

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 16 October 2012.

PRESENT: Councillor Brunton (Chair), Councillors Cole, Dryden, Harvey, C Hobson, Kerr, Mawston, J A Walker and Williams.

PRESENT AS OBSERVERS: Councillor Hubbard

PRESENT BY INVITATION: Councillor Budd, Deputy Mayor and Executive Member for Resources

ALSO IN ATTENDANCE: A Carr, Acting Services Manager, Erimus

OFFICERS: J Bennington, S Blood, S Brown, P Clark, A Crawford and N Pocklington.

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors Arundale, McIntyre, P Purvis and Sanderson.

DECLARATIONS OF INTERESTS

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

1 MINUTES - OVERVIEW AND SCRUTINY BOARD 18 SEPTEMBER 2012

The minutes of the meeting of the Overview and Scrutiny Board held on 18 September 2012 were submitted and approved as a correct record.

2 ATTENDANCE OF EXECUTIVE MEMBERS - DEPUTY MAYOR AND EXECUTIVE MEMBER FOR RESOURCES

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 Budd the Deputy Mayor and Executive Member for Resources.

In his initial comments the Deputy Mayor and Executive Member for Resources emphasised that it was the start of the budget consultation exercise and therefore the focus of attention of his address to the Board would be on various themes and current difficulties.

Given diminishing resources it was acknowledged that inevitably there would be conflicting areas of demand and difficult decisions to be made regarding future service provision. It was felt that the pace of ever changing Government policy was an added pressure and of particular concern was the welfare reform and reductions in Council tax benefits.

A significant amount of work was being undertaken to plan for the anticipated Government funding settlement for 2013-2014 and beyond but at the same time retaining a level of ambition for the future of the Town.

As part of the current examinations reference was made to the need to review the capital programme.

It was acknowledged that the current situation required a change of culture and in many ways necessitated the Council working with partners and other agencies and focussing more on

influencing powers rather than providing direct funding.

Specific reference was made to the significant training and skills gap and of ongoing discussions with other organisations such as Teesside University and Middlesbrough College with the aim of reducing such a gap.

ORDERED that the Deputy Mayor and Executive Member for Resources be thanked for the information provided.

3 **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

4 **EXECUTIVE FEEDBACK - EXPERIENCE OF VULNERABLE OLDER PEOPLE IN CARE SETTINGS - MAINTENANCE OF HIGHWAY TREES AND NATURAL WOODLAND**

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 Experience of Vulnerable Older People in Care Settings - Final Report of the Social Care and Adult Services Scrutiny Panel
- Maintenance of Highway Trees and Natural Woodland - Final Report of the Environment Scrutiny Panel.

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

The Board was advised that the Executive had agreed that the Final Report in respect of the Maintenance of Highway Trees and Natural Woodland be referred to Erimus for their comments.

ORDERED as follows:-

1. That the information provided be noted.
2. That the Board be advised of the response from Erimus regarding the Final Report in respect of the Maintenance of Highway Trees and Natural Woodland.

NOTED AND APPROVED

5 **REMOVAL OF ASBESTOS - ERIMUS HOUSING**

Further to a meeting of the Board held on 22 November 2011 a report of the Director of Neighbourhoods and Communities was presented which provided an update regarding the responsibilities for Erimus Housing in complying with recommendations in the MIS Asbestos Survey 2003 to remove asbestos in properties transferred under the Stock Transfer Agreement.

It was confirmed that the Council continued to receive bi-annual updates on works completed, for example, responsive repairs and void works; capital programmes; environmental works; and demolitions; and costs for those works. The expenditure up to 31 August 2012 was detailed in Appendix 1 of the report submitted and reported as follows:-

- (a) total spend up to 31 August 2012 - £5,020,791.16;
- (b) total still available from 1 September 2012 - £8,108,431.84
- (c) total budget - £13,129,223.00.

The Board was advised that Erimus had confirmed that where high risk asbestos had been identified post 2004/2005 the material had been managed in line with Health and Safety Executive regulations.

It was noted that the proposed completion date remained as November 2014 and the cost of the work would be a maximum of £13,129,223.

ORDERED that the information provided be noted.

6

SAFEGUARDING PRESSURES

Further to the meeting of the Board held on 30 August 2012 the Deputy Director, Safeguarding and Specialist Services presented a report regarding the significant budget pressures facing the Safeguarding social work service.

The Board's attention was first drawn to the Independent Fostering Agency budget pressure of £824k. Whilst there had been a small decrease in the number of looked after children, overall there continued to be an upward trend. Members were advised of four key factors which had an impact on such numbers as follows:-

- (i) the number of large sibling groups accommodated within Middlesbrough;
- (ii) Case Law which determined the status of 'Connected Persons' family and friend carers;
- (iii) Case Law which stated that young people who had been in custody were deemed to have been looked after;
- (iv) the national shortage of adopters, which meant that despite 'best efforts' there were a significant number of children for whom adoption was not an option and they were placed with foster carers, often in independent fostering agency placements at a significant cost.

In terms of the in-house Fostering Budget the Board was advised of a £80,000 budget pressure as the service attempted to accommodate as many children and young people with in-house foster carers. The expansion of the in-house fostering scheme was considered to be an important component of a strategy to reduce overall placement costs. Specific reference was made to measures being taken which included the Mayor leading a drive to recruit more foster carers and the Chief Executive had taken the operational lead in a cross-departmental initiative to recruit more foster carers.

Reference was made to the anticipated pressure of £780,000 on the Children's Agency Residential Budget and a review of the Council's Residential Strategy with the aim of achieving significant savings in 2013/2014 and modest savings in 2014/2015. It was noted that a number of options would be presented to the Safeguarding Project Board later in the year.

It was reported that the current contract with Five Rivers to provide three residential homes in Middlesbrough which was due to end was currently being negotiated with a view to extending to ensure that the young people's placements within the homes remained stable. An indication was also given of a current exercise to establish whether there would be any interest in providing a range of residential options for Middlesbrough.

The Adoption Service faced considerable challenges in providing adoption placements for children. It was recognised that both locally and nationally, there was a shortage of adopters prepared to adopt older children over the age of six, particularly boys, sibling groups of three children or more, children who were born opiate dependent, as well as children who may be at risk of the effects of foetal alcohol syndrome or blood borne infections.

It was noted that the Adoption Team were continuing to recruit new adopters and had been very successful in encouraging adopters to take subsequent siblings of their adopted child.

Members were advised that the financial pressures related to the fees that were paid to other agencies and local authorities when Middlesbrough purchased external adoptive placements at a cost of £20,000 - £25,000 per child, per placement. The Council was actively seeking to recruit in-house adopters and it was also lobbying central government about the high fees for placements.

Members reiterated their previous concerns regarding the rising budget pressures with particular regard to the increased number of looked after children. An indication was given of the high costs involved with regard to an increasing number of children with very complex needs and the need to pursue a range of strategies to cope with such a demand.

In discussing the measures being pursued to recruit additional foster carers the difficulties associated with competing independent agencies and other local authorities in the Tees Valley was acknowledged. Appropriate marketing and channels of providing information such as Ward newsletters was an important element of the overall recruitment strategy.

ORDERED as follows:-

1. That the Deputy Director, Safeguarding and Specialist Services be thanked for the information provided.
2. That a further update on the budgetary position be submitted to the Board in six month's time.

7 **ENVIRONMENT SERVICE STANDARDS**

The Chair of the Environment Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a scrutiny investigation into Environment Service Standards.

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

- (i) That Officers continue to monitor the position in respect of compliance with the published Environment Service Standards- in particular to determine the impact of the Council's budget reductions.
- (ii) That the Environment Scrutiny Panel is consulted ahead of any Executive decision to reduce frontline environmental services as a result of further budget reductions and that the Executive Member for Streetscene Services and Transport is invited to attend relevant panel meetings.
- (iii) That, in the event of future service reductions, every effort is made to engage with the public/service users to publicise revised service arrangements and the reasons for such reductions.

Members sought clarification on a number of areas including confirmation given that the service standards had been set by the Council as part of its customer focussed approach.

In discussing likely implications of introducing charges such as that for junk jobs it was noted that so far there had been no increase in fly tipping. Members indicated however the opportunity for scrutiny to examine the impact of introducing charges for certain services in the scrutiny work programme.

Reference was made to the impact of any reduction in terms of street cleaning and of the likely costs involved of any subsequent neighbourhood clean up or litter picking campaigns.

ORDERED that the findings and recommendations of the Environment Scrutiny Panel be endorsed and referred to the Executive subject to the inclusion in recommendation (iii) of a reference to the financial implications such as the costs associated with a neighbourhood

clean-up and litter picking campaign.

8 DEVELOPMENT OF PRIVATE PATIENT UNITS

The Chair of the Health Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a scrutiny investigation on the topic of Private Patient Units.

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

(i) That the Trust's governance arrangements should be tightened to ensure that any percentage increase in the Trust's turnover, attributable to private health care work, should be presented to and verified by, the Trust's Governors. Local Overview and Scrutiny Committees should also be informed.

(ii) That, in such an event that a private healthcare provider contracts to deliver services on the Foundation Trust's property, the Trust ensures that the clinical governance standards in force are of the same rigour as NHS clinical standards. This should be a non-negotiable element of the contract signed. In addition, the quality of the physical environment of NHS wards should be protected, to ensure that private facilities are not made to look better, due to the lack of attention paid to NHS ward facilities.

(iii) That the appropriate local Health Scrutiny function receives a retrospective annual report of private activity each year, the money it generated and how that money has developed NHS services. The Foundation Trust should also publish a forward work programme of areas of clinical practice that it is considering providing or contracting to provide, a private healthcare equivalent.

(iv) That as a matter of organisational policy, the Trust should make clear that in such an event as the Trust's private work not providing adequate financial contribution to the operation of the Trust, it should cease in the provision of that private service. The Trust should never find itself in the position that the provision, or contracting for the provision, of private healthcare leaves the Trust 'out of pocket'.

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

9 SCRUTINY REVIEW REQUESTS

In a report of the Senior Scrutiny Officer the Board was advised of a request from an elected Member to undertake a scrutiny review into the following issues.

The Board was advised of problems with the Combi-Boilers in Erimus Homes since 2003 and of apparent delays in carrying out repairs which was particularly difficult for families given the worsening inclement weather.

It was pointed out that some tenants in Erimus properties were frequently breaching the tenancy agreement and that there was negligible enforcement or repercussions. The issues of gardens had arisen in that although written into the tenancy agreement gardens were not being maintained and there was little evidence of enforcement. In requesting the scrutiny review the Member had suggested that it would be beneficial to know how many Erimus tenants had been removed from homes for repeated tenancy breaches since 2003.

The request also suggested that Scrutiny look into the Council's affordable housing strategy.

The Senior Scrutiny Officer advised the Board of an additional scrutiny request from a member of the public which had been received following the circulation of the agenda and accompanying reports. The request was for the Social Care and Adult Services Scrutiny Panel to undertake a scrutiny into the 21 Fixed Day centre closure at the Orchard Resource Centre. A parent of a service user who used the Orchard Centre five days a week did not agree with the introduction of the Fixed Day closure. It was pointed out that there were 21

fixed day closure which together with 8 Bank Holidays and staff training days would mean that the facility would be closed to service users for a total of over 6 working weeks.

Reference was made to earlier discussions regarding the introduction of charges in respect of junk jobs and likely impact on fly tipping.

ORDERED as follows:-

1. That representatives of Erimus be invited to attend a future meeting of the Board in order to clarify the position with regard to the concerns outlined in the scrutiny request.

2. That a representative of the Wellbeing Care and Learning Department be invited to attend the next meeting of the Board to provide further information regarding the Orchard Day Centre.

3. That the Environment Scrutiny Panel examines the current position with regard to the present levels of fly tipping.

10 **SCRUTINY PANELS - PROGRESS REPORTS**

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

NOTED

11 **CALL-IN REQUESTS**

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

NOTED

12 **ANY OTHER BUSINESS - AUDIT AND GOVERNANCE COMMITTEE - WINTER MAINTENANCE**

With the approval of the Chair a report was presented regarding concerns 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.

ORDERED as follows:-

1. That a report outlining the Board's concerns with regard to the above matter be referred to the Executive.

2. That the appropriate Executive Member and Executive Director be invited to attend a meeting of the Board in order to clarify the position.

3. That the Chair of the Board raises the matter with the Deputy Mayor and Executive Member for Resources.