

Time Commenced – 18:00
Time Finished – 20:03

Corporate Scrutiny and Governance Overview and Scrutiny Board

07 February 2017

Present: Councillor Stanton (Chair)
Councillors Bayliss, Carr, Graves, Hassall, Hezelgrave,
Jackson, J Khan, Webb and Whitby

In Attendance: Christine Durrant, Andy Smith, Kirsty Everson, Kirsty McMillan, Gurmail Nizzer, Zoe Bird, Ian Fullagar, Heather Greenan, John Massey, Toni Nash, Kas Sahota, Clare Harrison (minutes).

62/16 Apologies for Absence

Apologies for absence were received from Councillors Pegg, Poulter and Williams.

63/16 Late Items

The Chair advised that there would be an Addendum to the Contract and Financial Procedure Matters as part of the Council Cabinet Agenda papers.

64/16 Declarations of Interest

Councillors Bayliss and Webb declared an interest in housing related items due to being Council-appointed Members of the Derby Homes Board. Councillor Webb also declared an interest as Chair of a local care home.

65/16 Minutes of the meetings held on 17 January 2017

Minutes of the previous meeting held on 17 January 2017 were agreed as an accurate record of the meeting.

66/16 Forward Plan

The Board considered the contents of the Forward Plan published on 10 January 2017. No new items were added to the Board's Work Programme.

The Board resolved to note the Forward Plan.

67/16 Performance Items and Performance Forward Plan

Members received performance updates from officers on Staff Health and Wellbeing (sickness absences) and the Q3 Performance Report.

It was reported that the level of sickness absences is rising and that at the end of Quarter 3, staff sickness absences averaged 10.7 days per full-time staff member. It was expected that this would rise to over 14 days by the end of Quarter 4. Members were informed that there is no pattern for age brackets, but that there were variances across departments due to the physical/frontline nature of some jobs. The Board were informed that the four main reasons for sickness absence were:

- 1) Stress (in line with national data in both the public and private sectors)
- 2) Post-operative recovery
- 3) Musculo-skeletal problems
- 4) Viral infection

Members were very alarmed about the high level of sickness absence reported and the costs to the Council both financially and in terms of efficiency. However, the Board received some assurances that there is a plan in place to deal with some of the issues which would hopefully reduce future levels of sickness absence and get people back to work more quickly. It was reported that a new Attendance Management Policy had been introduced in January which would allow Managers to deal with sickness more effectively, as well as enhanced absence reporting and in-house counselling. Future initiatives being introduced from Quarter 1 2017 included:

- Absence Triage service – from 01 April
- New health related policy and guidance
- Health and Well-being Steering Group
- Audit of data and quality to allow for improved reporting and target setting.

The Board was concerned that the Council Cabinet should be made aware of the extent of the issue around sickness absence and that further scrutiny work should be undertaken to monitor this closely and take further action if required.

In relation to the rest of the Quarter 3 Performance Report, members were informed that 66% of measures are forecast to meet or exceed their year end targets. It was reported that two key areas to note in terms of improving performance were job creation through the Derby Enterprise Growth Fund and the increased number of adoptions, which were both previously flagged as having performance issues.

It was further reported that key areas to note under deteriorating performance were in relation to educational attainment; ECHPs; the provision of new homes; sickness absences; and the asset valuations programme. Members

were reminded that the Board was due to receive performance reports on new homes and health and well-being at the next meeting.

The Board resolved to request that Council Cabinet:

- 1. Closely monitor the high levels of sickness absences amongst staff at monthly or bi-monthly meetings of Council Cabinet under the Performance items section:**
- 2. Note that the Corporate Scrutiny and Governance Board have requested a performance surgery on this issue to be undertaken once data is available from Quarter 1 of the next financial year;**
- 3. Further work is done to examine the quality and quantity of performance of ECHPs through the Quality Performance Framework and development of an ECHP quality metric.**

68/16 Council Cabinet Response to Scrutiny Recommendations

The Board considered a report of the Chief Executive which allowed the scrutiny board to receive responses from Council Cabinet on recommendations made at the previous Board meeting held on 17 January 2017.

The Board resolved to note the report.

69/16 Council Cabinet Agenda

The Board considered a report from the Chief Executive on the Council Cabinet Agenda. Members considered the Council Cabinet Agenda in its entirety for the meeting scheduled for Wednesday 08 February 2017 and made a number of comments and recommendations to Council Cabinet.

Item 8 - Determined School Admission Arrangements for Derby City Maintained and Voluntary Controlled Schools

Members considered a Council Cabinet report of the Cabinet Member for Education and Skills to approve the proposed admission arrangements for Community and Voluntary Controlled infant, junior, primary and secondary schools as the determined (set) admission arrangements for the 2018-2019 academic year.

Members queried whether academised schools are required to observe the schools admission code and were reassured that all categories of schools are required to observe the code.

Members also queried issues around cross-border arrangements as there was concern over Derby city children having priority access over schools situated in Derby. Members were informed that pupils living within the normal

area for schools will have access to their normal area school and that some of these straddle borders. It was clarified that for schools whose normal area does not straddle any borders and is wholly within the city, pupils within the city will have priority access to those schools. Members were reassured that there are currently sufficient school places within the city to accommodate Derby's resident children.

The Board resolved to note the report.

Item 9 - Home to School Transport Assistance Policy Consultation

Members considered a Council Cabinet report of the Cabinet Member for Cabinet Member for Education and Skills to note the general update to the Home to School Transport Assistance Policy; approve an eight week consultation period on proposed changes to SEND Post 16 discretionary transport; and note a detailed Equalities Impact Assessment will be undertaken as part of the consultation process.

Members queried the extent of the budgetary pressure for SEND home to school transport assistance and were reassured that whilst this is a large sum of money, it is comparable to other authorities spend in this area.

The Board resolved to note the report.

Item 10 - Housing Benefit Overpayment Recovery Policy

Members considered a Council Cabinet report of the Cabinet Member for Strategy and Policy and Director of Finance to approve the Housing Benefit Overpayment Recovery Policy and delegate any future operational amendments to the Policy, including consequential amendments arising from changes to statutory or case law, to the Chief Executive in consultation with the Director of Finance and the Director of Governance.

The reasons for making overpayments were explained to the Board and it was also clarified that most overpayments are recoverable. It was reported that the paper presented outlined the options for recovery and the general order for applying these, as well as the local limitations of options. Members were informed that there are many similarities between the new policy and the old policy, but that proposed policy changes included a reduction of the limit for some recovery options and the ability to apply the direct earnings attachment without applying to the courts.

Members expressed concern on the nature of the delegations outlined in the report recommendations but were reassured that these would be purely operational and that any key decision arising would have to be reconsidered at Council Cabinet.

Members were also concerned about purpose of the recovery policy and any issues that this could cause in relation to homelessness and hardship.

The Board resolved to request an update on the policy and performance at the December 2017 or January 2018 meeting.

Item 11 - Consultation on the future of Housing Related Support

Members considered a Council Cabinet report of the Cabinet Member for Integrated Health and Care and Director for People Services to note and consider the findings of the consultation process which ran from 23 November to the 18 January 2017 and consisted of a self completion survey, open public meeting, workshop with Voices in Action VIA and an Equalities Impact Assessment EIA. It was reported that a total of 218 responses were received to the consultation.

The Board were happy to hear that the majority of services would continue to be provided by Derby Homes and through the office of the Police and Crime Commissioner, however expressed concern over the delivery of services for young people. Although the Board was reassured that these young people would all still have a 'plan' and an allocated social worker, there was still concern over the level of support they would continue to receive. It was reported at this stage that Riverside are still key delivery partners of the Council and that work is currently being undertaken to reintroduce some of their services to young people and that this would be reported in due course.

The Board commended officers on the high level of engagement that had been undertaken during the HRS consultation.

The Corporate Scrutiny and Governance Board resolved to request that Council Cabinet ensure that there is an adequate and consistent level of support and care provided to the young people affected by the changes to the HRS.

Item 12 - Appropriate Adult Service

Members considered a Joint Report of the Cabinet Member for Safeguarding and Children and Young People and Cabinet Member for Integrated Health and Care to approve the joint procurement with Derbyshire County Council, through the Office of the Police and Crime Commissioner, of a Derbyshire wide adults and children appropriate adult service.

It was reported that this would include the transfer of funding and delegation of oversight of the procurement process and transfer of funding to the Strategic Director for People services. The Board commended the proposals.

The Corporate Scrutiny and Governance Board resolved to request that Council Cabinet monitor the service to ensure appropriate scrutiny is in place and that the Council received value for money.

Item 13 - Adult Social Care Fees and Charges 2017/18

Members considered a Council Cabinet report of the Cabinet Member for Integrated Health and Care and Director of People Services to approve a 3.41% fee increase for independent sector standard residential care, dementia residential and nursing care weekly fee rates (net of the Registered Nursing Care Contribution) from April 2017; approve a 3.3% fee increase for

standard independent sector homecare services; and approve increases to the charging rates for 2017/18 of 3.0% for residential and nursing placements, 3.0% for homecare services and 3.0% for all other fees and charges from 10 April 2017 (in line with the date of the rise in state benefits for 2017).

Members queried the disparity between fees charged by Council run services and those run by the private sector. It was reported that the private sector build in a number of financial elements associated with running homes as business, including profit and return on capital.

The Corporate Scrutiny and Governance Board resolved to note the report.

Item 14 - Purchase of Residential Scheme to provide affordable housing funded through the HRA

Members considered a Council Cabinet report of the Cabinet Member for Urban Renewal and Director of Communities and Place to agree the principle of acquiring the scheme off Burton Road detailed in the report funded through the HRA capital programme at the price not exceeding the formal (RICS approved) valuation. The report also sought agreement for the principle of acquiring the scheme in Chaddesden detailed in the report funded through the HRA capital programme at the price not exceeding the formal (RICS approved) valuation and to delegate authority to the Strategic Director for Communities and Place to enter into all necessary agreements required to secure the acquisition of the properties.

Members queried the costs but were reassured that the business case is sound and represents value for money. The Board also queried if the properties concerned would be ring-fenced to provide accommodation for disabled people but were informed that this could not be guaranteed due to demand.

Members also queried if these properties could be lost through the Right to Buy scheme and were informed that the properties would be subject to Right to Buy, however, if this were to happen within 15 years of the acquisition no discount would be applied and the occupant would have to pay the full original costs of the acquisition.

The Corporate Scrutiny and Governance Board resolved to request to Council Cabinet that these new acquisitions be ring-fenced for disabled occupants if the demand is there when the properties become available.

Item 15 - Housing Revenue Account Business Plan 2017/2047

Members considered a Council Cabinet report of the Cabinet Member for Urban Renewal and Director of Communities and Place which sets out the 30 year updated Housing Revenue Account Business Plan for the management and maintenance of the Council's housing stock.

It was reported that the Housing Revenue Account (HRA) remains in a relatively strong position. It can meet the immediate and longer term management and maintenance requirements of the Council's housing stock, as well as meeting the required debt repayments following the self-funding settlement in 2012.

The Corporate Scrutiny and Governance Board resolved to note the report.

Item 16 - Quarter 3 Revenue Budget Monitoring 2016/17

Members considered a Council Cabinet report of the Leader of the Council and Chief Executive providing details of the latest financial position and forecast outturn for the 2016/17 Revenue Budget as at 31 December 2016.

It was reported by the Head of Finance Organisation and Governance that the Council is currently forecasting an underspend of (£280,000) against the budget requirement of £219,224,736 and that as of period 9, the Council is forecasting to achieve permanent savings as planned of £18.629m (98%), with the balance and any part year one off costs being met from within overall Directorate budgets.

The Corporate Scrutiny and Governance Board resolved to note the report.

Item 17 - Quarter 3 Capital Budget Monitoring 2016/17 – 2018/19

Members considered a Council Cabinet report of the Leader of the Council and Chief Executive on the revised financial position for the 2016/17 Capital Budget for Quarter 3. The Board was informed that the report highlights a Capital programme of £55,873,000 for 2016/2017, after reflecting revisions to the Capital programme of (£9,255,000). Changes to the capital programme as included in the report were highlighted and explained to the Board by the Head of Finance Organisation and Governance.

The Corporate Scrutiny and Governance Board resolved to note the report.

Item 18 - Revision to the Discretionary Rate Relief Policy

Members considered a Council Cabinet report of the Cabinet Member for Strategy and Policy and Director of Finance to approve the revised Discretionary Rate Relief (DDR) Policy.

It was reported that the Council's DRR Policy has been updated and a new section, section 18, added to include treatment of office space occupied by a local newspaper. Furthermore, it was reported that the sections that previously covered retail relief and transitional relief have been removed as this relief is no longer available.

The Corporate Scrutiny and Governance Board resolved to note the report.

Item 19 - Performance Monitoring 2016/17 – Quarter Three Results

This item was considered under the Corporate Scrutiny and Governance Board Agenda item on Performance Update – Q3 Performance Report and Sickness Absence.

Item 20 - Contract and Financial Procedure Matters

Members considered a Council Cabinet report of the Leader of the Council and Chief Executive on items that require reporting to and approval by Council Cabinet under Contract and Financial Procedure rules.

It was reported that items included:

- To approve waiving contract procedure rules by awarding a 12 month support and maintenance contract to Kana Software Ireland Limited, with an approximate value of £52,000.
- To approve the delivery of a procurement exercise and subsequent award for a contract with an estimated total value of £100,000, for the provision of approximately 1,500 Education Healthcare Plans.
- To approve a waiver to appoint Crowdfunder UK, with a maximum value of £45,000 over three years.
- To give delegated approval to the Strategic Director Communities and Place, in consultation with the Director of Finance, to bid for and subsequently accept funding from Joint Air Quality Unit (JAQU) for the additional work required in taking forward the scoping study requirements for Clean Air Zones.

The Board queried the reasons for the waiver for the maintenance contract and were informed that this was because a soft market testing exercise was being undertaken and therefore the Council wishes to delay the tender exercise for 12 months until the results of this have been considered. The Board also queried additional funding for Education Healthcare Plans and that this had also been considered at the last meeting under contract and financial procedure matters. As an answer could not be provided at the meeting the Board requested that this is clarified by email as soon as possible after the meeting.

The Corporate Scrutiny and Governance Board resolved to note the report and request clarification on additional funding requested to deliver procurement for Education Healthcare Plans.

Item 22 - Purchase of Residential Scheme to provide affordable housing funded through the HRA

This item was considered under Item 14 on the Council Cabinet Agenda under a report of the same title.

MINUTES END