



## OVERVIEW AND SCRUTINY MANAGEMENT BOARD 28 SEPTEMBER 2017

### **PRESENT: COUNCILLOR R B PARKER (CHAIRMAN)**

Councillors Mrs J Brockway, M Brookes, C S Macey, C E H Marfleet, N H Pepper, E W Strengiel, B M Dobson and R Wootten

### **Added Members**

Church Representatives: Mr S C Rudman

Parent Governor Representatives: Mrs P J Barnett

Councillor: M A Whittington (Executive Support Councillor for Resources and Communications) attended the meeting as an observer.

Officers in attendance:-

Simon Evans (Health Scrutiny Officer), Michelle Grady (Head of Finance (Communities)), Steve Houchin (Head of Finance (Adult Care)), Tracy Johnson (Senior Scrutiny Officer), Claire Machej (Head of Finance (Corporate)), Mark Popplewell (Head of Finance (Children's Services)), Jasmine Sodhi (Performance and Equalities Manager), Daniel Steel (Scrutiny Officer), Tony Warnock (Operations and Financial Advice Manager), Nigel West (Head of Democratic Services and Statutory Scrutiny Officer), Richard Wills (Executive Director, Environment and Economy) and Catherine Wilman (Democratic Services Officer)

### 25 APOLOGIES FOR ABSENCE/REPLACEMENT MEMBERS

Apologies were received from Councillors A Bridges, L A Cawrey, R L Foulkes and Mrs A M Newton.

The Chief Executive reported that, under Local Government (Committee and Political Groups) Regulations 1990, Councillors B Dobson and R Wootten had been appointed to the Overview and Scrutiny Management Board to replace Councillors A Bridges and R Foulkes respectively for this meeting only.

### 26 DECLARATIONS OF MEMBERS' INTERESTS

No interests were declared.

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RESOLVED

That the minutes of the meeting held on 27 July 2017 be agreed as a correct record and signed by the Chairman.

28 ANNOUNCEMENTS BY THE CHAIRMAN, EXECUTIVE COUNCILLOR  
FOR RESOURCES AND COMMUNICATIONS AND CHIEF OPERATING  
OFFICER

The Chairman reported that he had attended the meeting of the Executive on 5 September 2017 where he had raised concerns with the Leader regarding the Quarter 1 Performance report not coming to the Board before the Executive meeting. It was noted that the Quarter 1 performance report would be considered by Executive before the Board again next year due to when the information would be available in the meeting cycle.

A solution to this would be to cancel the Overview and Scrutiny Board meeting on 26 July 2018 and move it to Thursday 30 August 2018. The information would be available for an August 2018 Board meeting and could therefore be considered before the Executive would meet on 4 September 2018.

29 CONSIDERATION OF CALL-INS

No call-ins had been received.

30 CONSIDERATION OF COUNCILLOR CALLS FOR ACTION

There had been no Councillor Calls for Action.

31 REVENUE AND CAPITAL BUDGET MONITORING REPORT 2017/18

The Board was presented with a report which would be considered by the Executive at its meeting on 3 October 2017. Any comments made by the Board would be noted and passed to the Executive as part of its consideration of the item.

During discussion of the item, the following comments were made:

- Children are Safe and Healthy – in relation to the in-house transfer of the 0-19 health services from 1 October 2017, it was queried if the one-off transition costs were being managed. It was confirmed that a proportion of the 1% carry forward was being used to cover the costs for staff transfers and IT. Capacity had been built in to manage any unexpected costs. It was highlighted that it was a gradual process and there would be more definitive costs next time round.
- Adult Safeguarding – in relation to Deprivation of Liberty Safeguards (DoLs), it was queried what the impact had been on the Council. It was highlighted that

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since the Cheshire West ruling, the number of assessments had increased from around 40 per year to around 40 per week. In conjunction with Lincolnshire Community Health Services, additional investment had been provided for more assessors and back office staff to deal with the reviews. Funding had been allocated to the Council to help cover the costs for clearing the backlog, but funding was still required to deal with the assessments. It was noted that legislation would be needed to clarify the position and reduce the impact of the ruling, but there was nothing included in the current legislation programme.

- Adult Frailty and Long Term Conditions – in relation to budget pressures, it was questioned whether it would be more significant in a difficult winter. It was noted that winter brought specific pressures such as increased attendance at A and E particularly with elderly people, but there were pressures all year round. There were also pressures in summer due to high temperatures as well as in winter from cold weather and slippery conditions. However, funding was available to cope with any peaks in pressure.
- Adult Frailty and Long Term Conditions – with regards to the increase in unsecured debts, it was questioned whether the debts could be recovered from the people themselves. It was highlighted that before the Care Act 2015, the Council was able to charge against probate for outstanding debts, but the Care Act removed that right. As a result, there was now an increased risk to the Council. Other councils responsible for adult social care were having similar issues and were having to safeguard against the cost of unsecured debts. There was an expectation of a Green Paper during the next 12 months which would look at establishing funding for adult social care in future.
- Other Budgets – it was queried why there was an underspend of £4.603m on the National Living Wage. It was explained that the Better Care Fund had changed over the last few years which had enabled the Council to be in receipt of an allocation to protect adult social care. The Government had allocated £1bn for the Better Care Fund nationally, of which the Council received £2.1m. Subsequently, there was the supplementary Better Care Fund of £2bn nationally, of which the Council received £15.3m. There were conditions of receipt for the additional funding and the Council had to show how the funding was being utilised. As the majority of National Living Wage pressures were in adult social care, it was decided to fund the costs to the Council and providers arising from the introduction of the National Living Wage. There were three priorities given nationally for the use of the Better Care Fund which were the stabilisation of the market, stabilisation of the system, and reduction in delayed transfers of care. The Council was expected to deliver the terms agreed to receive the funding, which were set out in the Better Care Fund Plan. This was currently going through the assurance process and was expected to be approved.
- Council's General Funding – with regards to Partners in Practice, it was queried if all the funding had to be spent this year. It was noted that this was a four year programme and the funding was under strict control with strict key performance indicators. In 2017/18, the Council would receive £2.678m of funding for the programme and had certain actions it had to complete to continue to receive the rest of the funding over the next two years.

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- Council's General Funding – in relation to the Independent Living Fund, it was questioned whether all this funding would have to be spent this year. It was highlighted that the funding had been transferred from the Department of Work and Pensions (DWP) to the Council and it was used for payment for delivery of care services initially funded by the DWP. An assessment process had been carried out with service users which had identified some duplication. As a result of reassessment, the package of care received by some service users had been reviewed. It was noted that all the funding would be utilised.

### RESOLVED

1. That the Overview and Scrutiny Management Board supports the recommendation to the Executive as set out in the report;
2. That the comments made be agreed and passed to the Executive as part of its consideration of the item.

### 32 2017/18 COUNCIL BUSINESS PLAN QUARTER 1

The Board was presented with a report which had been considered by the Executive at its meeting on 5 September 2017.

During discussion of the item, the following comments were made in relation to Appendix B (Summary of those measures where the target was not achieved in Quarter 1):

- Carers – the Chairman of the Adults and Community Wellbeing Scrutiny Committee confirmed that there was to be a performance workshop after the next meeting on 25 October 2017 and that he would highlight the concerns regarding the performance indicators in the Carers commissioning strategy.
- Protecting the Public – in relation to the "Alcohol related antisocial behaviour incidents" measure, it was queried whether this target was outside of the Council's responsibility. It was noted that this was one of the indicators outside of the Council's control but the Council could have an influence on it. It was also queried whether the measure could include drug use as well as alcohol and whether the information could be broken down by district council areas to highlight any hotspots. Officers agreed to look into these queries.
- Protecting the Public – with regards to the "juvenile first time offenders" measure, it was noted that there was now a downward trend for this measure which should continue with the recent introduction of restorative justice. However, concerns were raised as to whether the reduction in PCSOs and police officers would have a negative impact on this trend.
- Protecting the Public – in relation to "reported incidents of domestic abuse", it was highlighted that it would be useful to see more figures such as for second time and third time offences before the police take action. The Chairman of the Public Protection and Communities Scrutiny Committee confirmed that this issue was on the work programme for the Committee.

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- Protecting the Public – with regards to the "alcohol related violent crime incidents" measure, it was questioned whether the Council had figures in relation to Public Space Protection Orders (PSPO's). Officers confirmed that they would look into whether it would be possible to present this information.
- Protecting and Sustaining the Environment – in relation to the Household Waste Recycling Centre recycling rates being below target, it was suggested whether there needed to be more national pressure on manufacturers and packaging companies to make the recycling symbols clearer to help improve recycling rates. It was further suggested that the Lincolnshire Waste Partnership should be asked to consider this issue in the first instance and then potentially refer the issue onto the Local Government Association (LGA) for its consideration.
- Wellbeing – with regards to "Chlamydia diagnosis", it was noted that the biggest rise had been amongst people in their 50's and 60's yet the measure was focussed on young people. Officers highlighted that it was recognised that this was not necessarily the best measure to report against, but it was a NHS England measure. It was suggested that it might be useful to find out what other counties who were performing better were doing to address the issue.

RESOLVED

That the Board be reassured in relation to the performance for Quarter 1 against the Council Business Plan and the comments made by the Board be passed onto the Executive.

33     SCRUTINY COMMITTEE WORK PROGRAMMES

Consideration was given to a report which set out the work programmes of the:

- Children and Young People Scrutiny Committee; and
- Public Protection and Communities Scrutiny Committee.

The Board was requested to make any necessary suggestions on the content of the work programmes.

Statements from the Chairmen in relation to the work programmes were circulated at the meeting.

Children and Young People Scrutiny Committee

In the absence of the Chairman, a member of the Children and Young People Scrutiny Committee, Councillor R Wootten updated the Members on the work being undertaken by the Committee.

It was noted that the Chairman of the Committee, Councillor R Foulkes wished to highlight the following areas of work to the Committee:

- SEND Review;
- Prevent Strategy; and

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- Restorative Panels Pilot.

It was highlighted that a Councillor training session on Prevent was being organised to take place in November 2017 to which all Councillors would be invited.

The Restorative Panels Pilot was being considered at the Committee's March 2018 meeting. The benefits of restorative justice for the small core of repeat young offenders in Lincolnshire, was considered to be of high importance, especially if they came from a family of criminals where committing crimes was deemed normal.

It was noted that, at its last meeting, Councillor S R Dodds had been elected as Chairman of the Lincolnshire Safeguarding Boards Scrutiny Sub Group.

With a 50% reduction in the number of children excluded from primary schools, Mr Rudman, (Church Representative) explained that an alternative curriculum for excluded pupils had been used and this had reduced the number of exclusions.

Items yet to be programmed included School funding and the impact of the National Funding Formula implementations. There was discussion regarding the suggestion from NASUWT that some schools were squirreling away spare cash. Questions were asked regarding how much schools in Lincolnshire were saving. Mrs Barnett, (Parent Governor Representative) highlighted that at her school, the governors were privy to the accounts each year, and could see where money was going.

#### Public Protection and Communities Scrutiny Committee

It was highlighted at this point, that it was considered good practice for the Chairman and Vice Chairman to regularly meet with their Committee's relevant Executive Councillor.

There were three key areas that the Chairman, Councillor N H Pepper wished the Committee to be made aware of:

- The Committee would consider The Citizen Engagement Strategy at its next meeting;
- Assisting Rehabilitation through Collaboration would be considered by the Committee sitting as the Crime and Disorder Scrutiny Committee in early 2018;
- The Theatre in Education play Too Fast Too Soon would be performed for Councillors at its next meeting on 31 October 2017 at 1.30pm. Any Councillors wishing to see this were welcome to attend;
- The Committee's current working group on Future Governance Models for the Heritage Service had held its first and second meetings.

#### RESOLVED

1. That the Overview and Scrutiny Management Board be satisfied with the content of the work programmes of:

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- The Children and Young People Scrutiny Committee (Appendix A to the report); and
  - Public Protection and Communities Scrutiny Committee (Appendix B to the report)
2. That no suggestions on the content of the work programmes of the two committees listed above be put forward by the Board.

34 FUTURE SCRUTINY REVIEWS

The Board was given an opportunity to consider any potential topics for future scrutiny reviews. The following suggestions were made:

- Prevent and community cohesion;
- Restorative justice.

It was highlighted by the Chairman that the two Scrutiny Panels had taken some time to make progress with their first meetings. Officers explained that it had taken some time for the membership of the Panels to be decided and that they were now taking shape.

Councillor C Macey, Chairman of the Health Scrutiny Committee for Lincolnshire reported that he and Councillor Marfleet, the Chairman of Adults Scrutiny Committee, had met to look at the synergies between the two committees and had identified a number of areas to take forward.

Following a question, it was confirmed that no more than two scrutiny reviews could take place at the same time.

In conclusion, as proposer of the potential scrutiny review topics, Councillors Mrs J Brockway and R Wootten were asked to come back to the Board with a formed proposal for the two suggested topics.

RESOLVED

That the proposal of two possible review topics be noted.

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The Board considered its own programme of forthcoming work and it was noted that there were no changes to the programme since the publication of the agenda.

It was reported that at the Board's next meeting on 26 October, the following work programmes would be considered:

- Environment and Economy Scrutiny Committee;
- Flood and Water Management Scrutiny Committee;
- Highways and Transport Scrutiny Committee.

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It was noted that due to the current scrutiny review on street lighting, this issue had been removed from the work programme of Highways and Transport Scrutiny Committee.

RESOLVED

That the Overview and Management Board's work programme be noted.

36 INFORMATION ITEMS

36a Treasury Management Update 2017/18 - Quarter 1 Update Report to 30 June 2017

This item had been circulated to the Board for information only and was not discussed at the meeting.

The meeting closed at 11.50 am