

**OVERVIEW AND SCRUTINY
MANAGEMENT COMMITTEE
26 MAY 2016**

PRESENT: COUNCILLOR P J O'CONNOR (CHAIRMAN)

Councillors Mrs A M Newton (Vice-Chairman), C J T H Brewis, Mrs J Brockway, P M Dilks, A G Hagues, A J Jesson, Mrs M J Overton MBE, R B Parker, C L Strange, R Wootten and M A Whittington

Councillors: attended the meeting as observers

Officers in attendance:-

Simon Evans (Health Scrutiny Officer), Tracy Johnson (Senior Scrutiny Officer), Jasmine Sodhi (Performance and Equalities Manager), George Spiteri (Commissioning Performance and Assurance Manager), Daniel Steel (Scrutiny Officer), Nigel West (Head of Democratic Services and Statutory Scrutiny Officer), Richard Wills (Executive Director for Environment and Economy) and Rachel Wilson (Democratic Services Officer)

1 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS

Apologies for absence were received from Councillors A Bridges, M Brookes, R L Foulkes, C E D Mair, C E H Marfleet and Mrs C A Talbot.

Apologies for absence were also received from Church Representative Mr P Thompson and Parent Governor Representatives Mrs P J Barnett and Dr E van der Zee.

It was noted that the Chief Executive having received notice under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990, had appointed Councillor M A Whittington as a replacement member of the Committee in place of Councillor A Bridges, for this meeting only.

2 DECLARATION OF MEMBERS' INTERESTS

There were no declarations of interest at this point in the meeting.

3 MINUTES OF THE MEETING HELD ON 28 APRIL 2016

RESOLVED

That the minutes of the meeting held on 28 April 2016 be signed by the Chairman as a correct record.

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4 CHAIRMAN'S ANNOUNCEMENTS

The Chairman advised that he had attended the previous meeting of the Executive on 4 May 2016, which had considered the Lincolnshire Minerals and Waste Local Plan: Core Strategy and Development Management Policies.

The Chairman also advised that he, Councillor R Parker, and Daniel Steel, one of the Scrutiny officers would be attending a training event on 27 May 2016 at the University of Birmingham on "Scrutiny in Challenging Times".

5 CONSIDERATION OF CALL-INS

The Committee was advised that no Call-Ins had been received

6 PROPOSALS FOR SCRUTINY REVIEWS

The Committee was advised that no proposals for Scrutiny Reviews had been received.

7 CONSIDERATION OF COUNCILLOR CALLS FOR ACTION

The Committee was advised that no Councillor Calls for Action had been received.

8 COUNCIL BUSINESS PLAN 2015 - 2016 PERFORMANCE REPORT, QUARTER FOUR

Consideration was given to a report which presented the Quarter 4 performance against the Council Business Plan. The Council's Performance and Equalities Manager provided an online demonstration to the Committee of how members would be able to view the new style of reporting in a secure area on the Lincolnshire Research Observatory (LRO) website.

Members were advised that since Quarter 1, scrutiny committees had been receiving performance reports in the new style infographics, with the exception of the Children and Young People Scrutiny Committee and the Highways and Transport Scrutiny Committee. It was noted that the Children and Young People Scrutiny Committee receive performance indicators in addition to the Council Business Plan which were not available in the new infographic format. In terms of the Highways and Transport Scrutiny Committee, there were no performance indicators in the Council Business Plan for this Committee, however it did receive project based updates.

Members were provided with the opportunity to ask questions to the officers present in relation to the information contained within the report, and some of the points raised during discussion included the following:

- One member commented that they had found the new system very easy to use and move from one piece of information to another.
- The Committee papers which were currently received only gave an overview of the performance information, but the website would allow members to view more detailed information.

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- It was requested whether everything could be kept as simple to use as possible for those who were not as computer literate as others.
- The website would display information from the past two years to enable comparisons to be made. However, information from earlier years would be archived and would still be available.
- It was commented that the graphics were very useful.
- Concerns were raised in relation to the Delayed Transfers of Care from Hospital, and members were advised that this was a very complex issue, and delays were only attributable to social care alone in around 14/15% of cases, and around 5-6% were attributable to both the NHS and social care. The remainder were NHS related. However, there had been a small increase in the delays attributable to the County Council. The majority of delays were in simple discharges e.g. delays of a few hours awaiting a prescription. Members were advised that the Adults Scrutiny Committee would be looking at this in a future meeting.
- Concerns were also raised regarding the increase in Alcohol related Violent Crime Incidents, and it was queried whether Lincolnshire Police should be making more proactive visits to bars and pubs. It was confirmed that this issue would be raised with the Assistant Director for Safer Communities. Councillor R Wootten advised that he would be attending the next meeting of the Police and Crime Panel and he would be putting this question to the new Police and Crime Commissioner (PCC).
- Clarification was sought regarding the exception reporting, as well as whether there was a need for grading, as under the mixed performance (p.15 of the report) all indicators met different levels of achievement. It was suggested that the greatest priority should be given to those indicators which had gotten worse.
- It was queried whether there was anywhere on the new system where members could see all the indicators which had not reached target.
- It was clarified that there were three categories which were broadly used – those that were outside target range, those within target range and those that had improved but had not reached target.
- It was noted that a lot of discussion had been had at the Economic Scrutiny Committee regarding the indicator 'Amount of External Funding attracted to Lincolnshire' as it did not show as achieving its target, as whilst the funding had been achieved, there had been delays in receiving it from central government. Following the discussion, it had been agreed to change the target on this indicator to reflect these delays. The Enterprise Commissioner would also be revising the commentary on the website relating to this indicator, as it was not the most appropriate measure to state that the target had not been achieved.
- In relation to household waste recycled, it was queried whether there was any way of monitoring the other recycling schemes which were in operations around the County e.g. scouts group collecting glass. It had now been recognised that this was not the most useful measure, and in the future it would measure what the impact of other collection schemes on recycling was. There was recognition that there were some limitations with this measure.

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- It was noted that less green waste had been collected this year compared to last, and it was queried whether this was related to the introduction of charges by district councils for green bins.
- It was queried whether there was anything which could be done to reduce the number of care leavers that ended up in the criminal justice system. This query would be passed to Children's Services.
- In relation to the Delayed Transfers of Care from Hospital, it was highlighted that there was a shortage of carers in the Boston and Stamford areas, and in an attempt to increase numbers, increased rates of pay were being offered in these areas.
- Since the new recycling contract had been in place, an increase in contamination levels had been reported.
- In relation to the indicator for the amount of external funding attracted to the County, it was important to recognise the achievement of the Economic Development team, as around £43m had been brought in to this council.
- In relation to recycling, there was confusion regarding the different types of plastics which were in use, and which plastics were recyclable. It was queried whether the numbers on the bottom which related to the type of plastic and if it was recyclable could be made bigger. It was suggested that this could be taken up by the Environmental Scrutiny Committee, and that it could write a letter to government regarding this issue.
- In relation to the recycling targets, it was acknowledged that there had been a big problem in Lincoln with contaminated loads. Each contaminated load which was turned away had a cost of around £1000 to the County Council.
- There were now much stricter rulings on what could and could not be put into green bins.
- In relation to the number of primary fires, it was commented that cuts to funding had consequences, and it was queried whether targets would be lowered in the coming years, or whether they would remain as they are with an acceptance that they would not be met.
- Members welcomed the statistics associated with the contact with the library service indicator, and that use of libraries continued to be popular. It was queried whether the library footfall figures could be split between those visiting communities hubs and core libraries. Officers agreed that they would look into this to see if the information could be broken down further.
- In terms of targets for the Fire and Rescue Service, it was clarified that provisional targets were set before Council and when the outturn for Quarter 4 was received, those targets would be revised.
- It was commented that the number of volunteers who had come forward in some areas to help run the community hubs had been very encouraging.
- In relation to the targets for recycling, it was highlighted that the value of recyclables had reduced significantly, and so recycling credits paid to district councils also went down. There was a need for local people to be more proactive in providing local recycling schemes. In terms of green waste, people used to have their own compost bins and recycle their own green waste, and one member commented that they were pleased that South Holland District Council had started a scheme to charge people for green bins.

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- It was suggested that the indicators which had not shown an improvement were a good opportunity for scrutiny Chairmen and Vice-Chairman to approach the relevant portfolio holder to find out why the performance was not on target, and then this would feed back into the scrutiny process.
- It was queried whether there was a correlation between areas without recycling facilities and the amount of fly tipping in that area. It was suggested whether there was a need for a new indicator to reflect this.
- It was suggested whether a summary of performance should be included in County News, possibly just end of year figures.

RESOLVED

1. That the comments made in relation to the Quarter 4 Performance be noted.
2. That Scrutiny Chairmen be encouraged to meet with relevant portfolio holders to discuss indicators which were not performing within target range.

9 REVIEW OF SCRUTINY WORKING GROUP - CLOSER WORKING WITH THE EXECUTIVE

Consideration was given to a report which updated the Committee on progress with the Review of Scrutiny, following a decision by Council to delegate to the Overview and Scrutiny Management Committee the implementation of recommendations in an independent report on scrutiny by Dr Stuart Young of East Midlands Councils.

The Committee was reminded that at its meeting on 28 January 2016, it resolved to set up a working group to investigate three areas which were highlighted for improvement:-

- Closer working with the executive
- Cultural change
- Structural change

The Working Group has so far met three times to discuss the relationship between Executive and Scrutiny, and through these discussions, a scrutiny protocol has been drafted. There had been input from executive councillors, and it had been circulated to the Corporate Management Board the previous day. It was also noted that visits to other authorities had taken place, and Councillors A J Jesson and Mrs J Brockway would shortly be visiting the City of Lincoln Council.

The Committee was provided with the opportunity to ask questions to the officers present in relation to the information contained within the report, and some of the points raised during discussion included the following:

- Some good work had already taken place in the working group.
- Boston Borough Council and City of Lincoln Council had received awards for their scrutiny work.
- It was considered positive that the Council was looking at two authorities within the county which had received praise for their scrutiny work, but it would also be useful to look at authorities outside of the Lincolnshire borders.

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- There was regular reporting of progress through Group Leaders.
- It was important that workload was considered as a lot of the changes would mean additional work for officers.
- It was felt that there was a need for scrutiny to be circular, and that members were not just trying to improve scrutiny of the Executive, but also the way that members carried out scrutiny activity. However, it was also suggested that as the Executive make the decisions the 'buck stops there'.

RESOLVED

That the comments made in relation to the progress on the Review of Scrutiny be noted.

10 URGENT ITEM: DEVOLUTION - GOVERNANCE REVIEW AND SCHEME

Consideration was given to a report which invited the Overview and Scrutiny Management Committee to comment on the Devolution – Governance Review and Scheme which was due to be considered by the Leader of the Council on 27 May 2016.

The report set out the latest position in relation to the implementation of the devolution agreement for Greater Lincolnshire as well as the results of a Governance Review under section 108 of the Local Democracy, Economic Development and Construction Act 2009, and on the basis of that review sought approval for the publication of a Scheme for consultation under section 109 of the Act.

The Committee was provided with the opportunity to ask questions to the officers present in relation to the information contained within the report, and some of the points raised during discussion included the following;

- One member commented that they had several reservations about this scheme, and were not convinced this was the best model or best deal for the County;
- There were concerns an elected mayor may work for some areas, but that it might not be suitable for Lincolnshire. It was believed that other areas had walked away from negotiations, and there was a feeling that a mayor was being forced on the area. There were also concerns that the amount of money which would come with the elected mayor would not go very far when there were 10 authorities, and it was suggested that it would not be divided equally between the county, and some areas such as the south of the county may not benefit at all. It was suggested that it was likely that this money would be spent on the South Bank of the Humber as that was where there was a large amount of growth.
- It was felt that not enough work had been done to ensure that this model was workable in rural areas. It was queried how this would work for the most rural areas of the county.
- If the County was going to have devolved powers, then the method to get these powers was through a mayoral combined authority.

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- Members were assured that this was about powers coming down from central government, not powers transferring from local government to the mayor.
- A report would go back to Council in September 2016, and if Council votes against having a Mayoral Combined Authority, the powers would not be devolved, and would stay with central government.
- Members were advised that this was the first part of many deals which could be done. In terms of funding, government tended to work on a per capita basis, and most other areas had populations of around 2 million, whereas the population for the Greater Lincolnshire area was just over 1 million.
- It was noted that Cambridgeshire had returned to negotiations for an East Anglia deal, and Gateshead were also considering re-entering discussions.
- Where and how the money would be spent would be decided by the Mayor and the Combined Authority and would be set out in a budget. Rural districts would be able to have their say in how the money would be spent.
- It was commented that it would be interesting to go out to consultation on this issue.
- It was suggested that there should be more than one scrutiny committee, and it was requested that paragraphs 6.2 and 12.1 were raised as areas of political weakness.
- There were concerns that the new authority would only be made up of members of two political parties – labour and conservative. There were concerns that there was no recognition of political balance for the scrutiny committee, and it was felt that this should reflect the political make-up of the whole county. It was commented that this approach worked for the Police and Crime Panel where positions were allocated based on the political make-up of the county.
- It was commented that paragraph 12.4 did not recognise the possibility of coalitions.
- There was a need for it to recognise political proportionality and political challenge from outside.
- It was confirmed that there an amendment to Section 107 of the Local Democracy, Economic Development and Construction Act 2009 which would include the need for political proportionality on the Overview and Scrutiny Committee along the lines of the Police and Crime Panel.
- Concerns were raised regarding the administrative costs of the mayor's office, and how these would be shared out. It was reported that the salary of the mayor would be set by an independent review panel, and there would be a call to keep costs to an absolute minimum. The first term would be three years, and then every four years, to keep it in line with the PCC elections.
- It was noted that the Mayor of Manchester included the role of the PCC.
- In relation to paragraph 12.7 it was felt very important that the overview and scrutiny committee was able to require the presence of certain people at the meeting, in a similar way to how the Health Scrutiny Committee for Lincolnshire could require officers to attend its meeting.
- Concerns were raised about how a mayor for the Greater Lincolnshire area would be able to connect with residents living in some of the more rural areas as it was felt that this could be difficult to achieve.

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- The ruling group did not always have to take the majority of chairman positions on scrutiny committees.
- It was felt that the travel to work areas were not representative as a lot of people living in Kings Lynn commuted to London.
- It was suggested that the two halves of Lincolnshire 'looked' in opposite directions, and the proposed new A16 would mean that Boston would become part of the south of England.
- There were concerns that there could be further significant financial implications for all authorities. It was acknowledged that to get to the point where a mayoral combined authority was set up would be a lot of work and there would be costs associated with the work of setting up the authority as well as holding the election for the mayor, and these costs were being worked on.
- Members were advised that with an elected mayor, powers would be devolved down from central government, but they could not be taken up to the combined authority, unless all authorities agreed. The powers which would be devolved were aligned to the themes within the deal document which was submitted.

RESOLVED

1. That the Committee support the recommendations to the Leader as set out in the report.
2. That the following additional comments be agreed and passed to the Leader of the Council in relation to this item:
 - Whether the model was viable in rural areas
 - Members were interested in the outcome of the public consultation
 - There were concerns that only having one scrutiny committee would not be viable
 - There was a need for recognition of political balance on scrutiny committees
 - The current scheme did not recognise the possibility of coalitions
 - The scrutiny committee should be able to require attendance rather than just invite
 - There were concerns around the administrative costs of the Mayor and the Combined Authority
 - Concerns over the distance between the mayor and electors
 - Concerns that powers could be taken up from the county council to the combined authority
 - What would happen if the outcome of the public consultation was not in favour of the elected mayor.

It was noted that Councillor P M Dilks abstained from voting on this matter and that Councillor Mrs M J Overton MBE voted against this matter.

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Consideration was given to a report which enabled the Committee to consider its own work programme and the work programmes from the scrutiny committees for 2016.

Overview and Scrutiny Management Committee

It was reported that the financial performance would slip into July, however, this would not affect the accounts, and they would still be signed off by the Audit Committee at its meeting in September 2016.

It was highlighted that there was an additional item for the meeting in June on the Commercial Offer for Schools. This was for pre-decision scrutiny prior to an Executive decision on 5 July 2016.

There had also been a request for a workshop on the impact of budget cuts, and there was a possibility that something could be sorted out for July, which would provide more detail on the cuts and where they would have an impact.

Adults Scrutiny Committee

There was one potential addition to the meeting on 29 June 2016: an item on the Block Purchasing of Residential Beds. This was prior to a decision by the Executive Councillor for Adult Care, Health and Children's Services.

In response to a query it was confirmed that this would be a contract decision.

It was also clarified that the Overview and Scrutiny Annual Report included clarification in relation to the 35% of care homes which were not rated as good or outstanding.

Children and Young People Scrutiny Committee

It was reported that there were no amendments to the work programme and the next meeting of the Committee was the following day, and the agenda was as set out on page 100 of the report.

Community and Public Safety Scrutiny Committee

It was reported that there were two changes to the published work programme which were an update to the meeting on 13 July 2016 to brief the Committee on the outcome of Exercise Barnes Wallis and an item on the Lincolnshire Resilience Forum had been added to the agenda for the meeting on 14 September 2016 to enable Ian Reed, Emergency Planning and Business Continuity Manager to brief the Committee on Exercise Grey Seal which was a major LRF exercise planned to take place in November 2016.

It was also highlighted that an item on Assuring Sustainability of the Lincolnshire Archive and Future of the Heritage Services was due to be considered at the meeting on 1 June 2016. This was an early engagement item before pre-decision scrutiny in the autumn.

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Members were also advised that an additional meeting had been scheduled for the 14 December 2016 where the Committee would hold a 'meet and greet' session with the new supplier of the Community Substance Misuse Treatment Services (Addaction) which would commence on 1 October 2016.

Economic Scrutiny Committee

It was reported that there were no amendments to the work programme and the next meeting was scheduled for 12 July 2016 and the agenda would be as set out on page 104 of the report.

It was highlighted that there may be one potential change to the agenda for the 13 September 2016 meeting, as the South Lincolnshire Food Enterprise Zone may need to be deferred to the October or December meeting due to timing issues with the report

One member commented that the big focus for the proposed devolved Greater Lincolnshire area was jobs and the economy, and at some stage there may be a need to consider this at a scrutiny committee other than Economic, such as Highways and Transport. It was also commented that North Lincolnshire and North east Lincolnshire were very different to Lincolnshire and there would be a need to plan ahead for cross border working at an early stage.

Environmental Scrutiny Committee

It was reported that there were no changes to the published work programme and the next meeting would take place on 10 June 2016.

Flood and Drainage Management Scrutiny Committee

It was reported that there were no changes to the published work programme and the next meeting would take place on 23 September 2016.

The Chairman reported that he was very grateful to Councillor C J T H Brewis who was assisting in the arrangement of a site visit to various locations in South Holland.

Health Scrutiny Committee for Lincolnshire

There were no changes to the work programme for 15 June 2016.

Members were advised that on 20 July, the item on Peterborough and Stamford Hospitals NHS Foundation Trust would comprise three parts, as the Committee had requested information on:

- Development proposals for Stamford and Rutland Hospital
- The Business Case for Joint Working between Peterborough and Stamford Hospitals NHS Foundation Trust and Hinchingsbrooke NHS Trust in Cambridgeshire (including a possible merger between the two trusts)
- The overall financial position of the Trust

In addition, on 20 July the Committee would receive an item from Lincolnshire Partnership NHS Foundation Trust on their formal response to the Care Quality Commission inspection report, which was published on 21 April and found that the Trust required improvement.

It was also reported that on 10 May 2016, the Care Quality Commission published its inspection report on the East Midlands Ambulance Service (EMAS) which found the Trust 'requires improvement'. As the EMAS region was covered by eleven health overview and scrutiny committees there would be a regional health scrutiny session on 6 July 2016, involving a representative of each of these eleven committees. The Chairman, Councillor Mrs Christine Talbot would be attending on behalf of the Health Scrutiny Committee for Lincolnshire. Following this meeting, each local committee could decide how to take the matter further. The Health Scrutiny Committee would be considering this on 20 July 2016.

Highways and Transport Scrutiny Committee

It was reported that there was one change to the published work programme which was that the Speed Limit Policy and Traffic Policy for Schools update scheduled for September would be considered after December as part of a more substantial update once the policy had been in place for a full year.

Value for Money Scrutiny Committee

Members' attention was drawn to the time of the next meeting of the Value for Money Scrutiny Committee, where it was proposed to commence at 10.30am. This was to allow the Committee to hold an informal workshop prior to the start of the formal meeting to enable members to discuss the performance of the business support contract. This session would commence at 9.30am.

RESOLVED

1. That the content of the Overview and Scrutiny Management Committee Work Programme as set out in Appendix A of the report be noted.
2. That the work programmes from the Overview and Scrutiny Management Committee set out at Appendix B of the report be noted.
3. That the Working Group activity set out at Appendix C of the report be noted.
4. That the work programmes, in light of the Executive Forward Plan, as set out in Appendix D of the report, be noted.

The meeting closed at 12.30 pm