

Executive Scrutiny Committee

A meeting of Executive Scrutiny Committee was held on Tuesday, 20th December, 2011.

Present: Cllr Ken Lupton (Chair); Cllr Nigel Cooke, Cllr Robert Gibson, Cllr Eileen Johnson, Cllr Jean Kirby, Cllr Paul Kirton, Cllr Miss Tina Large and Cllr Maurice Perry.

Officers: S Wilson (CESC); P K Bell, A Duffy, J Grant, J Trainer, M Waggott (LD); G Cummings, L King (R).

Also in attendance: N Moffat (Diocesan Representative).

Apologies: Cllr Lynne Apedaile, Cllr Julia Cherrett, Cllr Miss Barbara Inman, Cllr Mohammed Javed, Cllr Terry Laing, Cllr Mrs Jean O'Donnell, Cllr Ross Patterson, Cllr Mick Stoker and Cllr Mary Womphrey.

1 **Declarations of Interest**

Councillor Cook declared a personal non prejudicial interest in respect of agenda item 8 - Scrutiny Work Programme - Selection of in Depth Scrutiny Reviews as he was a Board Member of the Tees Music Alliance, who programme the 'Stockton Weekender' festival.

2 **Minutes for Signing - 25th October 2011**

The minutes of the meeting held on 25th October 2011 were signed by the Chair.

3 **Draft Minutes - 22nd November 2011**

Consideration was given to the draft minutes from the meeting held on 22nd November 2011.

RESOLVED that the draft minutes of the meeting held on 22nd November 2011 be agreed as a correct record.

4 **EIT Review of Legal Services**

Consideration was given to the draft final report for the EIT Review of Legal Services.

Each of the recommendations was considered by Members. Members were then given the opportunity to make comments and ask questions on the final report. The final report would be presented to Cabinet on 12th January 2012.

Members supported the recommendations to Cabinet.

RESOLVED that the final report be forwarded to Cabinet.

5 **Q2 Executive Scrutiny Report**

Consideration was given to a report that outlined progress against performance for the year to date April to September 2011/12. It highlighted achievements against Council Plan objectives, areas for improvement, summary of Freedom of Information requests, complaints, commendations and comments, RIPA

update and provided details of suggestions received through the staff suggestion scheme.

Performance was good at this 6 month point, with progress predicted of 93% achievement of the Council Plan objectives and 81% achievement of the performance targets being met. Trends showed that actual achievement at year end tended to be lower but this was good progress at this stage. The Council was still receiving a significant number of Freedom of Information and Data Protection enquires with a similar number over the last 3 months to the first 3 months of this financial year. The staff suggestions scheme had received 11 suggestions over the last 6 month period. The 3rd year of the EIT Review programme was well underway and on track for delivery of savings targets. Complaints, Comments and Commendations would continue to be monitored.

The report detailed performance in the following themed areas:-

Economic Regeneration and Transport
Environment and Housing
Health and Wellbeing
Adults
Children and Young People
Community Safety
Corporate Health
Culture and Leisure

The report also detailed the performance with regard to Freedom of Information requests and Staff Suggestion Scheme.

It was reported to Cabinet on 20 May 2010 that new duties and responsibilities relating to the Regulation of Investigatory Powers (RIPA) legislation had been introduced. In particular, the new provisions included the requirement that Councillors in a local authority should review the authority's use of RIPA and set the policy at least once a year, and that Councillors should consider reports on the use of RIPA on at least a quarterly basis, to ensure that it was being used consistently with the authority's policy and that the policy remained fit for purpose. Cabinet, therefore, agreed that members should receive information on the use of RIPA in the regular Finance and Performance reports to Cabinet. Attached to the report was a summary of all investigations undertaken during the first 6 months of this financial year.

Monitoring the implementation of the EIT Review programme continued. Year 3 reviews were well underway and on track for completion by the end of the financial year. The details of each review and the current progress were attached at to the report.

With regard to Complaints, Compliments & Commendations and Comments in total, the Council received 257 complaints for the three months ended 30 September 2011. This compared to 221 complaints received in the same three month period last year. 95.1% (194) overall were responded to within timescales. The corporate timescale for responding to Stage 1 complaints was 10 working days. However, the timescales within Health and Social Care differ from the corporate timescale. For Children's Services the response timescale was 10 working days plus a further 10 working days given the complexity of

some of the complaints. For Adults' Services, new regulations introduced on 1 April 2009 place a requirement on Council's to agree a timescale for a response with each individual complainant.

A total of 573 compliments, commendations and comments were received in the three month period to 30 September 2011, representing 408 compliments and commendations and 165 comments. This compared to a total of 716 in the same three month period last year.

Analysis and learning from complaints, compliments, comments, and commendations was discussed at Service Group Management Team Meetings, where trends in numbers and the nature of the complaint, comments or commendation was further investigated, leading to appropriate actions for improvement and sharing of learning. The report highlighted some of the main messages from the analysis.

Members discussed the business start-ups assisted between April and September 2011. Members felt that they should receive further information on whether the businesses had continued and how the success was measured. Members also requested further information on how the firms that were carrying out the business start-ups were being monitored/scrutinised.

RESOLVED that the levels of performance and proposed actions be noted.

6 Medium Term Financial Plan Update and Strategy

Consideration was given to a report that provided an update on the Council's Medium Term Financial Plan (MTFP) position for 2012 to 2016.

Members were provided with a table detailing the current MTFP position of each service and were provided with details of areas of anticipated overspend and predicted pressures.

It was noted that the General Fund Balances had improved and were £1.7m above the required 3%. Members noted the main reasons for this.

Members were reminded of the approved MTFP which had shown estimated budget gaps. Members noted that the Plan had been reviewed and were provided with details of a number of changes that needed to be incorporated into the current plan. An updated MTFP position was provided taking account of the changes.

The overall impact of the changes was to reduce the budget gap to approximately £5.8m in 2014/15 rising to £8.2m by 2015/16

Members were reminded that in 2011/12 Council Tax was frozen and the equivalent increase was funded through Government Grant. This funding would be available for 2012/13 too, equivalent to a 2.5% increase. Critically this would be for one year only and if Stockton accepted this funding there would be significant pressure on the MTFP. Members were provided with details of this. Given the level of additional pressure the freeze would cause the 3.5% incorporated in the MTFP would be maintained for planning purposes.

Members noted issues relating to identified and potential savings coming from the EIT reviews and the position with regard to reserves and one off resources.

An updated MTFP position was provided taking account of these savings and Members noted the estimated budget gap.

Members noted future uncertainties and the potential budget position and recognised the problems these uncertainties caused in terms of developing plans to address the budget gap. Given these uncertainties it was suggested that detailed planning be delayed and addressed as part of the 2013/14 budget cycle.

Members received information relating to the Capital budget and Capital Programme.

RESOLVED that:-

1. The current financial position be noted.
2. The approach to the development of the 2012-16 MTFP, as detailed in the report, be noted.

7 Scrutiny Work Programme - Selection of In Depth Scrutiny Reviews

Consideration was given to a report that presented proposals for the Scrutiny Work Programme for 2012/13.

For the past three years, the Council's Select Committees had in the main focused on providing support to the Council's Efficiency, Improvement and Transformation (EIT) Programme. Select Committees were engaged in the final year of the EIT programme and all of Year 3 EIT reviews (with the exception of Learning Disability and Mental Health) were nearing completion or would be completed by March 2012. The current programme was summarised within the report.

In addition, a request from Cabinet to undertake a task and finish review of subscriptions to external organisations was agreed by Executive Scrutiny Committee at their meeting on 22 November. This review would be carried out by Corporate and Social Inclusion Select Committee beginning in January 2012.

On 25 October 2011, Executive Scrutiny Committee agreed that the 2012/13 work programme should consist of a combination of the following elements:-

- In depth topic based reviews – Based on Member and Officer Suggestions
- Support for the Value for Money Programme – This could include new reviews of any outstanding service areas or follow up work emanating from earlier EIT reviews which were identified for further investigation. Experience from earlier EIT reviews has confirmed that Select Committees are able to add most value to the process where there is a public facing dimension to the work undertaken.
- A robust framework for local and self regulation – Select Committees will receive half yearly performance information relating to the portfolio areas within

the remit of the Committee. The framework would ensure that important issues of local concern such as dignity in health and social care were addressed, utilising enhanced scrutiny powers to scrutinise all commissioners and providers.

- Health Scrutiny – In depth topic based reviews on health issues, overview of local NHS transitional arrangements, continued updates on Momentum and other issues (e.g. statutory consultations, Quality Accounts etc.)
- Crime and Disorder Scrutiny – Continued development of the role with reference to the Police Reform and Social Responsibility Bill.

Topics had been sought from Members and Officers on a standard pro forma in line with previous practice and other public bodies on the Local Strategic Partnership had also been invited to make suggestions. In addition, members of the public were able to suggest an issue for scrutiny at any time during the year.

Justification of proposals was presented based on public interest, impact, performance and efficiency issues and context. This PICK system approach allowed a score to be given to each suggestion to help with prioritisation of topics. It should be stressed that the score was a tool to aid prioritisation and was not binding in any way.

All of the suggestions received were summarised and attached to the report and given a PICK score. Also attached to the report was how the reviews could potentially be allocated to Select Committees. Each suggestion was cross referenced with supporting information. A pro forma for each suggestion and an explanation of the PICK scoring method was also attached to the report.

The Scrutiny Liaison Forum had met on 19 December 2011 to consider the priorities for scrutiny reviews for the Authority for 2012/13 for consideration and approval by Executive Scrutiny Committee. A note was provided that captured the Scrutiny Liaison Forum's (SLF) comments regarding the proposed 2012/2013 Scrutiny Work Programme.

SLF recommended topics 1 – 14 be prioritised except that topic 5 be referred to Tees Valley Health and topic 6 be recommended for consideration at a later date.

In covering these topics SLF made the following comments:-

- * Tobacco control should include health issues not just regulatory / enforcement issues
- * Marketing Stockton's Visitor offer to focus on maximising the visitor economy
- * Employability review should consider how effective previous local schemes have been and what new initiative are planned, link in the proposed NEETs review and the role of the DWP.
- * Impact of welfare reforms on rental property - it was agreed that this should be widened to take in general impact of welfare reforms.

SLF also commented that the proposed review of personalisation would be better considered at a later date to give the RAS more time to bed in.

SLF noted that officers were working on assessing the state of readiness to embrace the Localism Act and following this consideration could be given to further scrutiny work if necessary.

SLF noted that Stockton as the Lead Authority were working on the issues surrounding Durham Tees Valley Airport and that communication with Members would be a key aspect of this work.

SLF requested a Members Seminar to specifically examine Education Policy and provision in the Borough to understand current provision and the fit with the Borough's needs and the perceived interest in colleges / 6th forms by other further education establishments outside of the Borough. A forthcoming Cabinet report would be shared with wider membership.

In respect of the topic suggested "Regeneration of Local Shopping Parades" Executive Scrutiny Committee asked for a report to a future meeting on the extent of the problem across the Borough to help determine whether the issue also warrants scrutiny work (perhaps by a Task and Finish Group).

In addition to the suggestions for in depth reviews, a commitment was made at Full Council on 9 March 2011 to include a review of Gated Communities within the Scrutiny Work Programme. The Council passed the following motion:-

"This Council acknowledges the trend towards increased numbers of gated communities within the Stockton Borough Council Area necessitating entry codes to access and leave.

Council recognises the practical difficulties this creates for delivery of mail and other communications. Council therefore requests that the issue be considered by the Executive Scrutiny Committee or a Task Finish Group".

Subsequently, Executive Scrutiny Committee agreed to incorporate this issue into the scrutiny work programme on 5 April 2011 as a Task and Finish Review.

In addition to the in depth review work, Select Committees would continue to receive the usual action plans and progress reports in respect of the reviews which had concluded. The annual overview meetings would also be held in the New Year.

Health and Adult Services Select Committee continued to be responsible for receiving statutory and non statutory health consultations and briefings. It was therefore important to build in a degree of capacity within the programme to deal with other emerging issues.

It was proposed to review the scrutiny work programme further Autumn 2012.

RESOLVED that Scrutiny Work Programme for 2012/13 be agreed as set out in Appendix 2 to the report and subject to the comments above.

8 Forward Plan

Members were provided with the statutory forward plan for 1st December 2011 - 31st March 2011.

RESOLVED that the Forward Plan be noted.

9 Report on Chair's Updates

Members were provided with an update from each of the Chair's on their current reviews:-

Corporate, Adult Services and Social Inclusion - EIT Review of Commissioned Carers and Independent Living Services

Arts, Leisure and Culture - EIT Review of Children's Social Care and EIT Review of Registration and Bereavement Services.

Housing and Community Safety - EIT Review of Community Safety and Security Services and EIT Review of Housing Benefits

Environment - Review of Care For Your Area Services

Regeneration and Transport - EIT Review of Regeneration and Economic Development and EIT Task and Finish Review of Highways

Children and Young People - EIT Review of School Effectiveness

Health - EIT Review of Mental Health and Learning Disability Services.

RESOLVED that Chairs updates be noted.