

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 13 October 2015.

PRESENT: Councillors J Sharrocks (Chair), J Blyth (substitute for N Hussain), J G Cole, J Culley, E Dryden, C Hobson, T Mawston, F McIntyre, D Rooney and J A Walker

PRESENT AS OBSERVERS: Councillor T Lawton

PRESENT BY INVITATION: Councillor T Harvey, Executive Member - Environment

ALSO IN ATTENDANCE: A Baxter, Chair of the Teeswide Safeguarding Adults Board
M Davis, Strategic Development Manager, Middlesbrough Voluntary Development Agency

OFFICERS: R Broad, A Crawford, P Duffy, M Padfield, N Sayer, P Shout and P Stephens

APOLOGIES FOR ABSENCE Councillor T Higgins, Councillor N Hussain, Councillor J McGee, Councillor J Rathmell.

DECLARATIONS OF INTERESTS

Councillor D Rooney declared an interest in the Item relating to Scrutiny and the Voluntary and Community Sector as she is a Member of the Board of Middlesbrough Voluntary Development Agency.

15/28 **MINUTES - OVERVIEW AND SCRUTINY BOARD - 7 AND 15 SEPTEMBER 2015**

The Minutes of the meetings held on 7 and 15 September 2015 were approved as correct records.

15/29 **ATTENDANCE OF EXECUTIVE MEMBERS AT THE OVERVIEW AND SCRUTINY BOARD: COUNCILLOR T HARVEY, EXECUTIVE MEMBER - ENVIRONMENT**

The Scrutiny Support Officer presented a report which provided information in respect of the scheduled attendance of Members of the Executive at the Overview and Scrutiny Board.

The intention was to enable the Board to hear from each Executive Member on progress towards objectives and priorities and any emerging issues or pressure areas within their portfolio.

Today's meeting was attended by Councillor T Harvey, Executive Member - Environment.

The Executive Member said she welcomed a constructive discussion with the Panel and made the following points, in particular:-

- Leisure Services was no longer part of her portfolio, but she was still involved with the Steering Group for the Sports Village.
- The recycling service had returned to the Council. This had involved 16 staff having "TUPE'd back to the Council. This had gone well.
- The proposed joint venture with Norse, concerning a future delivery model for Environment, Property and Commercial Services, would not now be proceeding.
- Discussions had been held with Middlesbrough College about training for apprentices in environment. This would be good for youth employment.
- The Street Champions Project was going well.
- She referred to the Volunteer Programme and asked Members to let her know if they would like their Wards to become involved in this.
- As part of her role, she was a member of a number of Outside Bodies, including Groundwork North East. She would be going on a visit to Saltholme - a local nature

reserve - on 29 October. Members of the Board would be welcome to attend. The Executive Member would send details to the Board.

- The self-management of allotments initiative at Saltersgill had been successful. Officers were now working with representatives of the Beechwood Allotments, with a view to extending the initiative there.

In response to questions from Members of the Panel, the Executive Member said that:-

- Allotments that were self-managing were receiving the appropriate support.
- She would look into the issue as to why litter was not always cleared before grass cutting as this meant the litter was shredded onto the grass when the grass was cut and reply to the Member concerned (Councillor T Mawston).
- Illegal fly-tipping on allotments remained an issue. This usually occurred after dark.
- Community pay back had been used for parks and open spaces - it was appreciated that people were concerned about reductions in grass cutting but the Department needed to work differently, to cope with budgetary reductions.
- She would find out why Bluebell Beck is not maintained by the Council and reply to the Member concerned (Councillor J Blyth).
- She would send a copy of the Department's Carbon Reduction and Climate Adaptation Plan to the Member concerned (Councillor D Rooney).
- The impact of Welfare Reform, in particular Universal Credit, would have a significant impact on people. A Seminar about these changes would be held in January 2016 and she hoped that as many Members as possible would be able to attend. Staff were doing an excellent job in helping people to claim previously unclaimed benefits to which they were entitled.

The Chair thanked the Executive Member for her update and for responding to Members' questions.

15/30

TEESWIDE SAFEGUARDING ADULTS BOARD - UPDATE

The Scrutiny Support Officer presented a report which provided background to this matter.

The following documents had been circulated to Members prior to the meeting:-

Teeswide Safeguarding Adults Board Annual Report 2014/15.

- An easy read version of the above.
- Teeswide Safeguarding Adults Board Strategic Business Plan 2015/16.

Ann Baxter, Chair of the Teeswide Safeguarding Adults Board, made the following comments:-

- Elected Members across Teesside should be congratulated for having had the foresight to establish a body spanning the Tees Authorities, thereby enabling resources to be shared as widely as possible.
- Local Executive Groups for each Authority area linked into the Safeguarding Board.
- The Care Act puts the safeguarding of adults on the same statutory footing as children's services.

The Executive Director for Well Being, Care and Learning informed the Panel that she felt the Teeswide Safeguarding Adults Board was working well and there was good liaison with her Department.

The Chair raised the issue of the number of beds available in care homes and the sometimes conflicting reports as to over/under occupancy. The Executive Director said that some homes

had dual nursing and residential registration and it could be difficult to attract nursing staff. This was a national issue. People could be supported at home - but not if they required nursing care.

The Care Quality Commission (CQC) had been invited to hear about the difficulties in Teesside so that these could be fed into the national picture.

In response to questions from Members, the Chair of the Teeswide Safeguarding Adults Board and the Executive Director commented as follows:-

- The approximate price of a bed in a Care Home was £700 a week - the Executive Director would confirm this.
- In terms of the resources to make the Plan work, some aspects, such as Policy and Practice, could be guaranteed, but demand could not be controlled. For instance, the increase in the number of elderly people and how many people might become frail.
- Society needed to ensure that it cared for its vulnerable. Work was being undertaken to find alternative placements and discussions were being held with the CQC and the NHS as to how we plan for joint provision in the future.
- The highest number of safeguarding alerts was in residential care homes. Work was being undertaken to look at the circumstances that might make people feel vulnerable.
- There was an underlying issue of financial exploitation. Work was being undertaken around this and Council staff managed financial arrangements for a number of vulnerable people.
- It was key that people were aware of the route to report a concern at a range of levels.
- A number of referrals are made into the service and a network of voluntary and community organisations were used to get the message out. Where people could go to report a concern would be made more explicit.
- Alerts indicated where first contact emanated from.

A Councillor mentioned that she was aware of a case where an alert had been raised but the person raising the concern had to make numerous 'phone calls. The Executive Director said that the single point of contact should mean this would not recur, but it should not have happened and she would look into this if the Member would provide her with further details outside of the meeting.

Members felt that there was a need for the Strategic Business Plan to identify future challenges and risk. It should also make reference to the potential impact of personalisation of services on future planning.

The Chair concluded the discussion by thanking the Independent Chair and the Executive Director for attending and responding to Members' questions.

ORDERED as follows:

- a) The Overview and Scrutiny Board would like to place on record its support for the adult safeguarding arrangements that are now in place. The establishment of the Teeswide Safeguarding Adults Board is welcomed, together with the steps taken to ensure local accountability - such as attendance of the Chair at scrutiny meetings and the invitation to local authorities to comment on the draft Strategic Business Plan and Annual Report.
- b) The Overview and Scrutiny Board considers that there is a need for the Strategic Plan to identify future challenges and risk. It should also make reference to the potential impact of personalisation of services on future planning.
- c) That the Teeswide Safeguarding Adults Board be informed of the above comments from Overview and Scrutiny Board.

15/31

SCRUTINY AND THE VOLUNTARY AND COMMUNITY SECTOR

The Chair referred to the declaration of interest made at the start of the meeting by Councillor D Rooney. She hoped that Councillor Rooney would feel able to contribute to the discussion.

Members considered a joint report by the Head of Democratic Services and the Strategic Development Manager at Middlesbrough Voluntary Development Agency (MVDA), which presented a proposal to further develop the links between Scrutiny and the Voluntary and Community Sector (VCS) in Middlesbrough.

Mark Davis, Strategic Development Manager at MVDA, advised Members that about 600 voluntary organisations in Middlesbrough were involved in all service areas considered by scrutiny.

The proposal was that voluntary and community groups could build on the work that scrutiny was doing and to be part of the investigation and to contribute to the debate.

If Members were agreeable, the aim would be to establish mechanisms that would strengthen opportunities for the VCS to become involved in scrutiny

The Head of Democratic Services referred to the proposals to strengthen the partnership approach, which included a programme of bi-annual presentations to provide the Board with the opportunity to develop a greater understanding of the role played by the VCS in Middlesbrough; MVDA being given the opportunity to link into approved work programme topics; and VCS be asked to put forward ideas/topics which scrutiny may wish to take forward.

A Member commented that he had no objection to the proposal, as long as Scrutiny Panels did not have to "go through" the MVDA to speak to the VCS. The Strategic Development Manager confirmed this would not be the case; the intention was simply to facilitate a two-way dialogue.

ORDERED

a) That the proposal to further develop the links between Scrutiny and the VCS in Middlesbrough be approved.

b) That the Head of Democratic Services and the Strategic Development Manager at the MVDA produce draft protocols to provide a framework on how the new approach is to be governed and co-ordinated.

15/32 **SUSPENSION OF COUNCIL PROCEDURE RULE NO. 5 - ORDER OF BUSINESS**

The Chair agreed to suspend the above rule so that the order of business could be varied by consideration of the Item "Referring Reports from Overview and Scrutiny Board to the Executive" as the next Item of business.

15/33 **REFERRING REPORTS FROM OVERVIEW AND SCRUTINY BOARD TO THE EXECUTIVE**

The Head of Democratic Services presented a report which:-

- advised the Board of a number of amendments that had been made to improve the process for the submission of scrutiny reports to the Executive; and
- sought the views of the Board on whether it wished to have the option of also referring reports to Individual Executive meetings.

The Chair stated that she was happy with the changes to the process, but that she felt uneasy about the possibility of scrutiny reports not going to full Executive. This would weaken the position of Scrutiny Panels and reports needed to be heard in a wider setting. It would also require a change to the Council's Constitution.

Other Members agreed with the Chair.

A Member mentioned that she would find a flowchart outlining the process helpful.

ORDERED:

a) That the changes introduced to improve the process for referring reports from Scrutiny to the Executive be noted.

b) That the Board does not wish to have the option of also referring reports to Individual Executive meetings i.e. the current arrangement of reports being considered only by full Executive continue.

15/34

REVENUE BUDGET FIRST REVIEW - 2015/2016

The Board considered a report by the Chief Finance Officer concerning the first review of the projected revenue outturn for 2015/2016.

The Accounting Service Manager (Strategic Resources) highlighted that overspend was predicted to be 1% of the total budget. He took Members through the report pointing out any significant under/overspends against each outcome area.

Members commented as follows:-

Under Outcome 1, Economic Development: Hemlington Grange - what was the latest position? The Accounting Service Manager said he would ascertain this and advise Members.

Under Outcome 5, Safeguarding and Children's Care: Independent Fostering Agency Placements Budget - Was the pressure due to a reluctance to use in-house services? The Accounting Service Manager said this was part of the reason and he would advise Members of the exact detail.

Under Outcome 7, Commercial and Corporate Services: Extended Kerbside Recycling Contract with Biffa - The Board had understood that this would result in a saving, yet it is shown as a pressure - which was correct? The Accounting Services Manager understood that, going forward, there would be a saving, but there was not currently, as the existing contract continued. He would send a response on this to Members.

Under Outcome 7 Environment, Property and Corporate Services: Ayresome Industries - There were wider benefits to the local economy from the employment provided.

Under Outcome 7, Commercial and Corporate Services: Ayresome Industries - This could be run more effectively - they should concentrate on the excellent brushes that they produce.

Under Outcome 7, Commercial and Corporate Services: Leisure Services: Why were some staff in post in post from April when the Sports Village did not open until May? Had we paid staff for doing nothing? The Accounting Services Manager said that the staff were involved in preparations for the opening, but he would find out the latest position and report back to Members.

Under Outcome 7, Commercial and Corporate Services: When were the charges for the Municipal Golf Course last considered? They should be looked at again, given budget pressures? A Member who had previously been involved with this, said that the view had been taken to keep fees at a level that would maintain/increase numbers.

Under Outcome 9, Organisation and Governance: If the IT Service, which had recently returned to the Council was outsourced, would this save money? The Accounting Services Manager said that no decision had been taken about outsourcing and that the next steps were being considered.

Under Outcome 9, Organisation and Governance: Chief Executive and Executive Directors Budget - Did this include Assistant Directors? The Accounting Services Manager confirmed that Assistant Directors were not included in this budget.

The Chair asked about the recent announcement that Councils would be able to retain business rates within their area. The Accounting Service Manager said that this was not necessarily as positive as it sounded as the Council could gain in some respects and lose in others. The precise implications of this were being worked out by officers.

ORDERED

- a) That the projected pressure against the 2015/2016 revenue budget of £1.142 million be noted.
- b) That the approved virements, as detailed at Appendix C to the report, be noted.
- c) That officers provide information to the Board on the queries raised.

15/35

BALANCED SCORECARDS 2015/2016 - QUARTER 1

Members considered a report by the Head of Performance and Partnerships which provided an overview of the Council's performance at Quarter One, 2015/2016 and responses of the Outcome Areas to the issues outlined. The report also provided an update on the development of Balanced Scorecard methodology and content during the 2015/2016 pilot phase.

The Head of Performance and Partnerships stressed that this was a pilot and he would welcome any comments. The aim was to have a more formal Model in place for 2016/2017.

He also advised Members of potential changes to the process that had been highlighted from Quarter 1, including adjustments to ensure that it was not technically possible to significantly under-perform on a key measure - such as expenditure against budget - or a single quadrant, yet still attain a "Green" rating overall. Whilst unlikely to occur, this anomaly was, technically, possible at present.

Internal challenge would also be strengthened via a form of Corporate Management Team "Star Chamber".

The overall performance across the Council was 74% - down by 1% from the 2014/2015 year end.

Under Outcome 1, Economic Development, a Member asked for more detail on the external expertise referred to in relation to the Alternative Delivery Model for Cultural Services. The Head of Performance and Partnerships responded that this may be delayed to see what the views of other neighbouring Authorities were on cultural services, in terms of discussions on a potential Combined Authority.

Still on *Outcome 1, Economic Development*, a Member enquired why employee appraisals was "Red". Was this because the new process was more onerous? It was important that staff were supported. The Head of Performance and Partnerships advised that the appraisals were not more onerous. They set out behaviours and people were scored against competencies. 76% of the appraisals had been completed but this was showing as "Red", as the scores had not come through yet.

ORDERED:

- a) That, having considered the potential impacts on the scrutiny work programme, the responses of Outcome Areas and the Council's wider Change Programme to the performance issues outlined in the report be noted.
- b) That progress in developing the Balanced Scorecard Model during the pilot phase be noted.

15/36

FINAL REPORT OF THE ECONOMIC REGENERATION AND TRANSPORT SCRUTINY

PANEL - MIDDLEHAVEN REGENERATION

The Vice-Chair of the Economic Regeneration and Transport Scrutiny Panel presented the Panel's interim findings in respect of its examination of the topic of Middlehaven.

The Vice-Chair made the following points:-

Examination of this topic began during the last municipal year and had been completed this year.

Over the past 15 years or more, Middlehaven had been the focus of intensive regeneration activities by the public sector, including Middlesbrough Council and the Government's Homes and Community Agency. The Economic Regeneration and Transport Scrutiny Panel sought to examine progress made to date, together with future plans - including the Council's role as a facilitator for development.

There may be a strong local perception that regarded Middlehaven as 'over the border' and a wasteland of former industrial sites - which may have been a view of some of the Scrutiny Panel Members prior to this investigation. However, the Scrutiny Panel's final report was, in the main, a good news story - for example:

- Paragraph 15 highlighted the key developments and significant level of investment - of over £120 million - that had taken place in the area.
- Paragraph 82 onwards illustrated the confidence and positive ambition that developers and local stakeholders had placed in Middlehaven. Businesses such as Middlesbrough College, the Fabrick Group and the Gateway could have located elsewhere but chose to base themselves in Middlehaven because of the potential to develop their business.
- New developments had been fairly diverse across Middlehaven - from the new Middlehaven Gateway retail/pub/fast food franchise to the urban pioneers project and the new public park.
- In addition, there were ambitious plans to develop a 'snowdome' ski development, with a planning application due to be submitted in the near future.

As is inevitable in major regeneration projects, the Scrutiny Panel identified that there were still some challenges in respect of Middlehaven. For example:

- Whether the dock bridge was to be a fixed or swing bridge was still to be resolved, with funding being the issue.
- Public transport was an issue that could hopefully be improved once the new road bridge was put in place next to the Riverside Stadium.
- The Panel had highlighted some environmental issues that could hopefully now be addressed - such as the condition of the massive disused crane on the riverside and the state of the former Tuxedo Royale floating nightclub.
- In addition, the site developer was seeking tenants for the two major retail units at the Western Gateway following Sainsbury's recent decision to withdraw from providing a supermarket.

The Scrutiny Panel's conclusions cover the issues highlighted and summarised above, were contained at paragraph 105 of the report.

The Panel's recommendations were shown at paragraph 106 and related to:

- The need to promote the good progress that had been made at Middlehaven - such as through Love Middlesbrough.
- Continuing to develop and promote links and dialogue between Middlesbrough Council, partner agencies and all local stakeholders. This recommendation covers areas such as opening up the river for leisure and business uses.
- Reviewing all areas of public spaces at Middlehaven that were under the Council's control, with a view to improving the local environment.
- Ascertaining whether public transport links could be improved to Middlehaven.

- Ascertaining whether the position could be improved in respect of the appearance of the large disused crane and the former floating nightclub vessel.
- The Council working with the developer to try and secure tenants for the vacant retail units at the Middlehaven Gateway development.
- Reiterating the Panel's support for a swing bridge over Middlesbrough Dock.

In response to a question from a Member as to what was happening about the unit of the development that Sainsbury's had been interested in, the Vice Chair of the Panel said that this was owned by Terrace Hill, who were responsible for securing a tenant for the vacant unit.

In response to a further question, the Vice-Chair confirmed that it was unlikely that the bus operator would reinstate a service that took in MyPlace as it had not been found the route to be commercially viable. A Member commented that she hoped MyPlace would be publicised more in schools.

ORDERED that the report be approved and the following recommendations made to the Executive:-

a) That the significant progress that has been made at Middlehaven is promoted, through methods such as Love Middlesbrough. Publicity should highlight involvement of stakeholders and partners, levels of investment and future plans. The informative Middlehaven website (www.middlehaven.co.uk) is also a useful promotion tool, although action is needed to ensure that it is kept up to date.

b) That work is continued to develop and promote links and dialogue between Middlesbrough Council, partner agencies and all local stakeholders in respect of future development at Middlehaven. This should include:

- Working with Middlesbrough College to ascertain how its Master Plan/vision can be best achieved in conjunction/co-ordination with Middlesbrough Council's Master Plan for Middlehaven.
- Determining how best, or whether, leisure and business opportunities provided by the River Tees can be developed. Possible future uses for the river in the longer term should be examined and dialogue undertaken with landowners to examine the feasibility of improving public access to the river bank to promote/enhance its use as a leisure attraction.
- Ensuring that the views of all local stakeholders are sought and taken into account in any future development proposals.

c) That a review is undertaken of all areas of public spaces at Middlehaven that are under the Council's control. This should be with a view to ensuring a consistent, and as high as possible, standard of maintenance

d) That, in view of the improved road links that will be created following the building of the dock bridge, consideration is given to how/whether public transport links can be improved to Middlehaven, particularly in view of the large number of students now attending Middlesbrough College. The college should be invited to consider how it might support this process.

e) That, given the increasingly high profile of the Middlehaven regeneration schemes and progress made to date:

- Work is continued to determine how the non-ownership issue in respect of the former floating nightclub that is moored on the River Tees can be resolved as a matter of urgency and the vessel removed.
- The owner of the large disused crane at Middlehaven is contacted to ascertain whether anything can be done to improve its appearance, with removal being the preferred option.

f) That the Council continues to work with Terrace Hill Group in order to secure tenants for the vacant retail units at the Western Gateway development as soon as possible.

g) That the Panel's previous support for a swing bridge over Middlesbrough Dock is re-iterated as this provides the most flexible option for future use of the dock. However, costs are recognised as important and any solution needs to be affordable and cost-effective.

15/37 **FINAL REPORT OF THE HEALTH SCRUTINY PANEL - NEUROLOGICAL SERVICES**

The Panel considered a report by the Chair of the Health Scrutiny Panel which presented the findings, conclusions and recommendations of the Panel following its investigation into the topic Neurological Services.

The Chair of the Health Scrutiny Panel stressed that the report was not about initial treatment. The problem was that once the excellent neurological services in the area had completed their work, there was nowhere nearby for people to go to continue their rehabilitation. Newcastle was the nearest facility and some people were not prepared to travel that distance.

ORDERED that the report be approved and the following recommendations made to the Executive:-

a) That the South Tees Hospitals NHS Foundation Trust and the South Tees Clinical Commissioning Group (CCG) assess the scale of the need for neuro-rehabilitation services for children and reports this information back to the panel.

b) That all avenues be explored in the provision of more local 'stepdown' facilities for neurological patients in Middlesbrough.

c) That the South Tees CCG and Middlesbrough Council's Adult Social Care Service work together to develop a process whereby people with a neurological condition are assessed at the earliest point possible and that, notwithstanding the need for on-going review, the assessment should be medium to long term to help ensure seamless transfer/progression through their patient journey.

d) That the lessons learnt from the South East Coast Strategic Clinical Network Model regarding the pathway for patients with complex cancer diagnoses (which factors in the different commissioning responsibilities throughout a patient's pathway), are explored by the South Tees CCG and the Strategic Clinical Network as a Model for ensuring that there is clarity around commissioning roles and responsibilities.

e) That the South Tees CCG ensures that all of the independent providers in the neuro rehabilitation sector in Middlesbrough should be included in the consultation in the development of the 'No Place Like Home' Strategy.

f) That the Panel receives an update on the position in a year's time.

15/38 **FEEDBACK FROM THE EXECUTIVE**

A report was submitted by the Head of Democratic Services which asked the Overview and Scrutiny Board to receive the decisions of the Executive on the Environment Scrutiny Panel's final report on North Ormesby Market and the Health Scrutiny Panel's final report on the Future of GP Provision in Middlesbrough.

The Executive had supported the service response in respect of both the Environment Scrutiny Panel and the Health Scrutiny Panel

ORDERED that the decisions of the Executive be noted.

15/39 **EXECUTIVE FORWARD WORK PROGRAMME**

Members considered a report by the Head of Democratic Services which provided them with the opportunity to consider whether any Item within the Executive Forward Work Programme

(a copy of which was appended to the report) should be considered by the Board or referred to a Scrutiny Panel.

ORDERED that the content of the Executive Forward Work Programme be noted.

15/40 **SCRUTINY PANELS' PROGRESS REPORTS**

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

With regard to the Health Scrutiny Panel's Progress Report, the Chair of that Panel, advised that at a meeting earlier today of the South Tees Health Scrutiny Joint Committee, the Committee had been informed of temporary changes to breast radiology services at James Cook University Hospital. The next meeting of the Joint Committee would be examining this matter further. NOTED.