children: Issues associated with Child Abuse, Identification, Facilities and Procedures available to tackle this
- (e) Anti Social Behaviour: Problems associated with ASB in Stewart Park
- (f) Hate Crime: Facilities afforded to victims and detection of offenders.

Economic Regeneration and Transport Scrutiny Panel

- (a) Grove Hill and Gresham
- (b) Empty Buildings
- (c) Welfare Reform
- (d) Voluntary and Community Sectors
- (e) Town Hall Quadrangle – Future Use
- (f) Southfield Road Closure
- (g) Speed Bumps (carried over from 2011-2012 work programme).

It was confirmed that item (a) had been identified as the Panel's first priority.

Environment Scrutiny Panel

- (a) Environment Service Standards (to also include Environmental Enforcement)
- (b) Renewable Energy – potential for Council involvement (to also include Wind Turbines – what are the benefits?)
- (c) Environmental Awareness of Local Public Bodies
- (d) Fees and Charges (Environmental Services)
- (e) Joint Authority Working on Refuse Collection and Street Cleaning
- (f) Dog Fouling.

The Board was advised that item (a) had been identified as the first priority by the Panel and that it was intended for item (c) to be the next topic for scrutiny investigation.

Social Care and Adult Services Scrutiny Panel

- (a) The current role played and service provided by the Integrated Occupational Therapy Service
- (b) Welfare Reforms and their impact on the provision, planning and accessibility of Social Care in Middlesbrough
- (c) The Government Social Care White Paper (when published)
- (d) Access to Social Care for BME Communities
- (e) Adults with Learning Disabilities and Personal Budgets.

It was noted that item (a) had been identified as the Panel's first priority and item (b) as the next topic of investigation.

Ad Hoc Scrutiny Panel

Possible topics included:

- (a) Voluntary Sector and the extent of its current and potential involvement with Council Service provision
- (b) The impact of reductions in public spending on Council Services and the long term impact on the shape and functions of the Council.

Children and Learning Scrutiny Panel

Subsequent to the circulation of the report the Children and Learning Scrutiny Panel at its meeting held on 27 June 2012 had agreed the following topics as shown in a supplementary report circulated at the meeting:-

- (a) Academy Status and the LA role in Education with input from the Middlesbrough Achievement Partnership
- (b) Demand-Led Placement Pressures in Social Care
- (c) SEN/Children with Disabilities (Green Paper)
- (d) Early Help and Engagement of Partners/Common Assessment Framework (CAF)/Preventative Early Intervention Services/Access to CAMHS

- (e) Education of Children Looked After in Children's Homes/Supporting Care Leavers
- (f) Young People's Participation in Delivering Council Services
- (g) Raising Educational Attainment of Children on Free School Meals/Low Educational Attainment and Deprivation
- (h) Youth Unemployment and Connexions/Integrated Youth Service.

A suggestion had been made by the Panel for item (e) to be considered by the Forum for Looked After Children (with a report back to the Scrutiny Panel) and that Item (h) be forwarded to the Ad Hoc Scrutiny Panel for consideration. The Board agreed that item (e) should be considered by Scrutiny and not the Forum for Looked After Children.

Members were advised that further information would be submitted on the scrutiny work programme for Health Scrutiny Panel and the Health Scrutiny Joint Committees. It was noted, however, that during the year the Health Scrutiny Panel had identified the following topics for inclusion in this year's scrutiny work programme:-

- (a) Progress in Implementing the Health Reforms
- (b) The possible development of Private Patient Units at James Cook University Hospital
- (c) Possible changes to national formulae to establish levels of health funding.

**ORDERED** as follows:-

1. That the 2012/2013 Scrutiny Work Programme in respect of the Community Safety and Leisure Scrutiny Panel, Economic Regeneration and Transport Scrutiny Panel, Environment Scrutiny Panel and the Social Care and Adult Services Scrutiny Panel as outlined be approved.
2. That the 2012/2013 Scrutiny Work Programme for the Children and Learning Scrutiny Panel be approved subject to further discussion with the Chair of the Panel in respect of item (e).
3. That the suggested topics for the 2012/2013 Scrutiny Work Programme for the Ad Hoc Scrutiny Panel as outlined be approved including the suggested topic of item (h) shown under the Children and Learning Scrutiny Panel.
4. That a further report be submitted to the Overview and Scrutiny Board in respect of the 2012/2013 Scrutiny Work Programme of the Health Scrutiny Panel and the Health Scrutiny Joint Committees.
5. That the Board be advised of any suggested additions and /or revisions to the work programme of the Scrutiny Panels and Joint Committees accordingly.

12/10 **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 other than those put forward for possible inclusion in the Scrutiny Work Programme 2012/2013.

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

12/11 **CALL-IN REQUESTS**

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

**NOTED**