

**OVERVIEW AND SCRUTINY
 MANAGEMENT COMMITTEE
 29 SEPTEMBER 2016**

PRESENT: COUNCILLOR P J O'CONNOR (CHAIRMAN)

Councillors Mrs A M Newton (Vice-Chairman), C J T H Brewis, A Bridges, Mrs J Brockway, M Brookes, P M Dilks, R L Foulkes, A G Hagues, C E D Mair, Mrs M J Overton MBE, R B Parker, Mrs C A Talbot and R Wootten.

Added Members

Church Representatives: Mr S C Rudman.

Parent Governor Representatives: Dr E van der Zee.

Councillor M J Hill OBE (Leader of the Council) was also in attendance.

Officers in attendance:-

David Coleman (Chief Legal Officer), Simon Evans (Health Scrutiny Officer), David Forbes (County Finance Officer), Tracy Johnson (Senior Scrutiny Officer), Tony McArdle (Chief Executive), 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, Environment and Economy) and Catherine Wilman (Democratic Services Officer).

34 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS

Apologies were received from Councillors A J Jesson, C E H Marfleet, C L Strange and Added Members Mrs P J Barnett (Parent Governor Representative) and Mr P Thompson (Church Representative).

35 DECLARATION OF MEMBERS' INTERESTS

No interests were declared.

36 MINUTES OF THE MEETING HELD ON 28 JULY 2016

RESOLVED

That the minutes of the meeting on 28 July 2016 be approved and signed by the Chairman as a correct record.

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37 CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that there would be a series of budget workshops for each scrutiny committee which would be held after the scrutiny committees in November and December. These private workshops would be open to all Councillors.

The Chairman had attended the last meeting of the Executive on 6 September. The Executive had considered a number of reports which had been through pre-decision scrutiny including Fire and Rescue Integrated Risk Management Planning, Review of Financial Performance, Adoption of the Lincolnshire Permit Scheme and Unaccompanied Asylum Seeking Children.

Nigel West, Head of Democratic Services and Statutory Scrutiny Officer, updated the Committee on the suggested scrutiny arrangements for the Joint Committee of Leaders and it was noted that the constituent authorities who had responded to the suggestion were of the view that there was no requirement for such arrangements at the current time.

38 CONSIDERATION OF CALL-INS

No Call-Ins had been received.

39 PROPOSAL FOR SCRUTINY REVIEWS

No proposals for Scrutiny Reviews had been received.

40 CONSIDERATION OF COUNCILLOR CALLS FOR ACTION

No Councillor Calls for Action had been received.

41 DEVOLUTION - APPROVAL TO CREATION OF A GREATER LINCOLNSHIRE COMBINED AUTHORITY

Consideration was given to a report which was due to be considered by the Leader of the Council on the Devolution - Approval to Creation of a Greater Lincolnshire Combined Authority. The views of this Scrutiny Committee would be reported to the Leader of the Council as part of his consideration of this item.

Points of Clarification

The following points of clarification were made during the meeting: -

- The Government had made it clear that the Greater Lincolnshire Devolution Deal could only proceed with an elected mayor. If Lincolnshire wanted to have substantial devolution and favoured status, then it had to have an elected mayor. If there was no mayor, then there was the possibility of some devolution but not to the extent proposed in the Deal.
- The Government wanted an elected mayor for the Combined Authority so that there was a single point of accountability.

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- All ten constituent councils had to agree to the devolution scheme for Lincolnshire for it to proceed.
- If there was no unanimous agreement, then there may be the option for re-consultation on a new scheme for those councils who wished to proceed. If any of the upper tier councils, namely North Lincolnshire Council, North East Lincolnshire Council or Lincolnshire County Council, were not in favour of a revised scheme then it was highly likely that it would not go ahead. However, if one or two of the district councils were not in favour of a revised scheme, then there could be the option to continue after re-consultation by those councils who wished to proceed.
- If any of the councils rejected the scheme, then there was a risk that there might be a reduction in the £15million offered in a new deal.
- Any district council which rejected the current scheme could potentially join a new devolution scheme in future.
- If there was a re-consultation on a new devolution scheme, this would not take place until June 2017 which would mean that the mayoral election would not take place until May 2018.
- The Combined Authority would be entitled to levy for costs and expenses against each of the councils. The Mayor would be entitled to issue a precept to cover expenses.
- The estimated cost of running the Combined Authority was £2.2million for 2017/18, some of which could come out of the £15million which Greater Lincolnshire would receive if devolution proceeded. This cost included the mayoral election. If the devolution deal was accepted, then the first £15million could be received before 31 March 2017 and the second £15million in the new financial year.
- A second devolution bid had been submitted for Greater Lincolnshire but would not proceed in the absence of a Combined Authority.
- There was no option for including a break clause as part of the scheme.
- Cornwall was the only area to proceed with devolution without an elected mayor. However, Cornwall's devolution deal was less than other areas in the country, and it was now looking at the possibility of having an elected mayor in order to secure a more substantial devolution deal.
- Home to school transport in Lincolnshire would remain the responsibility of Lincolnshire County Council.

Comments of Individual Members of the Committee

Individual members of the Committee also made the following comments, which the Committee agreed would be passed to the Leader of the Council: -

- The views of the people of Lincolnshire should be listened to. There was public support for devolution but not for an elected mayor. In response to the consultation, 46.7% of Greater Lincolnshire was in favour of a Mayoral Combined Authority, but 48.6% were against it. However, in Lincolnshire only 42% agreed with the Mayoral Combined Authority whereas 53% were against it.

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- As turnout for the consultation was less than 1% of the Greater Lincolnshire population, the Government may not take enough notice of the consultation results.
- The £15million per year coming to Greater Lincolnshire was miniscule for the size of the area and would not enable a huge amount of economic growth. However, there could potentially be a substantial amount of money for Greater Lincolnshire through future devolution deals.
- If an enhanced devolution offer was made by the Government, then there would be a need to decide whether to go with the consultation results or with the enhanced offer.
- When the elected mayor was adopting a strategy or making a funding decision, they would only need three other councils to agree with them to push the decisions through.
- The Overview and Scrutiny Management Committee should have oversight of the Council's involvement in the Combined Authority.
- If one or two district councils dropped out, their areas would still potentially receive the benefits of devolution without being in the Combined Authority.
- Membership of the Overview and Scrutiny Committee for the Combined Authority would be a substantial commitment and workload, but there appeared to be no extra allowance payable by the Combined Authority.
- There was a risk that the money received by the Greater Lincolnshire Local Enterprise Partnership (GL LEP) for economic growth could be reduced which would result in little or no financial gain for the Greater Lincolnshire area.
- It was difficult to make a decision on whether to accept the devolution scheme without all the details, such as the outcome from the second devolution bid and how the devolution deal might proceed if some councils rejected the scheme. Urgent clarification was required from the Government on how the devolution deal might work if all the councils did not agree to the devolution scheme.

RESOLVED

That this Committee was:

- a) In favour of devolution;
- b) but on the basis of what was being offered in the deal as of the date of the meeting, the Committee was not in favour of a directly elected mayor, because the result of the consultation showed that more people disagreed with the proposition for a mayor.

42 REVENUE AND CAPITAL BUDGET MONITORING REPORT 2016/17

A report invited the Committee to consider the Revenue and Capital Budget Monitoring Report 2016/17 which was due to be considered by the Executive on 4 October 2016. The views of this Scrutiny Committee would be reported to the Executive as part of its consideration of this item.

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The Committee supported the recommendations contained in the report and agreed that the following comments be passed to the Executive: -

- A Councillor highlighted the reported slippage in the capital programme and queried if there was a role for more effective oversight by members, and whether this would be beneficial to the organisation. Officers confirmed that the Council would undertake to review the phasing of spending in the Capital Programme in the autumn to realign capital budgets with current spending plans.
- The Committee highlighted the £1.039m underspend under Wellbeing due to reduced costs following the recommissioning of Wellbeing Services. The Committee supported more effective commissioning of contracts but highlighted the need to ensure that a comparable quality of service was being provided on the ground. Officers confirmed that the savings had been achieved through re-specifying contracts during the retendering process, and that levels of services had been maintained.
- The Committee highlighted a potential pressure due to the large volume of Safeguarding reviews currently in progress, as reported at the Lincolnshire Safeguarding Boards Scrutiny Sub-Group on 28 September 2016, and queried whether additional resources could be accessed to ensure this work progresses in a timely manner. Officers confirmed that a contingency budget was in place for service areas to bid for additional funds to cover short term demand.
- The Committee queried the capital programme underspend on the Broadband Project and highlighted concern that there was a risk that broadband would not be delivered to an adequate level. The Committee also suggested that improved '4G' connectivity should be considered as part of this project in the future.
- The Committee highlighted the forecasted overspend of £0.568m under Protecting and Sustaining the Environment and whether budgets had been set appropriately. Officers confirmed that this was a result of a budget pressure on Waste Disposal due to increased costs in this service area.
- The Committee acknowledged the reported problems with the Agresso system and welcomed the return of monthly budget monitoring as a way to ensure that both revenue and capital funds were well managed and allocated appropriately.

RESOLVED

- (1) That the Committee supports the recommendation to the Executive as set out in the report;
- (2) That the above comments be passed onto the Executive for its consideration.

43 COUNCIL BUSINESS PLAN 2016 - 2017 PERFORMANCE REPORT,
 QUARTER ONE

The Committee considered a report which presented Quarter 1 performance information against the Council Business Plan.

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The commissioning strategies which had performed well and those which had seen mixed performance were highlighted in the report and brought to the Committee's attention.

In the absence of the Council's Performance and Equalities Manager, answers to questions raised on the following topics would be clarified outside of the meeting:

- Child safeguarding;
- Primary fires;
- Adult frailty in relation to delayed hospital discharge;
- The removal from the Plan of Crimestopper reports received from the public.

The Committee felt that transposing care performance into numbers was dangerous. Mental health was already underachieving and the failure to hit targets was a matter of life or death in some cases.

RESOLVED

That the report and comments made be noted.

44 UPDATE ON REVIEW OF SCRUTINY WORKING GROUP

The Committee received a verbal update on the Review of Scrutiny Working Group from Nigel West, Head of Democratic Services and Statutory Scrutiny Officer.

The scrutiny structure had been the main topic at recent meetings and the working group would be considering options based on the 5+1 model recommended by Dr Stuart Young in a recent report to Council. Other issues for the working group to consider were those of safeguarding and corporate parenting and where they sit within the structure. The next meeting of the working group was scheduled for the afternoon of 29 September.

The proposed next step for the Working Group was to take a report to the December meeting of Full Council for its agreement in time to take effect in time for the new Council in 2017.

RESOLVED

That the verbal update be noted.

45 OVERVIEW AND SCRUTINY WORK PROGRAMME

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.

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Overview and Scrutiny Management Committee

Following a discussion on broadband provision in various parts of the county, it was agreed that the issue of broadband, focussing on BT be brought to a future committee.

It was suggested a further report on devolution be brought to a future meeting of the Committee.

Adults Scrutiny Committee

There were no changes to the published work programme.

Children and Young People Scrutiny Committee

There was one amendment to the work programme which was the report on the Government's white paper "Educational Excellence Everywhere" had been deferred from the meeting on 21 October 2016 due to a lack of movement nationally on it. In place of this, the Committee would be receiving a report on the new Government consultation "Schools that work for Everyone" to provide input into the Council's response to the consultation which closed on 12 December 2016.

Community and Public Safety Scrutiny Committee

There were no changes to the published work programme.

The next meeting on 2 November 2016 would be a site visit to Sleaford Library and Heckington Community Hub and would include a session with Greenwich Leisure Limited.

The Committee had also highlighted some possible changes to the way the performance information was collated. This was something which the Committee would be looking at over the coming weeks to see how the infographics could better indicate which service area and officers were responsible for each measure.

To be included on the work programme for 2017 was a visit to the Office of the Police and Crime Commissioner, a visit to Fire and Rescue Training Facility at Waddington and an update on HMP Lincoln.

Economic Scrutiny Committee

There were no changes to the published work programme.

The next meeting would be on 18 October 2016 and would be held off site at the National Centre for Food Manufacturing in Holbeach to allow the Committee to have a tour of the facility after the meeting.

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In addition, before the meeting, there would be a site visit to Peppermint Junction which would then be discussed as part of the South Lincolnshire Food Enterprise Zone report.

Environmental Scrutiny Committee

The Household Waste Recycling Centres Update scheduled for the meeting on the 14 October 2016 would be moved to the 2 December meeting to allow a more comprehensive update from Sean Kent, Group Manager – Environmental Services, to the Committee.

It had also been suggested that the 'Implementation of the Public Rights of Way sections of the Deregulation Act 2015' would be better being considered by the Highways and Transport Scrutiny Committee.

Flood and Drainage Management Scrutiny Committee

An additional item from Severn Trent Water had been added to the Flood and Drainage Management Scrutiny Committee on 9 December 2016. Severn Trent had now arranged to send a representative to Flood and Drainage Management Scrutiny Committee which was the reason the update had been requested, to allow the Committee to better understand the work undertaken by Severn Trent in Lincolnshire.

Health Scrutiny Committee for Lincolnshire

There were two additional items to add to the list of items for 23 November: -

(1) Temporary Overnight Closure of A&E at Grantham and District Hospital

On 10 August 2016, United Lincolnshire Hospitals NHS Trust had announced that the A&E Department at Grantham and District Hospital would be closing overnight on a temporary basis. This issue had been explored by the Health Scrutiny Committee on 21 September. The Committee was not reassured that the overnight closure would be temporary, and the Trust was asked to return on 23 November to report on progress with the recruitment of staff.

(2) Four GP Practices in Lincolnshire West CCG Area

As recorded on pages 13-14 of the minutes, new management arrangements had been introduced on 1 August 2016 at four GP practices in Lincolnshire, which operated under APMS [Alternative Provider of Medical Services] contracts. The Health Scrutiny Committee had been advised on 21 September 2016 that Lincolnshire West CCG was undertaking a procurement exercise, with interested providers required to return bids to run any or all the surgeries by 14 October 2016. Where bids were received, there would be a decision made on whether to award a contract. However, if no bids were received, Lincolnshire West CCG had stated that it would need to look at dispersing the patient lists of these surgeries to alternative GP surgeries, as the interim management arrangements could not continue on a permanent basis.

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There were five GP surgeries in Lincolnshire which for historical reasons operated under APMS contracts, which were in effect fixed term contracts. APMS contracts were unlike the contracts which applied to most GP surgeries in Lincolnshire. Most GPs had 'in-perpetuity' contracts.

Other Items

Bracebridge Heath and South Park Surgeries

It had been announced on 28 September 2016 that NHS England and NHS Lincolnshire West Clinical Commissioning Group had agreed to allow the Heath Surgery (Bracebridge Heath) to consult on a proposal to close its branch surgery at South Park in Lincoln. The branch surgery in South Park was currently open Monday to Friday each week. Patients had been asked to respond to the proposal by 28 October.

East Midlands Ambulance Service (EMAS) and Lincolnshire Police

There had been recent reports in the media that members of Lincolnshire Police had been involved in transporting patients to hospital. EMAS issued a statement on 26 September 2016, which stated that it was seeking further details from the Police so that it could undertake a full review.

Working Groups

The Committee had established a working group to draft response to the full business case for the merger of Peterborough and Stamford Hospitals NHS Foundation Trust and Hinchingsbrooke Health Care NHS Trust. The date of the meeting at this point, was still to be advised.

Highways and Transport Scrutiny Committee

Further to the above, the Chairman confirmed that the item on the 'Implementation of the Public Rights of Way sections of the Deregulation Act 2015' would be added to the work programme.

Value for Money Scrutiny Committee

There was one change to the published work programme. In addition to the performance of the Corporate Support Services Contract, the Committee would also receive an update on the KPI review at the next meeting on 22 November 2016.

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.

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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 1.40 pm.