

COUNCIL

12 JANUARY 2012

REPORT ON OVERVIEW AND SCRUTINY ACTIVITY

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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 20 October 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 1 December 2011

2.1.1. Portfolio Holder for Housing and Community Services in attendance

The Portfolio Holder for Housing and Community Services addressed the Committee in relation to housing and adult learning and responded to questions on the following topics:

- the adult learning centre at Green Street, Gillingham
- the future of buy-to-let properties
- re-investment from sale of old sheltered housing
- council support for first-time buyers
- work carried out against private landlords who do not look after their properties
- a query as to whether a register of good landlords existed

2.1.2. New Customer Contact team – January 2012

Officers gave a presentation and demonstration of the new customer relationship management system and arrangements, setting out the benefits for customers and their experience when contacting the Council and also for the teams and services within the council for each phone call to the Customer Contact Team.

In response to Member questions officers undertook to double-check the various levels of security clearance built into the new arrangements should the level of enquiry escalate during one telephone call.

2.1.3. Annual Review of Risk Management Strategy and six monthly review of Corporate Risk Register

The Committee noted the Risk Management Strategy and the Management Team recommendations on amendments to the Council's Risk Register.

2.1.4. Council Plan monitoring 2011/2012 – second quarter

Members noted the areas of success and challenges for the Council over the period July to September 2011. Officers responded to Members' questions and undertook to provide further information in relation to the following:

- city status bid
- care leavers in education, employment and training
- % of initial assessments for children's social care carried out within 10 working days of referral (this was referred to Children and Young People Overview and Scrutiny Committee for further in-depth consideration).

NI148 (care leavers in education, employment and training) was referred to Regeneration, Community and Culture (RCC) Overview and Scrutiny Committee for further consideration to see what employment training or apprenticeship opportunities children in care were given. The indicators within the title 'we will work to ensure that people have the skills they need to take up job opportunities created' were also referred to RCC Overview and Scrutiny Committee.

A briefing note was requested on the current position of the City status bid and what was happening in the final weeks before a decision was made. The Committee asked for this to contain details of how the budget had been spent, how much remained and what it should be spent on. Further information was requested on what the council was doing to achieve affordability of bus transport in Medway.

2.1.5. Treasury Management Strategy mid-year review

The Chief Finance Officer introduced the Treasury Management Strategy mid-year review and stated that there had been no changes within the past six months to interest rates and the Council continued to use cash raised during the year to repay its debts. He responded to Members' questions and the report was noted.

2.1.6. Revenue budget monitoring 2011/2012 – second quarter

The Committee noted the report and made no recommendations in relation to reducing the potential deficit.

2.1.7. Capital budget monitoring 2011/2012 – second quarter

Following questions to the Chief Finance Officer Members noted the spending and funding forecasts and requested briefing notes on the outcome of the legal department's view on future recourse against the statutory undertakers relating to the A228 Stoke Crossing and on the breakdown of the £2.4 million Better for Less project.

2.1.8. Draft revenue and capital budget for 2012/2013

The draft capital and revenue budget for 2012/2013 programme was forwarded to individual Overview and Scrutiny Committees. A schedule of proposed fees and charges was requested for the 2 February 2012 meeting. Further details were requested on the numbers of people using the Park and Ride facilities and Regeneration, Community and Culture Overview and Scrutiny Committee were asked to look at this on 13 December 2011.

2.1.9. Work programme

The Committee noted the current workload and requested the Assistant Director (Housing and Corporate Services) to ensure that future reports relating to housing are finalised before her departure. The work undertaken by all Overview and Scrutiny Committees and changes to the terms of reference (to move responsibility for the library service to this Committee) were noted. The Committee also requested that a previous task group report on 'Bereavement Services' is circulated to all members of the Committee for information.

3. Children and Young People Overview and Scrutiny Committee

3.1. 12 October 2011

3.1.1. Work programme

The Chairman stated that the scoping of the in-depth scrutiny review on raising attainment at Key Stage 2 had been delayed but hoped this could take place after the October half term. The review was set up on the basis of 3:1:1 (Member ratio) and it was agreed to keep the Independent Member of the Committee involved in the work by emails.

The Committee agreed to receive reports on the outcome of the Children's Services Assessment in January 2012, on prescribed alterations to Bradfields Community Special School at the December meeting and the judgement in relation to the inspection of children's services when received. A Member item was added to the business for the next meeting on the Medway selection test arrangements and lessons learned.

3.1.2. Quarter 1 Council Plan Monitoring 2011/2012

Following questions on the Council Plan the Democratic Services Officer undertook to let Members know further details about the reference to

Regeneration, Community and Culture Overview and Scrutiny Committee in relation to opening up access to the river.

The Committee noted the report and requested officers to investigate ways of improving and extending access to the river by boat. Briefing notes on the topic of apprenticeship schemes such as the one piloted in Glasgow and on the inspection of the adoption service in Medway were requested. It was also agreed to congratulate the Bishop of Rochester Academy on their teaching of English as a second language.

3.1.3. Education reform and the Local Authority – powerpoint presentation

The Director of Children and Adults gave a presentation on the changing role of the Local Education Authority in the light of emerging legislation and set out the three key responsibilities for the Local Education Authority. She then outlined the shared responsibilities with schools. A request was made for the same presentation to be made to a governor conference in November. A briefing note will be sent to the Committee in relation to the local authority's work with pre-schools.

3.1.4. Test and examination results in Medway Schools (provisional)

Members noted the report and requested a briefing note on the final examination results once they were available.

3.1.5. Member item: Statistics used to expand and close school provision

Councillor Price introduced the item and thanked officers for their very detailed response. He welcomed the more flexible approach being proposed to build on the robust systems currently in place. He emphasised the need to look at better community use of schools to avoid the need for school closure and the importance of having current data to make sure there was not an upward trend forecast at the time of a proposed closure.

The Director of Children and Adults agreed to undertake a review of the process for closing schools and other processes involving public consultation which would set out the role and function of the listening panels in a broader context. Members asked for a link to the Ofsted reports into the viability of small schools and leadership across more than one school to be circulated to them. A comment was made about the effectiveness of the school system in Norway and it was suggested that the Member review into effective challenge into underperformance in schools at Key Stage 2 could look at this and look at school resources and how their use impacted on children's performance.

3.1.6. Statutory consultation on Luton Schools

The Committee put forward a strong suggestion to the Director of Children and Adults to work with both schools to ensure a consistent message was given about the proposals relating to Luton Schools. This message should be accessible by all parents and children involved in both schools in whatever language was required.

3.1.7. Outcome of consultation period for the School Organisation Plan 2011-2016

The School Organisation Plan was recommended to Cabinet on 1 November 2011 subject to the addition in Appendix 2 to the action plan, item 9 of the words 'review of how we consult with stakeholders', being added. Members requested a briefing note on further details on the Special Educational Needs (SEN) Masterplan, prior to the Cabinet meeting, in order for Members of this Committee to decide whether to add the item to its work programme.

3.1.8. Update: Proposal to move the Child Development Centre to the Temple site

The Committee noted the update report in relation to the proposal to move the Child Development Centre to the Temple site and suggested that the Council should have an open dialogue with Arriva about better provision of buses to the site, particularly around peak hours.

3.2. **6 December 2011**

3.2.1. Member item: Medway test arrangements

Councillor Price introduced the report, which he had requested following issues raised in relation to the arrangements for the Medway test, which took place on 24 September 2011. He emphasised the need for children to have adequate refreshments, for venues to be clear of other activities taking place at the same venue and welcomed a possible move to the test being held in children's own primary schools.

The Assistant Director, Commissioning and Strategy explained the learning from the issues and confirmed that in future overview and scrutiny could have a role in signing off arrangements referred to in the risk section of the report.

3.2.2. Strategic planning for Special Educational Needs

The Headteacher of Abbey Court Special School addressed the Committee explaining that the school felt that the strategic planning provided an opportunity to look at and address the school's accommodation. She felt the report focused too much on pupil places and not enough on suitable accommodation. She also felt the buildings used were not fit for purpose and requested the Council to look at relocating Abbey Court to one site.

The Headteacher of Rivermead Community Special School then addressed the Committee explaining that the building in which that school was situated was also dated and not fit for purpose. She welcomed the possibility of moving the school to a new site but had concerns about the proposal to move to part of the Chatham South site as this would be shared with Chatham Grammar School for Boys and

she was concerned about how the two schools would fit together. She requested that consideration be given to the Temple site also.

A number of detailed comments and questions were then put forward and the Committee decided to recommend Cabinet to defer its consideration of the report on strategic planning for special educational needs, scheduled for 20 December 2011, to early 2012 to allow for further engagement with stakeholders and for a clear, detailed business case to be developed with full financial costings, including lifetime costs and savings. Details of educational aspects should also be included.

3.2.3. Outcome of consultation for the prescribed alterations at Bradfields Community Special School

The Committee recommended the report to Cabinet, subject to the following additions to the report:-

- clarity on the alignment the proposals have to SEN strategic planning
- reference to children's views being added to paragraph 8.4 of the report
- estimated savings being included in relation to reduced SEN transport and independent placement costs and that these savings be ring-fenced for services for children and young people with special educational needs.

3.2.4. Quarter 2 Council Plan Monitoring 2011/2012

The Committee noted the report and requested a list of businesses involved in apprenticeship schemes and a briefing note on bed and breakfast accommodation, inspection of such properties and what is being done to hold landlords to account.

3.2.5. Proposed capital and revenue draft budgets 2012/2013

In noting the report, the Committee requested a briefing note, when appropriate, on educational funding changes and a report on costs analysis of SEN transport and what action is being undertaken to minimise overspend in this area.

4. Health and Adult Social Care Overview and Scrutiny Committee

4.1 8 December 2011 special meeting

4.1.1. Call-in: Medway Council's vision for commissioning and providing adult social care services in Medway

The Committee was advised that the Cabinet decision in relation to the Council's vision for commissioning and provision of adult social care services in Medway had been called-in by six members of the Labour group who wished to call a halt to the consultation process to enable officers to explore alternative options with service users, staff and other stakeholders in order to retain them as council-run services that were economically viable and efficient.

Detailed discussion took place-involving members of the Committee and users, carers and stakeholders who put forward their personal testimonies of the Balfour Centre and the residential care establishments referenced in the report. Officers responded to comments and answered questions and advised that all of these would inform the consultation process, if it went ahead.

A proposal put forward by the Labour Group was not agreed and the Committee decided that no further action should be taken and that officers commence consultation as soon as possible in line with the Cabinet decision.

4.1.2. Call-in: Fairer contributions for fairer access to services

The Committee was advised that the Cabinet decision in relation to fairer contributions for fairer access to services had been called-in by six members of the Conservative group who felt it was important to consider this matter alongside other changes to adult social care.

Officers explained that this proposal was as a result of the council's current charging policy, which was no longer fit for purpose and responded to comments and questions from the Committee. Officers were asked to ensure that the Diversity Impact Assessment screening form was updated to ensure that people in rented accommodation were covered by the proposed new policy.

The Committee decided that no further action should be taken and that officers commence consultation as soon as possible.

4.2. **15 December 2011**

4.2.1 Member item: mortality figures – Medway Maritime Hospital

Councillor Shaw gave a brief introduction to a Member item she had requested in relation to the publicity of the mortality figures at Medway Maritime Hospital.

Dr Smith-Laing, Medical Director at Medway Maritime Hospital gave a presentation setting out the background to the figures. Dr Green, Shadow Accountable Officer from Medway's Clinical Commissioning Group and Mark Devlin, Chief Executive from Medway NHS Foundation Trust also responded to Members' questions.

Dr Smith-Laing explained that there was more than one method of measuring mortality figures but that the recent publication of the Dr Foster Hospital Guide had shown Medway Maritime's figures to be the sixth poorest in the country. He emphasised that this did not mean that the quality of care at the hospital was inadequate but related to changes in coding practices at the hospital and an under-reporting of co-morbidities (diseases or conditions that coexist with a primary disease which also stand on their own as specific diseases). He also said that

this form of measurement could not be used in isolation but should be examined alongside other data.

Members were assured that the hospital took the information very seriously and had developed action plans to address the recent anomaly. The Committee did, however, feel that this reporting of data was confusing to the public who would look at the figures in isolation.

The Committee requested an update in six months using benchmarking information from similar local authorities.

4.2.2 Proposed integration of Medway NHS Foundation Trust with Dartford and Gravesham Trust

The Chief Executives of Medway NHS Foundation Trust and Dartford and Gravesham Trust gave a presentation updating the Committee on the outcome of the feasibility study and commencement of the engagement process in relation to the proposed integration of the two trusts.

Members were informed that, in the event of subsequent service changes, they would be officially consulted on the proposals. In the initial period of amalgamation, if the integration were to go ahead, the main services such as Accident and Emergency, Maternity services, Outpatients etc would remain in both hospitals. In relation to some services such as laboratories the plan would be to have one main laboratory at one of the hospitals with a satellite service in the other. Pathology services to the public would be no different in that respect as there would be no change to the places where blood is taken.

Some suggestions relating to public engagement were put forward and were accepted by the Chief Executive of Medway NHS Foundation Trust. A view was put forward that there still seemed to be some concern from the public over the proposed integration and that more needed to be done to convince them of the merits of the case.

Following questioning the Chief Executive of Medway NHS Foundation Trust gave details of recent service improvements for people in Medway suffering from Multiple Sclerosis or Parkinson's disease who were now receiving regular treatments in Medway rather than having to travel to Kings College Hospital in London. This enabled Kings College Hospital to expand other areas of its provision so was a benefit to them as well as to Medway.

It was agreed that there should be an update to the Committee in March 2012 and that this should be added to the work programme.

4.2.3 Shalder House

The Social Care Commissioning and Voluntary Sector Manager updated the Committee on the current position with regards to responses to the consultation process with service users, staff and stakeholders in respect of the proposed closure of Shalder House.

It was stated that 33 letters had been sent to former users of Shalder House and 10 responses had been received. For the majority of service users it was stated that, while there was a high level of satisfaction about Shalder House, most would have preferred assistance to enable them to remain at home. Following questions, the report was noted.

4.2.4 Adult Mental Health Social Care

The Principal Officer Mental Health gave a detailed introduction to the report explaining that Kent and Medway NHS and Social Care Partnership (KMPT) had not delivered adequate social care outcomes. For this reason notice had been served on them on 15 June 2011 with the contract due to end on 1 February 2012.

In view of the impending end to the contract he explained there was an urgent need to proceed with a short-term option of bringing the adult mental health social care team back into Council management, until such time as a longer-term solution could be found. He felt there were opportunities for the future to ensure that a whole system approach to adult mental health social care could be adopted. He was also confident that by bringing the staff under the Council's management in the interim the staff could receive much improved supervision and training to ensure excellent support and strengthened safeguarding for the benefit of service users.

The Committee unanimously welcomed the proposals contained in the report and the view was expressed that adult mental health social care had not received the focus and attention it merited for some time.

The Principal Officer Mental Health and the Director of Children and Adults responded to Members' questions. These largely related to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) and the future for the adult mental health social care team.

The Committee welcomed the suggestion of scrutinising the plans, which will be submitted, to Cabinet in June about longer-term options.

The Committee then recommended the Cabinet to request the Council to carry out a review of its mental health social care strategy, that the Council directly manages the delivery of mental health care management and services and that officers are instructed to evaluate and bring proposals to the Cabinet by June 2012 to determine the future delivery of mental health care management and services.

4.2.5 Attendance of the Portfolio Holder for Adult Social Care

The Portfolio Holder for Adult Social Care updated the Committee on performance within his portfolio, in particular in relation to:

- Community Care
- Health
- Older People

- Public Health and Health Improvement
- Services for people with learning and physical disabilities
- Telecare/Telemedicine
- The development and progress of the Health and Wellbeing Board.

He explained a number of objectives where the Council was working in partnership to improve health and reduce inequalities including:

- Community clean up
- Green space renovation
- Targeted employment support
- Launch of the apprenticeship scheme.

He reported success in many initiatives including:

- Tobacco control
- Supporting healthy weight
- Sexual health improvement
- Harm caused by alcohol
- Mental health promotion
- Health trainers
- Partnership with Young Offender Institute.

Reference was also made to the proposed integration between Medway NHS Foundation Trust and Dartford and Gravesham NHS Trust and to the consultation phase in relation to the papers presented to Cabinet in relation to the Vision for commissioning and providing adult social care services in Medway and Fairer contributions for fairer access to service. He extended an invitation to Members of the Committee to observe the Lifeline service run by the Council.

4.2.6 Council Plan – 2nd quarter monitoring

The Director of Children and Adults gave a brief overview of the highlights and areas of challenge relating to adult social care.

4.2.7 Capital and Revenue Budget for 2012/2013

The Chief Finance Officer gave a brief introduction to the draft capital and revenue budget, which he said, was based on the Medium Term Financial Plan 2012/2015.

Responding to a question he stated that the anticipated savings from the vision for adult social care had been factored into the budget already.

The report was noted.

4.2.8 Work programme

The Democratic Services Officer gave a brief introduction to the report and suggested that Members may wish to give consideration to moving

the report on diabetes and quality assurance to the March meeting to allow a full debate on the two adult social care items which would be reported back to the January meeting following the consultation process. Members agreed to this and requested that the item relating to the proposed integration of Medway NHS Foundation Trust and Dartford and Gravesham Trust be listed for the March meeting.

It was agreed that the item relating to the future delivery of mental health care management should be brought back to this Committee prior to Cabinet in June. The Democratic Services Officer was asked to check dates for the Committee in order to programme the report to a suitable meeting.

5. Regeneration, Community and Culture Overview and Scrutiny Committee

5.1. 13 December 2011

5.1.1. Portfolio Holder for Strategic Development and Economic Growth in attendance

The Portfolio Holder for Strategic Development and Economic Growth addressed the Committee in relation to all matters within her portfolio and responded to questions on the following topics:

- the re-development of two large areas of undeveloped land within Chatham Historic Dockyard
- announcements by the government's 'shopping czar' (Mary Portas) on revitalising shopping centres
- reassurance that the Capstone Valley would be safeguarded against future development if planning laws were to be relaxed.

5.1.2 Portfolio Holder for Housing and Community Services in attendance

The Portfolio Holder for Housing and Community Services addressed the Committee in relation to areas in his portfolio in the remit of the Committee and responded to questions on the following topics:

- a proposed Tourism Strategy
- coaches turned away at the Dickens Festival
- continuation of the free-swimming initiative for under-16s and over 60s in 2012-2013
- the promotion of tourism in Europe
- the forecast overspend of the Theatre and Arts budget
- the funding for a year of celebrations in 2012
- the impact on service quality of a proposed £100k saving to the green spaces budget in 2012/13

5.1.3 Annual review of waste contracts: Year 1

Representatives of the waste contractors gave a presentation giving an overview of the work carried out in the first year of the contracts. The Committee asked questions and made comments, including:

- many residents still seemed unaware that they could put food waste in the brown bins
- what had been done to control the queues at the Cuxton Household Waste Recycling Centre
- why was Medway's black sack waste sent to London when there was a facility in Allington
- was the co-mingling of waste at flats recycled and where did it go
- the predicted overspend detailed in the report – was this related to the old collection contract which had bigger sacks and now that smaller sacks were being used, had this resulted in less being collected
- could vehicle tyres be recycled
- how were mattresses recycled

5.1.4 Quarter 2 Council Plan monitoring 2011-2012

The Committee was advised that there were 32 key performance indicator measures of success that could be rated for quarter 2 which covered July – September 2011. 24 measures were rated green, 3 were rated as amber and 5 rated as red. There were also 4 performance measures which were not rated as they were 'data only'; but had been included for information.

The Committee asked questions and made comments, including:

- the drop in satisfaction with Community Officers
- what legal powers were available to enforce the removal of graffiti on land not owned by the council and in particular, Network Rail land
- budget forecast of £1.3 million overspend on the waste contracts – how could this be made sustainable in the future without creating an annual budget pressure
- carbon tax credits – as a pressure on the central budget. Were there any incentives for schools to act on this, thereby having a direct effect on the budget
- Reference to the red rated indicators for employment statistics, further information was requested about the difference between the 'Flexible New Deal' and 'Work Programme' schemes.

5.1.5 Draft capital and revenue budget 2012-2013

The Committee was advised that following a predicted £9 million gap in funding in the Medium Term Financial Plan 2011, this had now been reduced to just over £6 million. Appendices to the report set out the areas adjusted to help decrease the gap in the Regeneration, Community and Culture directorate budget for 2012-2013. The Committee was advised that the Local Government Settlement had been announced and there was no change to the predictions made within the proposed budget.

Members commented that the budget figures were not linked to service plans for each department or the over-arching Council Plan, so there

was no indication as to whether the proposals meant a change to service commitments.

The Committee also commented on the anticipated increase to income and charges and asked how robust and reliable these predictions were and questioned whether they were deliverable. Members also discussed the freezing of council tax over the next four years and the options available to the council over that time, within the legislation of the Localism Act 2011.

5.1.6 Work Programme

Members were advised of items within the remit of the Committee that had been published in the Cabinet's Forward Plan earlier that day including Community Infrastructure Levy and a number of procurement reports relating to the South Thames Gateway Building Control Partnership.

Background papers

None

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