

Time Commenced – 18:02
Time Finished – 20:12

Corporate Scrutiny and Governance Overview and Scrutiny Board

03 October 2017

Present: Councillor Stanton (Chair)
Councillors Bayliss, Carr, Graves, Hezelgrave, M Holmes,
Jackson, J Khan, Pegg, Poulter and Webb

In Attendance: Christine Durrant, Mark Taylor, Gurmail Nizzer, Bernard
Fenton, Heather Greenan, Catherine Williams, Clare Harrison
(Democratic Services).

Press and public: Peter Ireson

Members in Attendance: Councillor Willoughby

24/17 Apologies for Absence

Apologies for absence were received from Councillors Barker and Eldret.

25/17 Late Items

An updated version of the Contract and Financial Procedure Matters report was circulated to the Board.

26/17 Declarations of Interest

There were no declarations of interest.

27/17 Minutes of the meeting held on 05 September 2017

Minutes of the previous meeting held on 05 September 2017 were agreed as an accurate record.

28/17 Forward Plan

The Board considered the contents of the Forward Plan published on 05 September 2017. No new items were added to the Board's Work Programme.

The Board resolved to note the Forward Plan.

29/17 Performance Items and Performance Forward Plan

The Board considered a report of the Chief Executive updating Members on performance information in relation to complaints and customer feedback following the initial report received by the Board in December 2016.

Members were provided with a reminder of the target timescales for managing complaints and were informed that our current policy commits the Council to provide a full response to complaints on adults or children's social care within 20 working days, and within 10 working days for other complaints. It was explained that social care complaints have a longer timescale because they can be more complicated to investigate.

It was reported that there has been a rise in the number of complaints in the three years from 2014 to 2017 and that some of these would have resulted from a reduction in levels of service and some because the Council has become much better at recording complaints. Members were informed that although complaints have increased, generally the number of complaints dealt with within the target timescales has also increased. It was further reported that of the 39 complaints received by the Local Government Ombudsman (LGO) in 2016-2017, only 7 were upheld or partially upheld and only 2 had involved the payment of small amounts of compensation.

Members queried what customer feedback is classed as a complaint and were informed that feedback (such as a missed bin) would normally be recorded as a complaint but then if it was resolved (the bin was subsequently emptied) it would be declassified to a 'non-complaint', Members questioned the validity of doing this as resolving the complaint wouldn't make it less of a complaint to the customer initially, and also raised concerns that this would then not be included in future statistics as a complaint. Members felt this might also mean the Council is missing opportunities to identify trends in complaints.

The Board was informed that an internal audit had been completed which identified inconsistent recorded processes. Following this training for relevant officers has been completed and a review of systems for recording complaints will now be carried out to see whether improvements can be made. Options on this will be presented to Chief Officer Group by January 2017.

The Board was informed that the next steps include the removal of key performance indicators from the Council Scorecard, though these will still be monitored. The Board was keen to ensure that this does still happen and agreed that this will still be monitored by the Board on a regular basis. Self-service reports will continue to be available and there will be continued focus and monitoring on LGO complaints. Members were informed that the possibility additional resources to support users, undertake training, track complaints, analyse and prompt learning will be considered when the new system has been implemented.

The Board resolved to continue to monitor performance information on complaints and customer feedback and receive an update at a future meeting on the effectiveness of the new system.

30/17 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 05 September 2017.

The Board resolved to note the report.

31/17 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 04 October 2017 and made a number of comments and recommendations to Council Cabinet.

Item 8 - Special Educational Needs & Disability (SEND) Provision in Derby

Members considered a Council Cabinet report of the Cabinet Member for Education and Skills and Strategic Director of People Services asking Cabinet to approve consultation on proposals to improve Derby's specialist provision for children and young people with Special Educational Needs and Disabilities.

Members were informed that the key proposals in the consultation document include:

- Updating Enhanced Resource School and Special School Placement Criteria to ensure that children and young people with Special Educational Needs and Disabilities are placed in the most appropriate type of provision for their needs and to ensure transparent and clear criteria for children, young people and their families.
- A fresh look at specialist provision to ensure it is relevant to current needs of children and young people in Derby, for example, proposals to create Enhanced Resource School provision to meet with Social, Emotional and Mental Health Needs, which the City does not currently have.
- Improving SEND pupil pathways and alignment between infant, junior and secondary Enhanced Resource School placements to help effective transition planning for Children.
- Developing an Early Years Inclusion Fund for all Early Years providers as a single source of funding to support the inclusion of children with SEND.
- Capital investment to add Enhanced Resource Provision to Meadow Farm Primary School and increase and improve Enhanced Resource School provision at The Bemrose School.

- Updating Derby's Special Education Needs & Disabilities (SEND) Funding Bands so that the methodology for allocating SEND funding to schools is fit for purpose and reflects the proposed new placement criteria.

The Board was further informed that the outcome of the consultation will be reported to Council Cabinet on 14 March 2018 and at this time they will be asked to consider consultation responses and to approve any proposals that do not require a statutory process and approve moving to the next stage of the consultation process for those proposals that do require a statutory process. It was reported that a final decision on proposals requiring a statutory process will be taken in June 2018 and, if approved, the proposals will be implemented from September 2018.

Members discussed the link between SEND provision and the need for further clarity for parents around the process for Educational Health and Care Plans (EHCPs) for children who required an Enhanced Resource place. Members also discussed the need for Annual Reviews to be more structured and to make enhancements/reductions to the support required as a child transitions.

Members were keen to ensure that any new SEND arrangements agreed post-consultation are not implemented until all conversions from Statements to EHCPs have been completed and requested a further report be provided on conversions and performance. Members also resolved to recommend that the Children and Young People Scrutiny Review Board looks at improving transition arrangements for all children across all schools in the city as part of its future work programme.

Members queried if the Council knows how many SEND children will require mainstream school places in 2018 when it is expected that the service will be provided across mainstream schools.

The Board resolved to recommend:

- 1) To Council Cabinet that any new SEND arrangements agreed post-consultation are not implemented until all conversions from Statements to EHCPs have been completed; and**
- 2) That the pathway clarifying the process for EHCPs for parents is included in the consultation documentation for SEND provision.**
- 3) That the Children and Young People Scrutiny Review Board looks at improving transition arrangements for all children across all schools in the city as part of its future work programme;**
- 4) The Board resolved to request an update on conversions and performance at a future meeting.**

Item 9 - Proposal to increase school places at Murray Park School

Members considered a report of the Cabinet Member for Education and Skills and Strategic Director for People to approve the publication of a statutory notice on the proposal to permanently expand the premises of Murray Park School in order to provide additional secondary school places.

It was recognised that some school expansions are necessary to ensure an adequate number of school places are available in the city. However, the Board was concerned about the point at which expansions become unmanageable and requested a future report on the future projects for school place planning, the direction of travel and horizon scanning across the city; and future development and expansion proposals.

The Board resolved to request a future report on the future projects for school place planning, the direction of travel and horizon scanning across the city; as well as future development and expansion proposals.

Item 10 - Development Related Highway Works: Financial Contributions in Lieu of Works in the Highway

Members considered a Council Cabinet report of the Cabinet Member for Neighbourhoods and Public Protection and Strategic Director for Communities and Place to accept in principle financial contributions in lieu of the proposed highway improvements at Chain Lane, Stenson Road and Burton Road.

Members were informed that the proposed financial contributions would allow the Council to review and develop alternative transport strategies and proposed works that would better mitigate the impacts of the developments and which would be more acceptable to both the Council as Highway Authority and to local people.

Members queried how the Council determines what the right amount of money is and were informed by officers that potential improvements can be modelled to determine an estimate of the associated costs. Members were also informed that financial contributions from other developments can be pooled to make improvements affordable where it may not be feasible for contributions from one development to fund the works. The Board was keen to ensure that the Council seeks the equivalent funds to the works originally identified, and more if possible.

The Executive Scrutiny Board was in general support of the recommendations, however, requested that the relevant ward Councillors are consulted on future proposals and that these are reported back to the Board for information and comment prior to agreement.

The Board resolved to request that:

- 1) Relevant ward Councillors are consulted on future proposals; and**
- 2) Proposals are reported back to the Board for information and comment prior to agreement.**

Item 11 - Revision to the National Non-Domestic Rates Policy for the award of Discretionary Rate Relief (DRR)

Members considered a Council Cabinet report of the Cabinet Member for Finance and Governance and Director for Finance seeking Cabinet approval for the revised DRR policy.

It was reported that the Government introduced the following three new discretionary Reliefs as part of the Spring Budget 2017:

- Supporting Small Business Relief
- Revaluation Support Relief
- Pub Relief

It was further reported that providing the relevant criteria are met, both Supporting Small Business Relief and Pub Relief are fully funded by Central Government. However, the Revaluation Support Relief is to be capped and Derby will have a set reducing annual allocation over the period of 2017-2021. Members were keen to ensure that businesses are encouraged to claim these reliefs where applicable.

The Board welcomed the changes to the revised National Non-Domestic Rates Policy.

Item 12 - Derby Performance Venue – Progressing the Project to the Next Stage

Members considered a Council Cabinet report of the Cabinet Member for Regeneration and Economy and the Strategic Director of Communities and Place to approve the Music and Performance Venue as the current preferred option for a new venue on the Assembly Rooms site.

Members raised concerns around the lack of consultation with the general public, theatre and arts groups and other interested community groups, such as Derby Arts and Theatre Association and the Hippodrome Restoration Trust and asked why they had not been consulted. Members were informed that it had been decided that a wider consultation was not appropriate at the time.

Some Members said that they had spoken to groups who felt that the city needed a Lyric Theatre with Orchestra Pit and the Board expressed concerns about the lack of options consulted on and transparency of reasons why other options may not be viable. The Board felt that the one 'preferred option' given may not be the right option for the city and that other options should be included in the wider consultation exercise, with explanations on why they may be less feasible in the foreseeable future.

The Board also were concerned about the risks relating to the commitment of spend of £475k for something that might not come to fruition and is not currently in the approved capital programme. Members felt that there was still time for people to have their say through the consultation and get the proposals for the preferred option right before committing to the spend identified in the recommendations.

The Board resolved to strongly recommend to Council Cabinet that:

- 1. The decision to commit and risk funds of £475k and decision to approve the Music and Performance Venue as the current preferred option for a new venue on the Assembly Rooms site should be deferred until a wider consultation exercise has taken place;**
- 2. The wider consultation should:**
 - a) involve the general public, local arts and theatre groups as well as other interested groups; and**
 - b) include a full range of options as well as the 'preferred option' with full explanations, including transparency on cost and deliverability, to enable the public to understand and make fully informed choices.**

Item 13 - Contract and Financial Procedure Matters Report

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

It was reported that items included:

- Use of the Dedicated Schools Grant reserve to support temporary capacity to deliver the Special Educational Needs and Disability Reforms and to support school improvement in the City through the work of the Primary and Secondary Strategy Groups;
- The acceptance of the Opportunity Area Grant for Derby of up to £6 million and to approve an adjustment to the People's Directorate Budget of £1.5 million in the financial year 2017/2018 to account for the grant;
- The acceptance of the Opportunity Area Grant: Essential Life Skills Grant for Derby of up to £2.4 million and to approve an adjustment to the People's Directorate Budget of £800,000 in the financial year 2017/2018 and £1.6 million in 2018/2019 to account for the grant;
- The acceptance of a grant from the Office of the Police and Crime Commissioner (OPCC) for £175,000, to approve accountable body status and to approve an adjustment to the People's Directorate Budget in the financial year 2017/2018 to account for the grant;
- The procurement and award of a contract capped at no more than £87,500 for the provision of specialist technical energy consultancy services;
- The award of a grant to Rural Action Derby for "Wheels To Work", a project which enables those who are Not in Education, Employment or Training (NEET) to have transport to access training and employment opportunities; and

- The award of a grant to Life Cycle UK charity for "Bike Back Derby", a project which provides recycled low-cost bikes, bike maintenance sessions, training and Dr Bike sessions at workplaces and job centres.

Members queried the lack of information normally provided on changes to the Capital Programme made under delegation and were informed by the Director of Finance that fees will not be provided quarterly instead of monthly.

The Board resolved to note the report.

Item 14 - City Council International Partnerships

Members considered a Council Cabinet report of the Cabinet Member for Regeneration and Economy updating the Council Cabinet on progress that the Council has made in developing international partnerships in China and India in the last two years and why these markets are considered so important to Derby. It also outlined the most recent achievements, planned next steps and the potential outcomes.

The Board commented that they fully understood the importance and potential of the work being done on international partnerships and the need to speculate to accumulate, however there was concern around the lack of transparency on revenue expenditure for hosting and facilitating supporting activities. Members requested that a report be brought to a future meeting of the Executive Scrutiny Board evaluating the progress, timescales and expectations of these activities.

The Board resolved to recommend caution to Council Cabinet on the building expenditure of supporting these activities and that the Council should be more open and upfront about these costs, what we are doing to support the building of international partnerships and why.

MINUTES END