

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 1 July 2014.

PRESENT: Councillors Dryden, C Hobson, Sanderson, P Sharrocks, J A Walker, N J Walker and Williams

PRESENT BY INVITATION: Councillor Rooney, Executive Member for Regeneration.

OFFICERS: J Bennington, C Breheny, A Crawford, B Roberts, P Stephens and J Wells.

APOLOGIES FOR ABSENCE were submitted on behalf of Councillors McIntyre, Mawston and M Thompson.

DECLARATIONS OF INTERESTS

Name of Member	Type of Interest	Item/Nature of Interest
Councillor N J Walker	Non-Pecuniary	Agenda Item 5 - Allotments -Income Generation in Environmental Services-involvement in service response as Executive Member for Environment at that time.

14/11 **CHAIR OF OVERVIEW AND SCRUTINY BOARD - APPOINTMENT**

The Deputy Monitoring Officer/Legal Services Manager sought nominations for Chair of the Overview and Scrutiny Board pro tem.

AGREED that Councillor N J Walker be appointed Chair of the Overview and Scrutiny Board for the meeting.

14/12 **MINUTES - OVERVIEW AND SCRUTINY BOARD 27 MAY AND 9 JUNE 2014**

The minutes of the meetings of the Overview and Scrutiny Board held on 27 May and 9 June 2014 were submitted and approved as a correct record.

14/13 **ATTENDANCE OF EXECUTIVE MEMBERS - EXECUTIVE MEMBER FOR REGENERATION**

By way of introduction the Scrutiny Support Officer submitted a report which included a schedule detailing proposed attendance by individual Members of the Executive to meetings of the Board. It was intended for Executive Members to provide updates on their respective work in terms of their aims, aspirations, objectives, progress made, priorities and any emerging issues especially having regard to the current financial pressures and ways of mitigating such circumstances. 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.

A draft schedule detailing proposed Executive Member attendance at the Board for the current Municipal Year was provided at Appendix 1 of the report submitted.

The Chair welcomed Councillor Rooney, Executive Member for Regeneration who in his initial comments confirmed slight changes to the portfolio and gave an indication of the current steps to try and rationalise and identify potential overlaps within the current Executive Portfolios.

Despite challenging times the Executive Member focussed on key development schemes including Prissick, Gresham, Hemlington Grange, Holiday Inn, Middlehaven and referred to the significant work which had been undertaken with regard to the Local Plan which was seen as providing significant regeneration benefits to the town and opportunities for joint ventures.

Following further consultation it was anticipated that the Local Plan would be submitted to Council in October 2014.

The Executive Member also referred to other projects such as the Town Hall refurbishment, old Town Hall and Transporter Bridge utilising Heritage Lottery funding.

The closure of Southfield Road had been linked to the aspirations for the town and Teesside University a new building for which had now commenced.

Confirmation was given of the need to keep people informed with specific regard to the Acklam Hall development. It was acknowledged that many of the trees that had already been felled had been diseased but it had been recognised that more careful attention should have been given to the subsequent disposal arrangements.

As previously reported there were continued successes in relation to the Advanced Manufacturing Park and specific reference was made to the Boho brand which was forging ahead. Reference was also made to the Team from Middlesbrough Council's Staying Put Agency and Ayresome Industries who had recently been named Handypersons Service of the Year.

One of the main aspirations included bringing housing in disrepair back into use with particular regard to Gresham and older housing areas in North Ormesby. Reference was made however to one of the main challenges relating to landlord licensing and of the potential need to pursue enforcement action to address a number of issues. Members supported the current examination of identifying ways of bringing back older housing out of disrepair and noted the possible use of compulsory purchase powers if necessary.

The Board's attention was drawn to major housing developments such as Rose Cottage and Grey Towers. In response to clarification sought from Members Councillor Rooney referred to the Local Plan requirements and need for a whole range of housing for population stability. In commenting on the extent of work involved in relation to the Local Plan a Member suggested that congratulations should be extended to Paul Clarke, Planning Services Manager for his excellent work undertaken in this regard.

The Executive Member concurred with the sentiments expressed on the importance of maintaining strong links with Tees Valley Unlimited.

With specific regard to transport the Board noted current consultation on improved rail links and potential benefits for Middlesbrough.

ORDERED as follows:-

1. That the schedule detailing proposed attendance of Executive Members to meetings of the Overview and Scrutiny Board in respect of the 2014/2015 Municipal Year as outlined in Appendix 1 of the report submitted be noted and approved.
2. That the Executive Member for Regeneration be thanked for the information provided which was noted.

14/14

EXECUTIVE FEEDBACK - ALLOTMENTS - INCOME GENERATION IN ENVIRONMENTAL SERVICES

The Chair referred to the overall scrutiny arrangements in terms of officer attendance at meetings of the Board and suggested that given the often lengthy meetings and the increasing pressures on Officers it was considered beneficial if respective Officers were given a timeslot in which to be available for attendance at meetings of the Board. It was also suggested that Officers from the Executive Office need not attend meetings of the Board when considering Executive Feedback reports on Scrutiny Final reports and that any arising questions and/or clarification sought from Members on such reports be subsequently referred to the Executive Office to seek further information from relevant service areas.

As part of the scrutiny process the Board considered a report of the Executive Office Manager which confirmed that the Executive at its meeting held on 17 June 2014 had considered two Final Reports of the Environment Scrutiny Panel in respect of Allotments and, Income Generation in Environmental Services.

The Executive had considered and supported the Service Responses as outlined in Appendices A and B of the report submitted.

NOTED

14/15 PARKING ENFORCEMENT ON PRIVATE LAND

Further to the meeting of the Board held on 27 May 2014 the Scrutiny Support Officer submitted a report which highlighted issues concerning enforcement in relation to parking in privately operated car parks, and on private land, in Middlesbrough for Members' consideration and to determine if the Board wished to pursue a scrutiny investigation. The Chair confirmed that the Mayor had referred to the issue at a recent meeting of the Executive following receipt of a complaint from a member of the public and had mentioned the possibility of scrutiny involvement.

The Chair welcomed John Wells, Public Protection Operations Manager to the meeting who addressed the Board and referred to a briefing note as outlined at Appendix 1 of the report submitted.

As part of the initial background it was confirmed that currently there were a number of sites in central Middlesbrough where parking was controlled by means of a fee paid to a private company in a manner similar to that of a public car park. Operators of such private car parks sought to impose some form of charge on drivers who either didn't pay or overstayed their time by way of a set of terms and conditions which was made known to the driver before parking and leaving the car.

Concern had been expressed over the charges imposed in some Middlesbrough car parks, alleging that they amounted to a disproportionately high fine on the motorist.

The Board was advised that in terms of the prevailing legislation charges for breaking a parking contract must be reasonable and a genuine pre-estimate of loss to cover aspects such as the issue of the ticket, staffing costs associated with enforcement and administration of fee collection, loss of a fee from another vehicle but not general business costs such as erection of signage or resurfacing of car parks.

In order to address the problems associated with parking on private land, enforcement measures had been introduced by means of the Protection of Freedoms Act 2012. It was noted that the Act banned the use of clamping of vehicles on private land, but it was recognised that landowners still had the right to recover fees from drivers who breached the parking rules.

The Board was advised that private parking companies were now allowed access to DVLA records to trace vehicle keepers and hold the keeper liable for any parking charge unless they identified another person who was the driver at the time. Parking companies were only allowed such a facility if they were members of an approved trade body, currently the only body was the British Parking Association (BPA).

It was noted that the Act only required members of an approved trade body to offer appeals from aggrieved drivers to an independent body, 'Parking on Private Land Appeals' (POPLA).

The BPA had incorporated the legal provisions into its Code of Practice for members, including prominence of signage, the use of premium rate telephone lines for contacting the company and restricting sanctions to genuine pre-estimate of loss which they stated in general should not exceed £100.

The Board was advised that in Middlesbrough during the period 5 June 2011 to 5 June 2014

there had been 25 complaints about car parking and clamping and that the majority of such complaints concerned two companies. Complainants had indicated that communication was poor and often standard letters had been sent in response which had not addressed the detailed queries that had been raised. Although the numbers of complaints were considered to be quite low it was considered that the existence of rights of appeal may not generally be well known.

It was confirmed that Trading Standards Officers had visited sites in Middlesbrough controlled by the private operators referred to and noted that the fee charged was £100 in comparison with other private sites in the Town of fees of £60 and £70 charged. Officers had also noted that the signage at sites controlled by the two operators had been considered to be adequate but gave premium rate numbers.

The Public Protection Operations Manager had written to one of the operators who had subsequently confirmed that the charge was a genuine pre-estimate of loss and it was coincidental that it was the same sum as the BPA threshold (maximum) figure. An indication was given that not all of the items listed in the response letter from the parking company concerned should be included in a calculation of pre-estimate loss. It was confirmed that a similar letter would be sent to the second operator asking for its reasoning in arriving at a charge of £100.

The Trading Standards Team had been aware of a complaint on the issue of genuine pre-estimate of loss sent to POPLA in connection with a parking charge levied at a private site in Middlesbrough in April 2014 the adjudication for which was due in early July 2014. Reference was also made to another two complaints which had subsequently been received.

In relation to one of the complaints it was noted that the current arrangements and enforcement procedures in respect of limited car parking at a shopping parade had resulted in a positive impact on trade and assisted parking for shoppers.

The Board supported the action being taken by the Trading Standards Officers but highlighted a number of areas requiring clarification including the following:-

- (a) if penalties for contravention of conditions for parking in Council owned car parks and privately owned car parks should be the same;
- (b) whether or not there should be some form of accountable measures in terms of the BPA which regulated itself and was funded by its own annual membership fees;
- (c) if any discounts should be applied in the case of prompt payments for penalty charges as in the case of the Council's current system;
- (d) whether or not the time limit for early payment is extended until the outcome of an appeal to POPLA is determined;
- (e) whether or not private car parks should be independently regulated and their operators licensed;
- (f) if the charge of a genuine pre- estimate of loss was considered to be fair;
- (g) it was recognised that as there was no requirement to register privately owned car parks there was no public record of their existence and location.

In the light of concerns and variations between Council and privately owned car parks regarding current arrangements including the level of penalties and discounts it was suggested that the feasibility for the Council to lobby the Government to establish appropriate regulations regarding the conduct and licensing of private car parks should be considered.

Members also suggested that as part of the future consideration the possibility of utilising the Trading Standards Facebook page to post appropriate information be examined. It was considered that generally the public were unaware of the differences between Council and

privately owned car parks with specific regard to payment and enforcement procedures.

ORDERED as follows:-

1. That the information provided be noted.
2. That further information be sought in respect of the areas identified and reported to the Overview and Scrutiny Board at its next meeting to be held on 22 July 2014.

14/16

COUNCIL PERFORMANCE AND RISK UPDATE 2013/2014

A report of the Executive Director of Commercial and Corporate Policy was presented which provided an overview of the Council's performance and its corporate risk register at year end 2013/2014. The report summarised the Council's performance against the Key Performance Indicators (KPI) within the Strategic Plan.

It was confirmed that the Council would be implementing a Balanced Scorecard approach to performance management during 2014/2015. There would be a scorecard for each of the nine strategic outcomes set out in the Change Programme 2014-2017 which would include key customer, business, financial and people measures relevant to the outcome.

The Board's attention was drawn to the KPI's which were off target and details given of the action being taken in order to secure improvements as outlined in the report submitted.

Following the quarterly risk review, the total number of corporate risks was reported as 25 and those which presented the highest risk were identified as follows:-

Budget - inability to achieve a balanced budget due to reducing settlement;
Welfare Reform - withdrawal of funding to administrate Housing Benefit;
Change Programme - negative impact on industrial relations and employee engagement.

ORDERED that the information provided on the Council's performance and key corporate risks at year end 2013/2014 be noted but that further information be provided regarding figures available in respect of domestic waste recycling, repair status of minor roads and mima attendances.

14/17

ACCESS TO GP SERVICES

The Chair of the Health Scrutiny Panel outlined the Panel's findings, conclusions and recommendations following a scrutiny investigation of the topic of how people in Middlesbrough are able to access GP practices.

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

- (a) That NHS England ensures that there are no GP practices which operate a premium rate 08 number in Middlesbrough now or in the future.
- (b) That a piece of work is undertaken in the Health Scrutiny Panel 2014-15 work programme by the Panel in conjunction with the South Tees CCG and NHS England on the current coverage of GPs in the area on how the health service is assessing the situation and planning for the future supply and demand of GPs.
- (c) That the Council writes to the NHS England to ascertain more detailed statistics on the numbers of GPs and to capture the number of hours they are available to patients.
- (d) That the Council writes to the Department of Health, with their concerns about the falling numbers of GPs, and the future impact that this may have, and ask them to comment on how they could facilitate making a GPs return to practice easier.

(e) That people are fully informed when they join a practice which might not be near their home address that they will not be eligible for home visits from a doctor from that surgery due to the distance.

(f) That the Panel will request a position statement on the topic of longer opening times from the Local Medical Committee with a view to undertaking a further investigation of this issue if appropriate.

In supporting the Panel's recommendations it was suggested that arrangements be made for an appropriate press release.

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

14/18

SCRUTINY WORK PROGRAMME 2014/2015

The Board considered reports of the Scrutiny Support Officer which outlined progress by the various scrutiny panels in considering the proposed scrutiny work programme for 2014/2015.

The reports summarised the suggested topics for investigation in respect of the following:-

Children and Learning Scrutiny Panel:

- (a) School improvement and support
- (b) Comparison of how each school spends the pupil premium
- (c) Teenage pregnancy rates
- (d) Early help - improving outcomes for children, young people and families
- (e) Safeguarding and Middlesbrough's looked-after children
- (f) Community learning service and alternative delivery*

Community Safety and Leisure Scrutiny Panel:

- (a) Sport and leisure services*
- (b) Police and Crime Commissioner
- (c) Use of local health - related data when considering licensing
- (d) Improving standards and behaviour of direct debit fundraisers ('chuggers')
- (e) Events in the town (i.e. system relating to event management)
- (f) Implications of the Crime and Police Bill
- (g) Mental health support services offered to prisoners and people leaving prison
- (h) Plus updates on Safer Middlesbrough Partnership; Regulation of Investigatory Powers Act; and domestic violence

Economic Regeneration and Transport Scrutiny Panel:

- (a) Town centre - long-term plans/strategies
- (b) Wi-fi town
- (c) Non-strategic assets (to 'include Nature's World site) *
- (d) Traffic congestion
- (e) Pay on exit car parks
- (f) Middlehaven (including possible links with town's heritage)
- (g) Bus services
- (h) Condition of roads and footpaths
- (i) Rail links (including HS3)

Environment Scrutiny Panel:

- (a) Property services - outline business case*

- (b) Future service delivery models*
- (c) North Ormesby Market
- (d) Maintenance of open spaces
- (e) Plus updates on energy reduction and flood risk management

Health Scrutiny Panel:

- (a) Healthcare associated infections
- (b) Examination of local NHS finances
- (c) Neurological services
- (d) Winter pressures
- (e) Pharmacy arrangements in hospitals
- (f) Surgery opening
- (g) Public Health commissioning*
- (h) Mental Health*

Social Care and Adult Services Scrutiny Panel:

- (a) The Implementation and implications of the Care Act -seminar to take place for all Councillors
- (b) Demand mitigation - transforming adult social care*
- (c) Assistive technology and how new technology could transform care
- (d) Quality of homecare services
- (e) How care homes prevent abuse, neglect and theft by staff

Ad Hoc Scrutiny Panel:

- (a) Customer Contact
- (b) Mental health support offered to prisoners and people leaving prison following release from prison
- (c) The use of Crisis Funding - policy, criteria, budget and application
- (d) Benefits and worklessness
- (e) Volunteering
- (f) *Procurement of goods and services and the impact on town
- (g) Social impact of population change
- (h) Fair access to credit
- (i) Balanced scorecard

In addition to the above suggested topics the Chair had requested that as part of the scrutiny work programme scrutiny panels should consider how best they could be involved with, and influence, the Council's Change Programme. A meeting to which the Board and scrutiny panel members had been invited to attend had been held with the Executive Director for Commercial and Corporate Services on 24 June 2014 to discuss such matters. Subsequent to the meeting each of the scrutiny panels had identified one or more relevant subject area (s) from the Change Programme for detailed investigation marked with an asterisk* on the above lists.

It was envisaged that timescales for examination of Change-Programme related topics would be discussed with relevant service areas and scheduled throughout the year in order to influence the Change Programme at the most appropriate stage and would run in parallel with other topics being scrutinised at that time.

The Board was advised that it was anticipated that the Tees Valley Health Scrutiny Joint Committee would shortly be meeting to establish its annual work programme details of which would be reported to the Board. In accordance with the agreed rotation the Chair of the Joint Committee for 2014/2015 was reported to be Hartlepool Borough Council.

A meeting of the South Tees Health Scrutiny Joint Committee was shortly to be arranged the Chair for which in accordance with the agreed rota would be from Redcar and Cleveland Council.

It was noted that in accordance with usual practice the Board and appropriate scrutiny panels dealt with any ad-hoc or urgent issues as they arose throughout the year.

ORDERED as follows:-

1. That the 2014/2015 Scrutiny Work Programme as outlined above be approved.
2. That the 2014/2015 scrutiny work programme for the Ad Hoc Scrutiny Panel includes the following topics:-
 - (a) Customer Contact
 - (b) The use of Crisis Funding - policy, criteria, budget and application
 - (c) Volunteering in the Council.

14/19

RESULT OF CALL IN- FUTURE OF NETHERFIELDS COMMUNITY CENTRE

In accordance with the Council's Constitution and Call-In procedure a report of the Scrutiny Support Officer was submitted which reported the outcome of the call-in that had been received in respect of decisions of the Executive Sub-Committee for Property regarding the future of Netherfields Community Centre.

Having considered the evidence the Board determined that the decisions of the Executive Sub-Committee for Property should be referred back to the Sub-Committee for the following reason:

' The proposed use of the building raises concerns regarding a future lack of provision of community facilities in Netherfields.'

It was confirmed that the Executive Sub-Committee for Property had met on 16 June 2014 to reconsider its earlier decisions concerning Netherfields Community Centre and a report on the findings of the Overview and Scrutiny Board. The Executive Sub-Committee for Property agreed to confirm their earlier decisions and noted the issues that had been raised by the call-in concerning the possible future use of the community centre building by the community. It had been agreed that this should be the subject of a continuing community-use agreement with Priory Woods School.

ORDERED that the information provided be noted.