

## **COUNCIL**

**3 MARCH 2011**

### **REPORT ON OVERVIEW AND SCRUTINY ACTIVITY**

Report from: Neil Davies, Chief Executive

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#### **Summary**

This report provides a summary of the work of the Council's Overview and Scrutiny Committees since the last report to Council on 13 January 2011.

#### **1. Policy and Budget Framework**

1.1 The Council's constitution allows for reports on overview and scrutiny (O&S) activity to be reported to Council meetings.

#### **2. Business Support Overview and Scrutiny Committee**

##### **2.1 27 January 2011**

##### **2.1.1. Attendance of Portfolio Holder for Housing and Community Services**

The Portfolio Holder for Housing and Community Services gave a presentation and answered questions on:

- the remaining number of empty properties and the hurdles to overcome in order to bring them back into use
- timescales for letting empty properties
- future plans for the library service
- current waiting list for housing
- voids in sheltered housing
- disabled adaptations and work with partners and future funding for this services
- bad debt provision – request to write-off old debt where there was no chance of collection
- control of rent arrears.

### 2.1.2 Attendance of Portfolio Holder for Finance

The Portfolio Holder for Finance gave a presentation and answered questions on:

- Housing Associations, banks and other organisations not having to pay council tax after they repossess a property
- the reduction of capital funding for schools and the annual out-of-area SEN placement costs of £8 million
- the principal difficulties to be overcome when setting the budget for 2011/2012
- city status bid
- inclusion of outline planning permission being available on council owned properties to enhance the value of the property when sold
- Members' allowances and Special Responsibility Allowances (SRAs)

### 2.1.3 Work Programme

The Committee noted the additions of items to the work programme and the work undertaken by all Overview and Scrutiny Committees in the last cycle and to be considered at the next cycle of meetings.

### 2.1.4 Resident involvement review and local housing offers

The Committee was advised of the introduction of the Tenant Services Authority (TSA) which is the new regulator for all social housing landlords. The regulator required landlords to work in partnership with their tenants and that tenants should lead the development of services. The report also detailed Local Offers, which had to be in place by April 2011.

Members commented that the initial consultation had been a good foundation for this new process but would need to be stronger in future years in order to demonstrate that the responses were adequate in number and reflective of the community, rather than that of a few individuals.

The Committee agreed to invite the Chair of the Housing Improvement Board to attend the Committee on an annual basis to provide a review of the board's work.

### 2.1.5 Housing Revenue Account capital and revenue budget 2011/2012

The Committee was informed that for the first time a Housing Asset Management Strategy and Business Plan had been collated which included the condition of all the housing stock. Officers now had a clear understanding of the remaining life of all assets and this meant that housing maintenance would be more planned and structured.

The Chairman of the new Residents' Forum addressed the Committee and commented on the housing budget.

Members asked how many residents would be affected by an above average rent increase in order to judge the scale of impact of the rise and were advised that the vast number of properties would receive an increase of between 5 – 5.99% which equated to a £3.01 - £4.00 per week increase.

The Committee agreed to recommend to Cabinet the proposed revenue and capital budgets for 2011/2012, that service charges reflect the costs incurred in providing that service and an increase in service charges at the levels detailed in the report. Officers were requested to report the Housing Asset Management Strategy and Business Plan to the next meeting and a Tenant Reward Scheme for keeping property in a good state of repair was added to the Business Plan for consideration by the Committee.

#### 2.1.6 Revenue budget monitoring 2010/2011

Officers advised that they were optimistic that the total budget would be under-spent by the end of the financial year.

Members asked if the £720,000 forecast overspend for supported accommodation benefit payments would be a problem for the budget in 2011/2012. Officers confirmed that this had been incorporated into the budget figures for next year and work had also started into looking at the agencies paid through this system. The Committee requested that the outcome of the work on benefit payments for supported accommodation is reported to the Committee when the work has been completed.

#### 2.1.7 Treasury Management Strategy Statement and Annual Investment Strategy 2011/2012

The Committee was advised that it was proposed to continue to adopt the same approach to investments and run down the debt portfolio as the Council had previously done.

- 2.1.8 The Committee asked how the in-house team fared against the external consultants in their return rate on council investments and were informed that they were extremely similar. Members congratulated officers on this achievement. Members questioned the level of Local Government Reorganisation debt remaining with Kent County Council and Officers advised that £47 million debt remained.

The Committee noted the report.

#### 2.1.9 Council Plan 2011/2012

The Committee was informed that the plan had been streamlined and focused on priorities, measures of success and illustrated the cross-cutting big change projects that affected the whole Council. The new plan proposed to merge some of the previous priorities, to focus activity in relation to those services.

Members commented on the difficulty of consulting on a plan that did not yet have financial certainty and alignment for the areas highlighted within it. Following discussion on the transport aspect of the plan, Members agreed that it was a topic of public concern and that it should be kept as a separate priority.

#### 2.1.10 Revenue and capital budget 2011/2012 – Business Support O&S

The Committee agreed not to discuss this report as it did not contain specific information on how the £23.5 million funding gap was to be met. Members discussed the Ward Improvement Fund and stated that they did not want to recommend the deletion of the fund from the budget.

#### 2.1.11 Draft revenue and capital budget 2011/2012 – responses from other Overview and Scrutiny Committees

The Committee was advised that it had the role of consolidating the responses of all four Overview and Scrutiny Committees to the draft budget 2011/2012.

The Committee agreed to forward the recommendations of the other Committees on to the Cabinet, adding its support to the recommendation that Cabinet re-visits the future timing of the budget meetings to allow more relevant and up-to-date scrutiny.

### **3. Children and Young People Overview and Scrutiny Committee**

#### **3.1 20 January 2011**

##### 3.1.1. Work programme

The Committee agreed to change the start time of the themed meeting on countering bullying, scheduled for 1 March 2011, to 5pm and to hold the meeting in the Civic Room.

##### 3.1.2. Attendance of Portfolio Holder for Children's Services

The Portfolio Holder for Children's Services (lead Member) informed the Committee of areas of development within his portfolio and responded to Members' questions. The areas covered were:

- the Government's Schools White Paper
- future curriculum
- academies
- special educational needs
- children's services assessment
- participation with children and young people where possible
- increase in online school admission applications
- sure start children's centres
- the authority's new responsibility for the education of young offenders at Cookham Wood

- the local authority's future role as advocate and commissioner, as more schools become academies
- the future provision of services such as school admissions and career advice for students in schools which are academies
- public confidence in decisions made about schools
- monitoring of projects due to overspends on school developments
- possibility of piloting the 'troops to train' programme in Medway
- the ending of the Education Maintenance Allowance.

### 3.1.3. Report from the SEN Monitoring Group

The Committee acknowledged the findings of the special educational needs (SEN) monitoring group and the progress in provision and increased capacity for Medway to accommodate children with SEN.

The Committee agreed to recommend the Cabinet to acknowledge the urgent and dire need to invest in Medway's special schools, which require improvements to their accommodation, as identified in Medway's SEN Policy and Strategy and that where funding can be secured, this be used to improve the facilities for children with the highest needs.

The Committee also recommended the Cabinet to delegate authority to the Director of Children and Adults to review the findings of the SEN Monitoring Group against the outcomes of the forthcoming Green Paper on SEN.

Officers were recommended to share with schools material provided to SEN Co-ordinators on the accredited course.

### 3.1.4. The White Paper – The Importance of Teaching

Members received a presentation by the Director of Children and Adults on the Schools White Paper and requested a briefing note on what work had been done so far in developing a commissioning role for the local authority for school services. A Member briefing to give more detail was requested to take place after the local elections in May 2011.

### 3.1.5. Draft Capital and Revenue Budgets 2011/2012

In considering the draft capital and revenue budgets for 2011/2012 the Committee referred the following comments to the Business Support Overview and Scrutiny Committee:

- that the recommendations made in relation to SEN provision should be highlighted in the budget report to Cabinet
- to ask the Cabinet to analyse the long term effect and cost to Medway when decisions are made on cuts
- that the Cabinet be made aware of the implications for sixth form education in schools and of both the impact of the likely reduced funding from the Young People's Learning Agency and the removal of Education Maintenance Allowances (EMA)

- that the Cabinet be informed of the concern that all Members of the Council did not have an opportunity to consider possible options for a draft budget.

### 3.1.6. School Admission Arrangements 2012

The Student Services Manager updated the Committee on consultation responses to the school admission arrangements. Responding to Members' questions, he explained that the admission booklet was published every year in June and added that this year, officers would be holding area based parent presentations.

The Committee recommended the Cabinet to agree the proposed school admission schemes and arrangements for 2012 as detailed in the report. A Member briefing was requested, following the election in May, on information about the admissions process which would include information on school transport applications and appeals.

## **4. Health and Adult Social Care Overview and Scrutiny Committee**

### **4.1. 25 January 2011**

#### 4.1.1. Work programme

The Committee noted that there would be a special meeting of the Committee on 8 March 2011 at 6pm to discuss the dementia pathway redesign and to receive a briefing on Department of Health documents.

The Acting Chief Executive of NHS Medway briefed Members on the recent clustering of NHS Medway with the two Kent Primary Care Trusts. She explained that the trusts would still remain individual entities but under a single management team. This was mainly to ensure that there was a smooth transition to the introduction of GP consortia across the country and to provide resilience during that period. She stated that the executive team should be in place by March 2011 and would be in shadow form from April 2011.

#### 4.1.2 Public Health White Paper – Healthy Lives, Healthy People

The Director of Public Health gave a powerpoint presentation on the White Paper 'Healthy Lives, Healthy People' and the two supporting documents 'consultation on the funding and commissioning routes for public health' and the 'public health outcomes framework'.

She explained that in future the local authority would take the lead on public health and in the development of the joint strategic needs assessment and Health and Wellbeing Strategy.

The outcomes framework has a vision to improve and protect the nation's health and wellbeing and to improve the health of the poorest, fastest.

There are supporting indicators within five domains as follows:

- Domain 1 Health protection and resilience: Protect the population's health from major emergencies and remain resilient to harm
- Domain 2 Tackling the wider determinants of health: tackling factors which affect health and wellbeing
- Domain 3 Health improvement: Helping people live healthy lifestyles and make healthy choices
- Domain 4 Prevention of ill health: reducing the number of people living with preventable ill health
- Domain 5 Healthy life expectancy and preventable mortality: preventing people from dying prematurely.

#### 4.1.3. Draft Capital and Revenue Budget

A report on the draft capital and revenue budget for 2011/2012 was noted.

#### 4.1.4. Care Quality Registration process – Kent and Medway NHS and Social Care Partnership Trust

The Chief Executive, Kent and Medway NHS and Social Care Partnership Trust, explained to the Committee the actions taken by the Trust following conditions being imposed by the Care Quality Commission last year as part of their registration process.

He set out the concerns raised by the Care Quality Commission, which related to safeguarding and specifically around training for staff in making people in their care aware of their legal rights to leave. This was remedied as a matter of urgency. There was a further concern relating to the lack of information about staff appraisals. The Commission had also highlighted that best practice in mental health services for people with a learning disability and child and adolescent mental health services was not being observed. The trust had demonstrated compliance with the targets in 2010.

### **5. Regeneration, Community and Culture Overview and Scrutiny Committee**

#### **5.1 10 February 2011**

##### 5.1.1 Attendance of the Portfolio Holder for Strategic Development and Economic Growth

The Portfolio Holder for Strategic Development and Economic Growth gave a presentation and answered questions on:

- Economic Regeneration and Social Regeneration
- Securing funding
- Innovation Centre
- Tourism

- South Thames Gateway (STG) Building Control Partnership
- Local Development Framework
- Specific thanks from the Committee to the Tourism Manager and Visitor Information Centre Manager
- Rochester coach park
- The progress of the Star Hill to Sun Pier Townscape Heritage Initiative
- Development sites, in particular Rochester Riverside and the 'Big Blue' (old Colonial Insurance building in Chatham).

#### 5.1.2 Local Transport Plan – results from the public consultation and framework for funding priorities

The Committee noted the comments received as part of the consultation for the draft 15 year LTP3 Transport Strategy and the framework on which the first LTP3 Implementation Plan is based, and recommended it to Cabinet.

#### 5.1.3 Flood and Water Management Act 2010 and Flood Risk Regulations 2009

Members considered a detailed report on this issue and agreed to request Council to add responsibility for the review and scrutiny of flood and coastal risk management functions under the Flood and Water Management Act 2010 to this Committee's terms of reference.

Two recent pieces of legislation impose new, or extended, responsibilities on the Council. The Flood and Water Management Act 2010 (the Act) is the result of the Pitt Review of flooding in England which reported in 2007. The Flood Risk Regulations (the Regulations) transpose the requirements of the EC Floods Directive 2007/60/EC (the Directive) in England and Wales. The two pieces of legislation are interlinked, essentially the Act imposes certain new responsibilities and the Regulations provides the detail as to what, specifically, the Council is required to do. The Act establishes Medway Council as a Lead Local Flood Authority by virtue of it being a Unitary Authority. The report to Overview and Scrutiny set out the provisions of the Act and Regulations.

#### 5.1.4 Work Programme

The Committee agreed to note the inclusion of a six month update report on the PACT review, the Winter Service Policy and Plan 2010 – 2017 along with the change of date for the next meeting from 31 March 2011 to 17 March 2011.

### **6. Recommendation**

- 6.1 That the Council adds the responsibility for the review and scrutiny of flood and coastal erosion risk management functions under the Flood and Water Management Act 2010 to the Regeneration, Community and Culture Overview and Scrutiny Committee's terms of reference.



## **Background papers**

Flood and Water Management Act 2010 and Flood Risk Regulations 2009 –  
report to Regeneration, Community and Culture Overview and Scrutiny  
Committee – 10 February 2011

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