

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 13 November 2012.

PRESENT: Councillors Brunton (Chair), Arundale, Cole, Dryden, Harvey, Kerr, Mawston, McIntyre, J A Walker and Williams

PRESENT BY INVITATION: Councillor Carr, Executive Member for Children, Families and Learning

ALSO IN ATTENDANCE: Councillor N J Walker, Executive Member for Streetscene Services and Transport. C Smith and B Trodden (Erimus) Members of the public.

OFFICERS: B Baldam, J Bennington, T Boyd, C Breheny, S Brown, A Crawford, G Field, T Fisher, J Ord, T Punton, J Shiel, P Stephens and I Walker.

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors C Hobson, P Purvis and Sanderson..

DECLARATIONS OF INTERESTS

There were no declarations of interest at this point of the meeting.

12/51 MINUTES -OVERVIEW AND SCRUTINY BOARD 16 OCTOBER 2012.

The minutes of the meeting of the Overview and Scrutiny Board held on 16 October 2012 were submitted and approved as a correct record.

12/52 ATTENDANCE OF EXECUTIVE MEMBERS - EXECUTIVE MEMBER FOR CHILDREN, FAMILIES AND LEARNING

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 to provide updates on their respective work in terms of their aims, aspirations, objectives, priorities and any emerging issues or pressures. The process was part of the scrutiny arrangements of holding the Executive to account and also provided the opportunity for the Board to identify or highlight any issues of concern or difficulty.

The Chair welcomed Councillor Carr the Executive Member for Children, Families and Learning to the meeting who indicated his intention to focus on school, safeguarding and budget issues.

In his initial comments relating to schools reference was made to increases in the levels of attainment with particular regard to Key Stage 4 results which had significantly improved with 46% of students attaining 5 A*-C including English and Mathematics which represented a 5% increase on the 2011 result and compared with 32% in 2007.

The Board was advised of a number of schools at varying stages of considering pursuing academy status but it was expected that all secondary schools would have achieved academy status during 2013, and a significant proportion of primary and special schools would be planning to move to academy status.

It was hoped that the involvement of Head Teachers in the Middlesbrough Achievement Partnership would continue to be promoted which focussed on a family of schools approach, regardless of status whether maintained or academy, community, Trust or Foundation, and covering primary, secondary and special sectors. The Partnership supported schools to work in collaboration, signposting opportunities and building pathways for every child and young person to achieve success.

As previously highlighted and discussed by the Board the Executive Member reported on a number of issues around Safeguarding.

An indication was given of several measures being pursued to deal with and understand the problems of an increasing number of Children Looked After. One of the major difficulties related to the number of large sibling groups and older children and an increasing number of children with very complex needs.

Specific reference was made to the policy of early intervention and involvement of professionals and agencies who worked with schools, colleges, agencies, professionals and young people to provide education and targeted services for young people.

The Board's attention was also drawn to the involvement of the Mayor in the recent campaign to raise the profile and awareness of the importance of fostering and urgent need to recruit new foster carers in Middlesbrough.

In terms of the approach to cope with unprecedented budget cuts an assurance was given of the intention to restructure services in a way which ensured that the Council met its statutory and priority needs but examined ways of providing such services more efficiently and enabled savings to be achieved.

In response to clarification sought from Members, the Executive Member provided further information on the recruitment for new foster parents and gave an indication of the benefits of early intervention strategies. Following initial first contacts of 150 expressing interest in foster caring 20 applications had subsequently been submitted with approximately seven currently being trained.

Members referred to the current position regarding the Five Rivers contract which was due to end next year. The Executive Member confirmed that such a contract was currently being re-negotiated and that in the light of financial constraints and the number of placements outside of the area a number of options were being considered including the feasibility of the Council providing residential care. Although in its early stages consideration was being given to identifying appropriate accommodation taken into account the increasing number of children with complex needs. Specific reference was made to the role of the Forum for Children Looked After following the reconfiguration of the Corporate Parenting Board.

In terms of the overall budget situation and acknowledgement of the rising costs associated with the increasing number of children looked after the Executive Member gave an assurance that the children, families and learning aspects of the Department continued to make substantial savings but referred to the need to pursue different strategies and deal with changes in the extent of services provided for schools and increasing demands arising from current projections in terms of the ageing population.

ORDERED that the Executive Member for Children, Families and Learning be thanked for the information provided.

12/53

EXECUTIVE FEEDBACK-TRANSPORT ELEMENT OF THE LOCAL DEVELOPMENT FRAMEWORK-EXPERIENCE OF VULNERABLE OLDER PEOPLE IN HEALTHCARE

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

The Transport Element of the Local Development Framework, Final Report of the Economic Regeneration and Transport Scrutiny Panel
Experience of Vulnerable Older People in HealthCare Settings, Final report of the Health Scrutiny Panel.

The Executive and the Corporate Management Team had considered and supported the Service Responses.

NOTED

12/54 **CORONER'S SERVICE**

The Chair of the Community Safety and Leisure Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a scrutiny investigation into the Coroner's Service.

The Board considered the following recommendations of the Panel based on the evidence submitted which they believed would make a significant difference and contribute to a swifter conclusion for inquests.

(a) (Conclusion paragraphs 98 to 104 of the Final Report)

Staffing levels and experience are major factors in processing an Inquest swiftly. The 8 staff presently allocated is found to be greater than the indicated norm expected. However, it is understood that only two of these staff are qualified field officers. It is therefore recommended that greater emphasis is placed on ensuring that all staff are trained and capable of undertaking this function which would provide improved flexibility of this resource.

(b) (Conclusion paragraphs 107 to 108 of the Final Report)

A Guide to Coroners and Inquests is presently available. However the Panel considers that a Coroner's Charter which is specifically targeted to Teesside, detailing the roles and expectations of the Local Authority, NHS and Police within the Teesside Coroner's Service should be developed. It is therefore recommended that a Charter is developed in agreement with the partner organisations.

(c) (Conclusion paragraph 109 of the Final Report)

The issue of young people dying from unexplained causes is a concern. From information received the panel recommends that in such cases where a young person dies from unexplained reasons and has a sibling that the sibling should automatically be screened for Cardiac disorder. The panel recommends that this action be introduced immediately and contained within the proposed Coroner's Charter.

(d) (Conclusion paragraph 110 of the Final Report)

Improved technology is already operating with Cleveland Police which is believed would assist the administrative process of the Coroner's Service. Acknowledging there are issues of confidentiality and training to be addressed the panel recommends that this system be introduced swiftly which would track and automatically generate the appropriate reminders and correspondence.

(e) Conclusion paragraphs 111 to 112 of the Final Report)

The analysis and information received relating to financial information and charges to the Coroner by the NHS were found to contain a number of variables. Consequently, the panel recommends that the Council's Auditors undertake a Value for Money exercise into the Coroner's Service. To ensure, that in such times of austerity the charges and costs are not excessive and not out of line with other jurisdictions.

(f) Conclusion paragraph 111 of the Final Report)

As the increase in costs over the five year period are above the level of inflation and place additional pressures on the Council it is recommended that the Council and the Coroner meet with the NHS to discuss their charges and moderate future increases.

(g) Conclusion paragraph 120 of the Final Report)

That the Teesside Coroner engages with the Ministry of Justice and agree a process for engaging with the local press for the purpose of producing some positive publicity about the Coroner's Service. Also that the Coroner's office ensures that families are regularly apprised of the reasons of a delay when the inquest is taking longer than the expected time. (The national average should be a benchmark to alert families of the reasons for the present position which is beyond that benchmark).

(h) (Conclusion paragraphs 113 to 118 of the Final Report)

Consideration has been given to implementing a process where an inquest is opened

following a post-operative death. The panel recommends that this practice outlined to the panel be implemented and that discussions be concluded with Medical Directors of the Hospitals involved. The principle being that a date is agreed with the appropriate people which ensures all witnesses or organisations are aware that reports are to be prepared and submitted within two to three months.

(i)(Conclusion paragraph 119)

Presently, the average time for the conclusion of an inquest in Teesside is substantially greater than the National Average. In addition to this the panel is aware that there is a substantial backlog of inquests to be concluded. Consequently, the panel recommends that arrangements are made through the Chief Constable for Cleveland Police to immediately apply a short term additional resource to substantially reduce this back log of cases to a manageable level.

(j) (Conclusion paragraphs 121 to 122)

As Cleveland Police provide the Coroner's Officers for Teesside and Hartlepool and are managed within one unit. It is recommended that the Ministry of Justice give serious consideration to the merging of the Teesside Coroner Service with the Hartlepool Coroner Service and making the Coroners jurisdiction coterminous with the Cleveland Police support area and thereby improving the efficiency of the service.

(k) (Conclusion paragraphs 123 to 124)

There are clearly operational tensions between the Coroner's office and the Police. The panel considers these tensions are no doubt driven by operational pressures, however they must be addressed. The panel therefore recommends that a meeting involving the Chief Constable and Coroner and operational staff be convened to openly address and resolve these differences.

(l) The Panel recognises there is not one solution to resolve the delays in Teesside.

Consequently, the panel recommends that detail is presented to the panel in six months which outlines the time taken, backlog, staffing levels and action against each recommendation to assess the progress achieved.

In supporting the recommendations Members specifically referred to the proposal that the Council's Auditors undertake a Value for Money exercise into the Coroner's Service and the intention to monitor the implementation of the recommendations. The Board considered that steps should be taken with the appointing body for the Coroner with a view to increasing greater democratic accountability of the Coroner and its Service including the submission of six monthly performance update reports.

Members referred to the importance of the scrutiny investigation and the public support which had been demonstrated in undertaking such a review.

ORDERED that the findings and recommendations of the Community Safety and Leisure Scrutiny Panel be endorsed and referred to the Executive subject to the inclusion of an additional recommendation regarding accountability and submission of six monthly performance update reports as outlined above.

12/55

ERIMUS - GARDEN MAINTENANCE - ENVIRONMENTAL CONDITIONS OF SOCIAL HOUSING AREA

In a report of the Senior Scrutiny Officer Members were reminded of a request as reported to the Board at its meeting held on 16 October 2012 for a scrutiny investigation regarding a number of issues including garden maintenance and extent to which enforcement was undertaken by Erimus in this regard.

The Chair welcomed representatives from Erimus who gave an indication of work undertaken in relation to garden maintenance. Specific reference was made to the extent of multi-agency work undertaken in this regard.

One of the problems related to the public perception that properties within estate areas were

in the ownership of Erimus which was not necessarily the case. An indication was given of the tenancy requirements and of certain garden schemes which were currently provided to help those who required assistance. In some cases Officers had carried out maintenance work and subsequently charged for the service however it was pointed out that this had resulted in difficulties in recouping such charges. Confirmation was given of enforcement work and of circumstances when notices were issued and action taken as outlined in a briefing note circulated at the meeting.

The first action taken was to serve a Tenancy Issue Notice the majority of which were complied with but where non-compliance was evident further actions were taken including work with the family and household as outlined.

It was pointed out that to be successful in taking enforcement actions Erimus had to demonstrate to the Courts that they had tried other avenues/interventions/solutions which would include support and working with other agencies.

Estate monthly walkabouts were undertaken as part of current arrangements but as previously mentioned there were problems in pursuing problems relating to privately rented or owner occupied properties.

Members referred to problems associated with void properties especially for lengthy periods although it was noted by Erimus representatives that such properties and adjacent land were not necessarily owned by Erimus and steps were taken to ensure that properties did not remain empty for long periods.

In response to clarification from Members the Erimus representatives confirmed that such tenancy issues were raised at Area Housing Forum meetings. Members agreed to the importance of such information being made available to Members.

The Board's attention was drawn to a number of shopping parades as shown in photographs circulated at the meeting which had been referred to in the original scrutiny request and were now owned by Erimus. The Board was advised that such properties had been the subject of significant investment and most properties were let.

Following Members' comments regarding the financial constraints of the Council with particular regard to the frequency of grass cutting and litter picking the Erimus representatives acknowledged that they were facing similar difficulties and outlined the importance of examining current arrangements with a view to working together more effectively to achieve consistency and identifying ways of working more efficiently.

ORDERED as follows:-

1. That the Erimus representatives be thanked for the information provided.
2. That a review be not undertaken in respect of the issues outlined in a request for a scrutiny investigation.

12/56

ORCHARD DAY SERVICE

Further to the meeting of the Board held on 16 October 2012 a briefing paper was presented regarding the Orchard Day Service which provided a partnership between Middlesbrough Council and Tees, Esk and Wear Valleys NHS Foundation Trust as a service to adults with complex needs.

Following a comprehensive review in 2011 one of the main issues raised was perceived staff shortage and lack of continuity as a result of staff being absent on annual leave at any given time. A proposed solution of introducing fixed centre closures, whereby staff would all take some of their annual leave at pre-set times and therefore being available for work for the remainder of the year had been the subject of consultation in March as shown in Appendix 2 of the report submitted.

It was confirmed that no objections to the proposal had been submitted and on 25 June 2012 the outcome of the consultation had been communicated to carers, with fixed centre closure coming into force at the Orchard Day Service from October 2012.

ORDERED that the matter be referred to the Social Care and Adult Services Scrutiny Panel for further consideration.

12/57 **WINTER MAINTENANCE**

In a report of the Senior Scrutiny Officer the Board was reminded of concerns that had been expressed by the Audit and Governance Committee at its meeting held on 20 September 2012 regarding the current status of the implementation of scrutiny recommendations in relation to winter maintenance.

Confirmation was given by the Auditor that all recommendations had now been actioned with regard to the Council's Winter Maintenance Plan.

The Assistant Director Environment confirmed the existence of a Winter Maintenance Plan but advised the Board of the impact of a major restructuring of the Department in implementing the scrutiny recommendations at an earlier date.

The Executive Member for Streetscene Services and Transport referred to previous monitoring arrangements whereby the Executive and the Board were kept informed of the progress on implementation of scrutiny recommendations.

Taking into account the restructuring of Council Departments, changes to Executive Members and reduction in staffing the Board acknowledged the importance of ensuring that current reporting arrangements between Executive Members and respective Directors should include progress on the implementation of scrutiny recommendations.

ORDERED as follows:-

1. That the Officers be thanked for the information provided.
2. That a report be submitted to the Executive outlining the above circumstances including the suggestion for appropriate monitoring arrangements for the implementation of scrutiny recommendations.

12/58 **GRESHAM REGENERATION**

The Chair of the Economic Regeneration and Transport Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a scrutiny investigation of Gresham Regeneration.

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

(i) That efforts be continued to progress the Gresham regeneration scheme as swiftly as possible. These should include:

a) Adopting a flexible approach to development. While proposals that link the various phases would be preferable, this should not necessarily preclude any developments that do not follow that approach. Any development schemes should be judged on their individual merits and it should be ensured that all approved schemes are achievable and deliverable.

b) Continuing to work with all or any interested developers and third party organisations to refurbish and bring back into use properties in the former Phase 3 area.

(ii) That given the anticipated long-term timescales involved in acquiring/ demolishing

remaining properties, the possibility of letting properties in Council ownership in Phases 2A and 2B of the scheme on a short-term basis be explored.

(iii) That if a compulsory purchase order is used to acquire a property, local ward councillors are informed so that, if necessary, they can offer support and advice to individual residents.

(iv) That, in the event that proposals to develop a Neighbourhood Plan are put forward by Gresham residents, Council officer support is provided to assist the process and ensure that this is progressed in conjunction with the ongoing review of the Local Development Framework. Local ward councillors should also be involved in the process.

(v) That annual updates are provided to the Economic Regeneration and Transport Scrutiny Panel on progress being made in the delivery of the Gresham regeneration scheme.

ORDERED that the findings and recommendations of the Economic Regeneration and Transport Scrutiny Panel be endorsed and referred to the Executive.

12/59

JOINT WORKING ARRANGEMENTS

The Chair of the Environment Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a scrutiny investigation of Joint Working Arrangements in Streetscene Services.

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

1. That the Executive notes the number of joint working initiatives that have been developed across Environmental and technical services and the potential for these to generate financial savings for the Authority.
2. That, given the potential scale of the Waste Management contract which is due for renewal in 2020, careful consideration is given, in close liaison with the other Tees Valley authorities, to how this can be progressed most cost effectively to the financial benefit of all of the authorities concerned.
3. That, in order to continue to promote and develop joint working initiatives with other local authorities, the issue is raised and highlighted at the highest levels politically and managerially across the Tees Valley authorities, including examples of successful initiatives undertaken to date.

ORDERED that the findings and recommendations of the Environment Scrutiny Panel be endorsed and referred to the Executive subject to recommendation 3 to include a suggestion that the matter be referred to the Tees Valley Chief Executive's Meeting.

12/60

SCRUTINY REVIEW REQUEST

In a report of the Senior Scrutiny Officer the Board was advised of a request from a Member to undertake a scrutiny review into issues associated with Durham Tees Valley Airport including the extent to which the Council was involved in funding, if any, future development plan and regional significance.

ORDERED that the topic be referred to the Economic Regeneration and Transport Scrutiny Panel for examination.

12/61

SCRUTINY PANELS - PROGRESS REPORTS

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

Specific reference was made to the next topic of review of the Social Care and Adult Services

Scrutiny Panel regarding Welfare Reforms and their impact on the provision, planning and accessibility of Social Care in Middlesbrough.

Following initial information provided to the Panel on the subject and given the likely extent to which such Reforms would impact on other areas and services it was suggested that the Board undertakes such a review.

ORDERED as follows:-

1. That the information provided be noted.
2. That the Overview and Scrutiny Board undertakes the scrutiny topic of Welfare Reforms.

12/62

CALL-IN REQUESTS

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