

**OVERVIEW AND SCRUTINY MANAGEMENT
 BOARD
 24 NOVEMBER 2022**

PRESENT: COUNCILLOR

Councillors T J N Smith (Vice-Chairman, in the Chair), Mrs J Brockway, M Brookes, I D Carrington, P M Dilks, R J Kendrick, C S Macey, C E H Marfleet and N H Pepper

Councillors: R D Butroid, M J Hill OBE attended the meeting as observers

M A Whittington attended the meeting as an observer via Microsoft Teams

Officers in attendance:-

Debbie Barnes OBE (Chief Executive), Andrew Crookham (Executive Director Resources), Simon Evans (Health Scrutiny Officer), Brendan Gallagher (Principal Planning Officer – Infrastructure), Michelle Grady (Assistant Director – Finance), Andy Gutherson (Executive Director Place), Caroline Jackson (Head of Corporate Performance), Tracy Johnson (Senior Scrutiny Officer), Daniel Larkin (Policy Officer), Sue Maycock (Strategic Finance Lead (Technical)), Andrew McLean (Assistant Director - Transformation), Emily McMonagle (Policy Officer), Vanessa Strange (Head of Infrastructure Investment), Karen Tonge (Treasury Manager), Nigel West (Head of Democratic Services and Statutory Scrutiny Officer), Emily Wilcox (Democratic Services Officer), Matthew Garrard (Head of Policy) and Adam Hopley (Head of Finance - Corporate)

Officers in attendance via Microsoft Teams:

Keith Noyland (Head of Finance - Communities), Mark Popplewell (Head of Finance (Children's Services)), Natasha Langford (Corporate Project Support Officer, Resources) and Pam Clipson (Head of Finance, Adult Care and Community Wellbeing),

62 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS

Apologies for absence were received by Councillors R B Parker and E W Strenziel.

63 DECLARATIONS OF INTEREST

There were no declarations for interest.

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64 MINUTES OF THE MEETING HELD ON 27 OCTOBER 2022

RESOLVED:

That minutes of the meeting held on 27 October 2022 be approved as a correct record and signed by the Vice Chairman.

65 ANNOUNCEMENTS BY THE CHAIRMAN, EXECUTIVE COUNCILLORS AND CHIEF OFFICERS

The Vice Chairman announced that Democratic Services had held an election for a new Parent Governor Representative to replace Miss Alex Sayer on the Board and the Children and Young People Scrutiny Committee. Unfortunately, no nominations had been received and Democratic Services would look to hold a further election in the new year.

The Chief Executive advised that a carers celebration event would be taking place on the day of the meeting and encouraged Members to attend to celebrate carers.

66 CONSIDERATION OF CALL-INS

None had been received.

67 CONSIDERATION OF COUNCILLOR CALLS FOR ACTION

None had been received.

68 CORPORATE PLAN SUCCESS FRAMEWORK 2022/23 - QUARTER 2

Consideration was given to a report by the Head of Corporate Performance, which invited the Board to consider the Corporate Plan Success Framework 2022/23 – Quarter 2, which was due to be reported to the Executive on 6 December 2022.

The report provided an overview of performance against the Corporate Plan as at 30 September 2022. Details were provided on the 22 key performance indicators (KPI)'s reported, 4 had exceeded the ambition, 12 had achieved the ambition and 6 did not achieve the ambition. Based on key activities and KPI's, all four of the council's ambitions were progressing as planned.

It was reported that following a review of safeguarding performance indicators, in agreement with the Executive Councillor for Adult Care and Public Health, two new adult safeguarding indicators had been agreed: safeguarding cases supported by an advocate and concluded adult safeguarding enquiries where the target is achieved.

The Board supported the recommendation to the Executive and during consideration of the report, the following points were noted:

Waste and Recycling (*Section 4.2 of the report: PI 39: Percentage of Household waste to landfill*)

- The majority of waste in Lincolnshire goes through the Energy for Waste plant. If the amount of waste going to landfill started to increase, then this would imply that more waste was being created and could not be disposed of through the Energy for Waste plant or for other reasons. It was highlighted that as the Energy for Waste plant largely worked at capacity, there was a risk of having a greater landfill figure if there was a greater presentation of waste.
- (*Section 4.4 of the report: PI 37: Recycling Rate (new national formula) and PI 38: Recycling at County Council owned Household Waste Recycling Centres (HWRC)*)
- As part of the Board's exploration of these indicators, it was confirmed that in relation to the new national formula, different categories of waste were categorised differently by the Government at different times, and these subtle changes affect the overall recycling rate figures. As an example, wood was now classed as recoverable materials rather than recycled materials so instead of being automatically recycled, any opportunity to reuse the wood would be considered first.
- An educational campaign was ongoing across Lincolnshire between the County Council and district councils to improve residents understanding of what can go into the different bins. The underlying trends of recycling rates indicate that this was having a positive impact. It was confirmed that a breakdown of the waste and recycling data by district was considered by the Lincolnshire Waste Partnership, and each of the partners could influence and address this agenda and try to work collaboratively and consistently across the county. The Chairman of the Environment and Economy Scrutiny Committee highlighted that more detailed waste and recycling information had been requested at the Committee's last meeting in October 2022 to look at the variations by district and to see if there were any changes in behaviour that could be positively influenced to drive the recycling rate up.
- The Board also explored the reasons for lower presentation of waste at Household Waste Recycling Centres and whether a contributory factor could be the cost-of-living crisis which was causing people to buy less, and as a result less waste was being generated.

Education (*Section 4.4 of the report – PI 1: Percentage of schools that are judged good or outstanding and PI 2: Percentage of pupils in outstanding or good schools*)

- There was a combination of reasons for schools not being judged good or outstanding, which included the quality of teaching and learning, safeguarding issues and the quality assurance process for children educated off site at an alternative

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provision setting. It was confirmed that there were some issues in terms of the quality of teaching and learning which had been highlighted in some of the Ofsted Inspection reports and the Council was following up on these with the Regional Schools Commissioner.

Early Years (*Section 4.3 of the report: PI 67: Percentage of eligible 2-year-olds who are in receipt of their Early Years Entitlement*)

- The Board reflected on the 80% target and questioned whether the Council should be aiming for 100% to ensure all young children were engaged in an Early Years setting.

RESVOLVED:

1. That the recommendation to the Executive be supported;
2. That a summary of the comments made be passed on to the Executive as part of its consideration of this item.

69 DRAFT INFRASTRUCTURE FUNDING STATEMENT

Consideration was given to a report by the Principal Planning Officer, which invited the Board to consider a report on the Draft Infrastructure Funding Statement, which is being presented to the Leader of the Council (Executive Councillor: Resources, Communications and Commissioning) between 05 and 09 December 2022.

The report sought approval for the publication of the Lincolnshire County Council's Infrastructure Funding Statement for the financial year 2021/22 which the Council was legally required to publish, as set out at Appendix A to the Executive Councillor report.

The Board supported the recommendation to the Leader of the Council and during consideration of the report, the following points were noted:

- The Levelling Up and Regeneration Bill proposed to introduce a new mandatory Infrastructure Levy based on the value of the development on completion. There was currently a lot of uncertainty as to when this would come into effect. There was a possibility that the new Infrastructure Levy would see an increase in the amount of developer contributions available for Lincolnshire as there was currently four district councils which did not have a Community Infrastructure Levy in place.
- The scrutiny review on Developer Contributions had led to an improvement in the engagement of councillors in the planning application process. Councillors were now provided with an opportunity to make comments on the local needs of their communities, such as the need for footpaths and cycleways, and what improvements were required. These comments would then be put forward to the district councils as the local planning authorities and published on the Council's website. In addition, ward talks were being undertaken with councillors to better understand the needs in their communities. There was still the challenge as to whether the comments were then taken through the planning stage by the district councils. It was acknowledged

that there had been a noticeable improvement in the way the Council interacted with district councils which was now more on a proactive rather than a reactive basis.

- While it was recognised that parish councils were notified of planning consultations and needed to respond in a timely manner, it was recommended that there needed to be earlier engagement with parish councils, when possible, to help identify local needs and find solutions.
- The grounds for objecting to a development were very constrained and any impact had to be demonstrable to stand up against appeals.
- There was a mechanism to claw back money against large scale projects which were having an impact on infrastructure, such as on roads due to the volume of HGVs travelling to the sites, if the impact could be proved to be linked to that project. The Board requested a briefing paper on how this mechanism worked.

RESOLVED:

1. That the recommendation to the Leader of the Council be supported;
2. That a summary of the comments made be passed on to the Leader of the Council as part of his consideration of the report.

70 TREASURY MANAGEMENT PERFORMANCE 2022/23 - QUARTER 2 TO 30 SEPTEMBER 2022

Consideration was given to a report by the Treasury Manager, which invited the Board to consider the treasury management activities and performance for Quarter 2 of 2022/23 to 30 September 2022, providing information about the interest rate forecast; investments and borrowing.

Since publication of the report, inflation had reached a high of 11.1% in October and the Monetary Policy Committee had increased the base rate subtly to 3% in an attempt to control inflation. It was forecasted that The Bank of England would implement further increases in the base rate in order to bring inflation down to target level. Borrowing rates had also fallen to 3.69%.

Following a question raised, the Treasury Manager outlined the process used to achieve the liability benchmark and explained that debt liability represented the liquidity level required to borrow to maintain cash liquidity and sought to identify the level of cash needed without borrowing.

RESOLVED:

That assurance be provided about the Treasury Management activities and performance for Quarter 2.

71 REVENUE BUDGET MONITORING REPORT 2022/23 - QUARTER 2

Consideration was given to a report by the Assistant Director – Finance, which invited the Board to consider the Revenue Budget Monitoring Report 2022/23 – Quarter 2, which was due to be considered by the Executive on 6 December 2022.

The report outlined the revenue spending compared with budgets for the financial year which started on 01 April 2022, in particular highlighting an expected underspend this year of £1.614m (excluding schools) at 30 September 2022, which is 0.31% of the net revenue budget and a forecast that general reserves at the end of the year will remain within the target range of 2.5% to 3.5%.

Officers were working through the budget to understand the pressures in the two areas with the most significant cost pressures which were the Place Directorate due to an increase in energy costs through street lighting; and home to school transport.

The Board supported the recommendation to the Executive and during consideration of the report, the following points were noted:

Autumn Statement

- The Government's Autumn Statement included a number of announcements which would affect local government, but it was confirmed that the precise implications for the Council were still unclear. There was significant additional funding announced for social care pressures and the Council would need to analyse the implications for the budget. The fair cost of care reforms had been delayed but there was an expectation that some elements would still need to be implemented beforehand. The council tax referendum limit had been increased from 3% to 5%, which consisted of 3% for the general rate and 2% for the adult care precept. It was confirmed that each percent of council tax would bring in about £3.5m for the Council depending on the council tax base. However, it was highlighted that this would be offset by increased costs as a result of the increase in the National Living Wage to £10.41 per hour which would affect a number of the Council's contracts, such as in the adult care and school transport sectors. It was expected that the Council's financial settlement would be received around 21 December 2022, and this would be reported to the Executive on 4 January 2023.
- In relation to the impact of a recession, it was recognised that this could affect people's ability to pay their council tax bills, but it was highlighted that there was the council tax support system which the district councils operate in their areas.

Highways

- The forecast overspend of £1.570m on Highways could potentially be reduced if there was a lower than expected demand on the winter maintenance budget,

such as from a reduced number of grit runs being required. It was confirmed that 85 grit runs had been budgeted for within the winter maintenance budget.

Lincolnshire Fire and Rescue

- In relation to Lincolnshire Fire and Rescue's use of earmarked reserves to mitigate the cost pressure for the wholetime Fire Fighter recruitment, it was confirmed that its reserves would last around three to four years based on that specific cost pressure. The funding and cost pressures for the Fire and Rescue Service were being reviewed as part of the budget setting process.

Children's Services

- The overspend on legal costs for Children's Services was predominantly due to recruitment issues. It was confirmed that there was a significant challenge to attract and retain children's lawyers, so locum support was heavily relied on. However, one of the reasons for the increase in cost was due to locum children's lawyers also now becoming hard to recruit and retain, and therefore were commanding quite a sizeable cost in the competitive recruitment market. It was also confirmed that another contributory factor to the overspend was the increase in the number of children in care and that these cases need to be legally represented in court which was creating an additional demand. Furthermore, the increase in unaccompanied asylum-seeking children was creating additional challenges around age assessments and the need for legal representation in court.
- The Board reflected on whether there was an opportunity for joint working across the East Midlands region to address this recruitment challenge, but it was highlighted that the same issues around recruitment and increased demand were being experienced by other councils across the region which was creating a very competitive market.

RESOLVED:

1. That the recommendation to the Executive be supported;
2. That a summary of the comments made be passed on to the Executive as part of its consideration of this item.

72 CAPITAL BUDGET MONITORING REPORT 2022/23 - QUARTER 2 TO 30 SEPTEMBER 2022

Consideration was given to a report by the Assistant Director – Finance, which invited the Board to consider the Capital Budget Monitoring Report 2022/23 – Quarter 2, which was due to be considered by the Executive on 6 December 2022.

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The report outlined the Capital Budget Monitoring Report 2022/23 - Quarter 2 to 30 September 2022, comparing projected expenditure for the year with the approved Capital Programme and highlighted any forecast over or under-spending.

The Board supported the recommendation to the Executive and during consideration of the report, the following points were noted:

- In relation to Appendix D - Education Transport Links to School (Route Sustainability) Project, concerns were raised as to whether the health and safety aspect of children cycling to school on busy roads was considered in the cost versus benefit analysis of these sustainable travel schemes. Further information was requested on the funding being put into cycling to encourage its use and how much analysis was undertaken for these sustainable travel schemes on the health and safety aspects, particularly for cycling.

RESOLVED:

1. That the recommendation to the Executive be supported;
2. That a summary of the comments made be passed on to the Executive as part of its consideration of this item.

73 THE BOUNDARY COMMISSION FOR ENGLAND: 2023 REVIEW OF PARLIAMENTARY CONSTITUENCY BOUNDARIES

Consideration was given to a report by the Head of Policy, which invited the Board to consider a report on The Boundary Commission for England: 2023 Review of Parliamentary Constituency Boundaries which was due to be reported to the Leader of the Council between 28 November 2022 and 2 December 2022.

The proposals of the Boundary Commission for the Stamford and Rutland parliamentary constituency were considered complex and would present additional challenges for the Member of Parliament (MP) through the additional relationships that would have to be built across a greater number of bodies than for any other Lincolnshire MP. It was felt that this undermined the continuance of sustainable governance within the parliamentary constituency boundaries and therefore the report proposed that the Leader of the Council considered the proposals of the Boundary Commission with particular focus on the plans for Stamford and Rutland and make a decision as to whether Lincolnshire County Council should write to the Boundary Commission calling on it to return to the previous proposals for Stamford and Rutland.

The Board supported the recommendation to the Leader of the Council and during consideration of the report, the following points were noted:

- The Board recommended that the Boundary Commission's latest proposal for a parliamentary constituency to cover Stamford, Rutland and Harborough should not

be supported, and should be reverted back to the initial proposal for a parliamentary constituency to cover Stamford and Rutland.

- The proposal to have one MP covering three county council areas was a concern and was considered too much for an MP to be effective in supporting their constituents.
- Support was provided to the remaining proposals for Lincolnshire's parliamentary constituencies, in particular the revised proposals for the Boston and Skegness parliamentary constituency. Concerns were raised that the revised Boston and Skegness proposals would need to be altered if the proposals for Stamford and Rutland were amended to ensure a balanced representation of electors and it was therefore requested that options were explored to minimise this impact as much as possible.

RESOLVED:

1. That the recommendation to the Leader of the Council be supported;
2. That a summary of the comments made be passed on to the Leader of the Council as part of his consideration of the report.

74 SCRUTINY COMMITTEE WORK PROGRAMMES

Consideration was given to a report by the Chairman of the Adults and Community Wellbeing Scrutiny Committee, which set out the recent work of the Committee including reports on Greater Lincolnshire Public Health Arrangement and Market Sustainability, Fair Cost of Care. The Committee's work programme was set out on page 182 of the agenda pack. The Board noted that the Active Recovery Beds for the Winter 2022/23 was now an open report and the update on De Wint Court would now be considered on 11 January 2023.

Consideration was then given to a report by the Chairman of the Health Scrutiny Committee for Lincolnshire, which set out the recent work of the Committee and its planned work programme. The Committee had considered reports on GP Access, the proposed Closure of Ashley House in Grantham and the East Midlands Ambulance Service. There had been no planned changes to the work programme as set out on pages 188-190 of the agenda pack.

RESOLVED:

1. That satisfaction be given to the activity undertaken since 26 May 2022 by:
 - (a) the Adults and Community Wellbeing Scrutiny Committee and;
 - (b) the Health Scrutiny Committee for Lincolnshire
2. The satisfaction be given to the work programme of:
 - (a) the Adults and Community Wellbeing Scrutiny Committee and;
 - (b) the Health Scrutiny Committee for Lincolnshire

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75 OVERVIEW AND SCRUTINY MANAGEMENT BOARD WORK PROGRAMME

The Board noted the report.

The meeting closed at 12.11 pm