

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on 10 April 2018.

PRESENT: Councillors J Sharrocks (Chair), J Blyth, E Dryden, T Higgins, L Lewis, J McGee, L McGloin, M Storey and M Walters

OFFICERS: S Bonner, A Humble, P Stephens

APOLOGIES FOR ABSENCE Councillors T Mawston, P Purvis, D Rooney, J Young..

17/44 **MINUTES - OVERVIEW AND SCRUTINY BOARD - 20 FEBRUARY 2018 AND 13 MARCH 2018**

The minutes from the Call-In meeting of the 13 March 2018 were amended following Councillor Jacob Young's request. The minutes originally read:

"As part of his Call-In presentation Councillor Young thanked the Chair for accepting the Call-In and stated that he did not disagree with the proposal but believed the decision making process was flawed."

Based on Councillor Young's request, OSB agreed the minutes should read:

"I have called this decision in, not because I disagree with the proposal, but because I think that the decision making process was flawed."

The minutes from the meeting of OSB on 20 February 2018 were amended in relation to Agenda Item 2 - The Review of Learning and Disability respite services - Task and Finish Group. The minutes originally read:

"The Chair of Middlesbrough Health Scrutiny Panel provided an update on the review of respite services in the area for those with learning disabilities. It was noted that two sites had been affected; Aysgarth in Stockton-on-Tees and Bankfields Court in Eston.

The Clinical Commissioning Group (CCG) had opted to bring forward a revised assessment of this process, however there was no indication as to how this would work in detail. It was recommended that the Social Care and Adult Services Scrutiny Panel establish a Task and Finish group as this process also had implications for Middlesbrough residents and there may potentially be an expectation from the CCG that any gap in service as a result of the assessment would be picked up by the Council.

It was explained that Respite Care faced two options; the first was to close both bed based respite facilities at Aysgarth and Bankfields and the second was to reduce the beds available by half and to offer a range of alternatives, such as staying in a caravan. The Health Scrutiny Panel had recommended that the second option was preferred and this was pursued by the CCG. It was also commented this was not an ideal solution for children with profound learning disabilities as some alternative respite options were not practical to meet their needs.

It was noted that the Joint Health Scrutiny Committee could not make referrals to the Secretary of State on this matter but individual Councils could. OSB was advised that Middlesbrough was minded to make a referral. There were a number of issues that the Middlesbrough Health Scrutiny Panel were not satisfied with, including whom the providers of the alternative respite care would be, it was also acknowledged that the CCG's processes were robust when undertaking this review."

Based on The Chair of Health Scrutiny's request, OSB agreed the minutes should read:

"The Chair of Middlesbrough Health Scrutiny Panel provided an update on the review of respite services in the area for those with learning disabilities. It was noted that two sites had been affected; Aysgarth in Stockton-on-Tees and Bankfields Court in Eston.

The Clinical Commissioning Group (CCG) had decided to introduce a revised assessment process for the provision of respite services, however there was no indication as to how this would work in detail. It was recommended that the Social Care and Adult Services Scrutiny Panel establish a Task and Finish group to consider the new assessment process, as there was the potential that any gaps in provision could have a financial implication on the Council.

It was explained that the Respite Review had proposed two options; the first was to close the bed based respite facilities at Aysgarth and Bankfields and offer a range of alternative respite options. The second was to maintain a bed based respite offer at Aysgarth and Bankfields but also offer a range of alternative options. The Joint Health Scrutiny Committee had recommended that neither option be pursued. However, option two had been approved by the CCG. The view was expressed that the alternative respite offer was not an ideal solution for adults with profound and severe learning disabilities, as some of the suggested respite options were not practical to meet their needs.

It was noted that the Joint Health Scrutiny Committee could not make a referral to the Secretary of State on this matter but individual Councils could. OSB was advised that Middlesbrough was minded to make a referral, if agreement on specific issues could not be reached. There were a number of issues that the Middlesbrough Health Scrutiny Panel were not satisfied with, including who the providers of the alternative respite care would be. It was acknowledged that the CCG's had followed due process when undertaking the review."

17/45

BUDGET AND BALANCED SCORECARDS - POSITION AT Q3 2017/18

A summary of the financial elements of the Budget and Balanced Score Cards: Quarter Three 2017/18 report was provided. It was noted that the report was brought to OSB slightly later than normal due to previous Call-In meetings. The information presented would be updated for year-end in the near future.

The report's summary of recommendations were outlined for the Board. With regard to recommendation 2 it was noted there was a small budget underspend for the Council of £7,000. The table in paragraph 8 demonstrated the Council's overall financial position at Quarter 3.

With regard to recommendation 3, it was noted that projected capital expenditure was £37.652m against a revised budget of £36.552m which equated to 103% of the budget. It was explained this should be seen as positive due to projects being re-profiled faster.

With regard to recommendation 4, it was noted that the Council had reserves that totalled £41.1m which was in line with expectations. The Senior Finance and Business Partner invited questions from the board.

A Member stated that underspending was not necessarily a positive indicator and could lead to questions about why budgets had not been spent. The officer commented that the overall underspend of £7,000 was minor. The Member felt that underspending in particular departments, for example by £640,000 in Public Health, was not minor.

It was confirmed the underspending identified was to be brought into the Medium Term Financial Plan going forward, despite it being an underspend in-year. The officer clarified underspending was being carried forward to help fund next year's budget.

A Member queried why there was underspending in some departments. The Board's attention was brought to paragraph 25 of the report which provided explanations which were, primarily, one-off savings in the year. For example, one-off staff savings of £383,000 were from posts that were vacant for a short period of time in the year.

A Member queried why, if budgets had been planned and departments were under strain, there was such large underspending in some departments. A discussion took place that culminated in a decision that relevant Service Directors should attend a future OSB meeting to explain underspending in their departments.

A Member queried what would happen should there be repeated underspending in the next financial year, as money being saved against planned budgets could be used to assist departments that were facing pressures.

It was commented that in the next budget monitoring cycle, attention should be paid to reoccurring underspending which would need to be fed into the Medium Term Financial Plan at a later date. It was confirmed that the financial information presented to the Board had been consistent throughout the year.

A Member commented, in relation to paragraphs 21 through 24 of the report, that it was understandable why there had been overspending in Children's Services and asked for further explanation regarding paragraph 24, that read "A one-off underspend of (£107,000) on the Prevention Budget was projected at the end of Quarter Three, mainly due to savings from staff not yet being at the top of their grade following a service review".

It was confirmed the underspending referred to staff previously based in the Stronger Families Services before moving to Children's Services. After a recent review staff salaries began at the bottom of the respective pay grade. However, when budgets were set the top of pay grades were always factored in. It was also noted that underspending in Children's Services would be detrimental to service provision.

A Member queried if the underspending was indicative of new staff in the department, however it was confirmed it was associated with the service review. The one-off underspend of £70,000 from the Troubled Families Grant was also queried. It was explained that in addition to the Grant the Council also received a payment by results, for example payment being made based on how many families successfully completed the process. It was commented that there may be a slight pressure in this area in the next financial year.

A Member queried if the £6.6 million held in school reserves, identified in paragraph 4 of the report, was managed by the School Management Forum and if the underspend included only Local Authority schools or if they included academies as well.

It was confirmed the figure only included Local Authority schools and the number of the Local Authority Schools in Middlesbrough would be provided to the Board.

A Member expressed concern at the high level of underspending, which could be even higher if academies were taken into consideration. A query was posed concerning what mechanisms were in place to challenge the current position, especially given a decrease in Local Authority schools versus an increase in the amount held by them in reserves.

The officers commented that the high levels of reserves were reported at the School Management Forum and that the Department for Education was now meeting with Local Authorities to advise them about high levels of school reserves.

It was also noted that a paper was required to explain what mechanisms were available to the Council in these circumstances and for a request be made for the Director of Education to attend OSB to explain the situation in full.

The Chair of Health Scrutiny queried if the issue of high levels of school reserves was a Scrutiny topic in its own right and it was agreed that a determination would be made on this after the Director of Education had appeared at OSB.

A Member commented that, if possible, it would be beneficial if the reserve levels of academies could be brought to the attention of Scrutiny. It was also commented that OSB should dedicate considerable time to the end of year financial report when it was produced.

The quarter 3 performance information to the Board. It was commented there was a marginal reduction from the position at quarter 2 where 8 out of 9 directorates achieved 75% or more of their performance targets. This had dropped to 7 directorates in quarter 3 and was related to financial considerations.

It was also noted there were reoccurring performance issues in Children's Services, largely due to capacity. However, there was an increase in performance within the Regeneration area largely driven by minor financial savings.

The officers commented that other performance issues were those that had persisted over the longer term, including local employment issues and anti-social behaviour.

The Board's attention was brought to the Council's Strategic Risk Register and the introduction of a new risk in the form of Ofsted inspections, and noted this was integrated into the budget process.

A Member commented that in relation to Adult Social Care's performance, cited at paragraph 64 in the report, this had decreased and could be linked to the previous discussion around underspending in departments.

The officers commented that further details about this correlation would need to be provided by the relevant Service Areas.

A Member made reference to paragraph 60 in the report, concerning Public Health and Public Protection, where again there had been a reduction in performance. It was commented that performance indicators in this area showed travel in the wrong direction, for example a widening gap between rich and poor in the town and other health inequalities. For these reasons there should not have been any underspending in that area.

A Member commented that it was not beneficial to underspend on budgets. It was also commented that there was a review of Public Health services underway and that going forward there may be a request for further funding for Public Health.

The officers commented that the levels of underspend witnessed were unlikely to be repeated going forward.

OSB felt it unusual that service areas would seek additional funding when underspending was evident.

The officers commented that Public Health services were slightly different in nature and, as such, their benefits would be likely seen over the longer term and see cash back in the year. However, a Member commented that may not be an excuse for current levels of underspend.

A Member suggested that the Director of Public Health attend a future OSB to provide an update on the current situation.

A Member commented that in cases where services had longer term objectives, these should be integrated into future reports to see potential trends. The officers confirmed there was a piece of work being carried out to examine historic underspending in all Council departments.

A Member queried if there was anything else OSB should be aware of but it was confirmed the main issues from a performance perspective were longer terms issues facing the Council, such as social regeneration.

ORDERED: That the number of the Local Authority Schools in Middlesbrough be provided to OSB.

ORDERED: That the Director of Education produce a paper for OSB to explain what mechanisms were available to the Council regarding school underspending.

17/46

ASTER CARE REPORT

The conclusions and recommendations of the Social Care and Adult Services Scrutiny Panel were outlined following a scrutiny investigation of the topic of Aster Care Home (formerly Belle Vue Care Home).

The Chair of the Social Care and Adult Services Scrutiny Panel commented that minor but

effective changes had been made to the report since it was last submitted to OSB. These changes made it clear the report was not making a qualitative judgement on care.

The Social Care and Adult Services Scrutiny Panel recommended to the Executive:

The SCASSP recommends to the Executive that, for information only, the Panel receives a quarterly report, on a confidential basis, identifying any major safeguarding concerns that have been raised by the CQC and/or the Local Authority in respect of any care home within Middlesbrough. For clarity, this will be in the following instances:

- Where the Council has taken the decision to suspend placements in a care home; or
- Where the Council is placing a care home into the formal safeguarding arena, where it is a serious concern and multi-agency protocols have been evoked.

The Chair of OSB thanked the Chair of Social Care and Adult Services for making the necessary changes to the report.

ORDERED that the findings and recommendations of the Social Care and Adult Services Scrutiny Panel be endorsed and referred to the Executive.

17/47

FINAL REPORT - ENVIRONMENT SCRUTINY PANEL - FLY TIPPING AND ENFORCEMENT

The conclusions and recommendations of the Environment Scrutiny Panel were outlined following a scrutiny investigation of the topic of Fly Tipping and enforcement.

The Social Care and Adult Services Scrutiny Panel recommended to the Executive:

1. That the Council should utilise data (once it becomes available) on fly-tipping in order to identify "hot-spot" areas, and patterns of behaviour, to assist in the development of an effective, targeted enforcement programme that could include the use of signage, in "hot-spot" areas, warning against fly-tipping, with the overall aim of significantly reducing fly-tipping in Middlesbrough.
2. That Environment and Commercial Services (ECS) amends the LEQSE BVP199 survey to include the category of "fly-tipping", to further assist in identifying "hot-spot" areas to support targeted enforcement initiatives.
3. The Panel feels that the Council should take a firmer stance with those positively identified as fly-tippers and believes that the Council should impose the maximum £400 FPN for offenders, but that prosecution should still be pursued in more serious cases. This will bring Middlesbrough Council in-line with its neighbours in Redcar and Cleveland, Stockton and Hartlepool. The Panel considers that ECS is best placed to formulate the details as to whether an option for a discounted payment should be offered for early payment of the FPN and, if so, what that amount should be set at. This should be considered by the relevant Committee for approval or otherwise.
4. Due to a notable and concerning proportion of people not recognising their responsibilities with regard to private waste collection companies, the Panel recommends that a town-wide awareness campaign is launched to educate residents about their responsibilities regarding the disposal of waste via a third party, in order to help them avoid a fine, or prosecution.
5. In a similar vein, the Panel recognises that a proportion of commercial businesses are not aware of what they need to do to fully comply with their Duty of Care responsibilities and, therefore, recommends that a town-wide campaign is launched to help businesses ensure they are compliant to help them avoid a fine or prosecution.
6. The Panel feels that the ECS Bulky Item Collection Service should be better publicised through a range of media, including the Council's website, Love Middlesbrough magazine, signage and leaflets in public access areas such as libraries and community hubs. In addition, the Council's webpage should be made clearer by making a distinction between the separate charges for electrical and non-electrical items, and examples of the types of items that can and cannot be collected under the respective headings.

7. To reduce delays, and potentially costs, to the Council and residents, ECS and its Social Housing partner, Thirteen Housing Group, are strongly encouraged to work together to establish more efficient ways of both collecting and enforcing fly-tipping on Thirteen land as this will benefit all residents of Middlesbrough.
8. In an effort to reduce seasonal fly-tipping in areas with large student populations, ECS should establish closer links with Teesside University and its Student Union in order to raise awareness amongst students and partner landlords of effective and proper waste disposal and their responsibilities.
9. The Panel also recommends that ECS work with the Council's Selective Licensing Team to establish links with private landlords to raise awareness of effective and proper waste disposal processes and their responsibilities.
10. That ECS develops an "Education and Awareness Strategy" setting out its proposals for tackling fly-tipping, and other environmental issues. The Strategy should include information on plans for collaborative working with other Council departments and key partners, including schools, together with a programme of enforcement and education.

The Chair of the Environment Scrutiny Panel expressed concerns about the length of time some information took to be received by the Panel. This was attributed to difficulties with IT systems. The Service Area did, however, provide the information requested by the Panel albeit manually.

The Chair of OSB queried if there was a reason why fly tipping had increased in the area. It was noted that no definitive answer could be provided, but much of the problem could be attributed to some residents actively disregarding the law.

A wider discussion took place regarding improvements that could be made. The Chair of the Environment Scrutiny Panel expressed the Panel's thanks to the Democratic Services Officer during the investigation.

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

17/48 **EXECUTIVE FORWARD PLAN**

The Chief Executive submitted a report which identified the forthcoming issues to be considered by the Executive as outlined in Appendix A to the report.

The report provided the Overview and Scrutiny Board with the opportunity to consider whether any item contained within the Executive Forward Work Programme should be considered by the Board or referred to a Scrutiny Panel.

NOTED

17/49 **SCRUTINY PANEL PROGRESS REPORTS**

The Chair of the Economic Development and Infrastructure Scrutiny Panel advised that a meeting with the Head of the Planning Service was due to take place regarding the implications of a Housing Delivery Vehicle for Middlesbrough. This would be followed by hearing best practice from other Councils.

The Chair of the Culture and Communities Scrutiny Panel advised that the panel had been provided an update regarding digital safeguarding, including sexting. A further update on the subject would be provided in 6 months. The next meeting of the panel would consider the draft report of the Selective Licensing Scheme.

The Chair of Environment Scrutiny Panel advised the panel was due to receive an update on

all items requested previously from the Service Area. It was noted the Service Area update would be the final meeting of the Environment Scrutiny Panel which, going forward, would be part of the Economic Development, Environment and Infrastructure Scrutiny Panel. Any information received during the update would be passed to Councillor Denise Rooney as part of her portfolio as Executive Member for Environment. The Chair of OSB advised that a handover of proposed topics take place with the Chair of Economic Development, Environment and Infrastructure Scrutiny Panel.

The Chair of Social Care and Adult Services Scrutiny Panel advised the panel had recently completed its report on Reducing Loneliness and/ or Social Isolation in Later Life which would soon be submitted to OSB. With regard to the work undertaken to respite services for adults with profound learning disabilities, it was suggested the working group to examine the proposed changes in the assessment process should be postponed until the new municipal year. OSB agreed to this. The next meeting of the panel will look at the action plan on safeguarding that was examined last year.

The Chair of the Children and Learning Scrutiny Panel advised that the draft final report of Listening to the Voice of the Child would be heard at the next panel meeting and that it was a very engaging piece of work.

The Chair of Health Scrutiny Panel advised that its current focus was on Breast Radiology Diagnostic Services and the panel had been due to conclude the review at its last meeting. However, in advance of the meeting South Tees NHS Foundation Trust had been in touch and provided additional information in respect of the Did Not Attend (DNA) figures. The figures showed that DNA rate amongst South Tees patients had doubled since the diagnostic service was moved to North Tees and the largest proportion of DNA patients were from the TS1 and TS3 areas.

With regard to the work of the South Tees Health Scrutiny Joint Committee it had been tasked by the Joint OSC for the Learning Disabilities Respite Review, with concluding the conversation with the CCG. An informal meeting had been held at which it was agreed that the CCG's would produce an assurance document, outlining the safeguards that would be in place for respite provision and the appropriate clinical oversight provided. A statement of assurance from TEWV had also been sought. The Chair of Health Scrutiny also advised that the Tees Valley Joint Scrutiny Committee would take a monitoring role with regard to the Respite issue.

A letter had been received from the Chair of Hartlepool Health Scrutiny commending Middlesbrough for its decision to refer the matter to the Secretary of State, if outstanding concerns could not be resolved, and to keep Hartlepool updated with any developments as they arose.

NOTED