

# **OVERVIEW AND SCRUTINY MANAGEMENT COMMISSION**

## **MINUTES OF THE MEETING HELD ON TUESDAY, 8 APRIL 2014**

**Councillors Present:** Jeff Beck, Brian Bedwell (Chairman), Sheila Ellison, Dave Goff, Mike Johnston, Alan Macro, Gwen Mason, Tim Metcalfe, Garth Simpson, Tony Vickers, Quentin Webb, Emma Webster and Laszlo Zverko

**Also Present:** Paul Anstey (Environmental Health & Licensing Manager), Andy Day (Head of Strategic Support), Adrian Slaughter (Building Energy Officer), Andy Walker (Head of Finance) and Rachael Wardell (Corporate Director - Communities), Councillor Dominic Boeck (Cleaner & Greener, Waste, Environmental Health, Trading Standards, Thatcham Vision), Councillor Alan Law (Finance, Economic Development, Health & Safety, Human Resources, Pensions, Property), David Lowe (Scrutiny & Partnerships Manager) and Charlene Myers (Democratic Services Officer)

**Apologies for inability to attend the meeting:** Councillor Jeff Brooks, Councillor Andrew Rowles and Councillor Virginia von Celsing

### **PART I**

#### **81. Minutes**

The Minutes of the meeting held on 25<sup>th</sup> February 2014 were approved as a true and correct record and signed by the Chairman.

#### **82. Declarations of Interest**

Councillor Emma Webster declared an interest in Agenda Item(10) Continuing Healthcare, but reported that, as her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate.

#### **83. Items called-in following the Executive on 27th March 2014**

No items were called-in following the last Executive meeting.

#### **84. Actions from previous Minutes**

The Commission received a update on actions from the previous meeting and made the following comments:

2.4: David Lowe advised that the table represented the total number of individuals who had made Freedom of Information requests and highlighted that individuals could make numerous requests to the Council.

#### **85. West Berkshire Forward Plan 26 March 2014 to 31 July 2014**

The Commission considered the West Berkshire Forward Plan (Agenda Item 5) for the period covering 26 March 2014 to 31 July 2014.

**Resolved that** the Forward Plan be noted.

#### **86. Overview and Scrutiny Management Commission Work Programme**

Changes to the Overview and Scrutiny Management Commission work programme were discussed and agreed:

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- Item OSMC /11/119 (Continuing Healthcare): Would return to the Commission for a progress report in August 2014.
- OSMC/14/152 (Severe Weather): A special meeting would be arranged in September 2014. The Council would first conduct a localised debrief alongside the Section 19 reports in order to provide the Commission with a report about the weather's effect and response of the Council.
- OSMC/13/150 (Homelessness – Young Families): Councillor Quentin Webb advised that the task group had invited witnesses to comment on their involvement with young families. The Commission heard that establishing the root cause was proving difficult.

Councillor Brian Bedwell called for the Commission to review items contained within the work programme and highlight priorities.

Councillor Law introduced the suggested topic for scrutiny, Self Insurance Fund. The request was made following the commitment to review the reserve fund at the Council meeting in March 2014. He requested that the Commission considered whether the appropriate level of funds had been reserved according to the perceived level of risk.

Councillor Law advised that the reserve fund covered emergency payments where costs increased above forecasted levels. The value of the reserve fund had been reviewed by external auditors in order to ascertain whether the fund was appropriate. It was stated that the reserve fund had not been used year on year.

Councillor Beck proposed that the item was added to the work programme, the proposal was seconded by Councillor Tony Vickers.

Councillor Tony Vickers introduced the suggested topic of Parkway affordable housing delays. Councillor Vickers asked members to consider the reasons behind the delayed provision of affordable housing, 18 months after the development was completed.

Members considered the benefit of conducting a review which could lead to a clearer understanding of how the Council could manage Section 106 agreements going forward. Councillor Paul Bryant questioned whether the Parkway development was an isolated case and therefore queried the value in conducting the review.

Councillor Macro stated that there was a further two developments planned in Newbury, from which Section 106 contributions might be required. It was suggested that any lessons which could be learnt from the Parkway development could prove useful.

Councillor Vickers confirmed that the suggested topic for scrutiny would not look at the economic impact of the delays, but rather the reasons behind the delayed provision of affordable housing.

Andy Day advised the Commission that the Commission could not consider regulatory matters such as planning and suggested that the topic could be considered by the Planning Policy Task Group.

### **Resolved that:**

- The Self Insurance Fund would be added to the work programme.
- The Planning Policy Task Group would be asked to consider the Parkway Development, delays in delivering affordable housing.

## **87. Councillor Call for Action**

There was no Councillor Calls for Action.

**88. Petitions**

There were no petitions to be received at the meeting.

**89. Continuing Healthcare (CHC)**

Rachael Wardell introduced the report to the Commission on behalf of Nick Carter. It was stated that the Council had worked in conjunction with the National Health Service (NHS) to address the concerns raised by the Commission during the meeting in November 2013.

Continuing Healthcare (CHC) was a package of continuing care arranged and funded by the NHS where an individual had a primary health need. The eligibility threshold for CHC in West Berkshire was set at critical. The national framework for NHS CHC outlined that an individual's primary care needs would be assessed as critical if they were unpredictable, complex and intense. If an individual met the eligibility criteria for CHC then the care provided would be covered by the NHS.

The CHC process consisted of five stages:

- Checklist: The referral stage by which an individual would be considered eligible for CHC and carried forward for assessment
- Decision Support Tool (DST): The collation of evidence in order to conduct an assessment of the individual's primary care needs.
- Multi Disciplinary Team (MDT): Evidence reviewed by the team in order to collate a recommendation/s based upon the eligibility criteria for CHC.
- Panel (Clinical Commissioning Group): Through which the final decision would be made regarding an individual's eligibility for care.
- A dispute resolution process was established in order that the final decision from the panel could be appealed.

Rachael Wardell explained that the staff involved with the CHC decision making process jointly received training in order to ensure consistency. The objective was to provide a clearer explanation to applicants regarding the decisions made throughout the process and ultimately their eligibility for CHC.

The Commission heard that when the issue was considered in January 2014, the total number of completed applications for CHC was 16, of which 3 were deemed eligible for care. 38 cases had been open, of which 29 were over 3 months old (76%).

The current figures were presented as; 38 completed cases of which 13 were deemed eligible. 26 cases remained open of which 18 were over 3 months old. A total of 10 new applications had been received since January 2014. Rachael Wardell stated that significant progress had been made since the meeting in January 2014.

Cathy Winfield directed the Commission to a handout which provided a response to the questions raised in January 2014 regarding CHC budgets. The statistics suggested that the financial expenditure on CHC had risen by 18% year on year.

Historically the Berkshire West Primary Care Trust (PCT) had managed the commission of care services in West Berkshire. Since the changes to the health structure in April 2013 the area was covered by the Newbury District CCG (NDCCG) and the Reading West CCG (RWCCG). Cathy Winfield explained that arrangements between CCG's were well managed and statistics suggested that local residents were benefiting from the change.

The Commission heard that the budget for CHC in West Berkshire was determined by eligibility and level of demand/need for the service. It was stated that the total spend in

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NDCCG and RWCCG could differ and that it was likely to be due to the different demographic in each area.

Cathy Winfield directed the Commission through the presentation which explained the key points about the waiting list. It was stated that historically the management of MDT meetings was challenging due to the level of evidential detail required in order to make the decision and agreeing a date for the meeting to take place. Going forward the MDT dates had been set for 10 of the 18 cases over 3 months old and meetings would occur regularly so that the backlog could be managed. New checklists had been created in order to manage the quality of information being submitted.

Fortnightly meetings would take place between the Head of Adult Social Care and the Assistant Director for Berkshire NHS CHC during which case lists would be discussed in order to manage the MDT process. The Council's CHC specialist attended the majority of MDT meetings and provided generally positive feedback regarding the fairness of the decisions made.

The CCG had outsourced the work required in order to address the backlog of applications. The additional resource would remain in place until the backlog was clear and the ongoing workload could be managed.

The Commission heard that whilst good progress had been made over the past few months, there was still more to do: the Council needed to improve the identification of potential CHC cases at an earlier stage, the quality of submissions needed to be consistent and the CCG needed to ensure that appropriate resources were in place to prevent further backlogs occurring.

Rachael Wardell advised that staff received training in order to support consistency and a focus had been placed on the assessment of an individual's primary needs at the point of discharge from hospital. Earlier identification of the support required would enable an individual to be discharged from hospital quickly and with a full support package available. It was stated that since the relationship between the Council and CCG's had improved and the joint training had been delivered, it had become quicker and easier to arrange care packages in preparation for hospital discharge.

Councillor Tony Vickers asked whether every CHC assessment occurred at the point of discharge from hospital or whether there were alternative avenues through which the authorities could be notified about an individual's primary care needs. Rachael Wardell explained that it was likely that the majority of the assessment took place before discharging a patient from hospital due to the complexity and severity of an individual's needs at that point in time. The assessment considered whether the individual could rehabilitate or whether they required regular support for the longer term.

Councillor Quentin Webb was encouraged to hear of the progress jointly made by the Council and the CCG. As the former Chairman of the Health Scrutiny Panel he had been concerned about points raised at the meeting in March 2013 but felt that the improved relationship between the Council and the CCG would contribute significantly towards continued improvements.

Councillor Gwen Mason asked whether resources had been committed to the proposed introduction of discharging patients from hospital seven days a week. It was stated that the process would decrease the overall pressure on the service Monday to Friday. Rachael Wardell explained that only non-complex cases could be discharged at weekends due to the lack of support services available on Saturday and Sunday. Cathy Winfield advised that due to the level of need and complexity of cases, it was unlikely that an individual would be discharged over the weekend.

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Councillor Alan Macro asked whether the CCGs which covered West Berkshire shared resources. Cathy Winfield stated that the staff supported each other in order to promote consistency in the allocation of budgets and interpretation of the assessment process.

Councillor Jeff Beck asked whether the CCG planned to maintain the additional support staff. Cathy Winfield advised that work had been outsourced to contracted Nurses who worked alongside permanent staff and it was intended to maintain the additional staff for the foreseeable future. It was stated that the staff would not be employed on a permanent basis due to the level of investment already committed by the CCG to recruit staff. The CCG had experienced some difficulty maintaining the same members of staff due to unforeseen changes, however, they were confident that the current assessment team had the skill set required.

Rachel Wardell directed the Commission to the report which illustrated the number of applications that had taken over 28 days to determine an outcome. It was stated that the number of cases had increased, and that this was due to the time in which it took the team to receive the application. It was felt that the rise in the figures were explained by and being managed by the points covered during the meeting.

Councillor Bedwell thanked Rachael Wardell and Cathy Winfield for their presentation. Special thanks were given to Balwinder Karr, Interim Head of Adult Social Care, who contributed towards the improvements.

### **Resolved that**

- The CCG and Head of Adult Social Care should provide an update report in 4 months time.

## **90. Energy Saving**

Councillor Dominic Beock, Adrian Slaughter and Paul Anstey introduced the report to the Commission.

The report explained that the Carbon Management Plan (CMP) was adopted by the Council in 2009. The document was produced as part of the Carbon Trusts 'Local Authority Carbon Management Programme' and involved liaising with external Carbon Trust approved Consultants to analyse the Council's carbon footprint. Potential energy efficiency/carbon saving projects were identified and if implemented would help to improve the Council's energy efficiency and reduce its carbon footprint. The progress report outlined the aims and objectives of the Energy Management Team who managed the process and detailed the energy efficiency projects implemented to date.

The Commission heard that the Energy Efficiency Programme was reviewed by the Resource Management Working Group in 2012 at which point it was agreed that the item would return for a progress report in 2014.

Adrian Slaughter highlighted that an amendment was required to table 3 in point 6.1; the number of ground source heat pumps should read as three.

Councillor Hunneman questioned why there was no reference to the biomass carbon savings in table three of point 6.1. Adrian Slaughter advised that the service was waiting for statistics from St. Batholomews School in order to report the accurate savings overall. It was stated that the Council could incur charges if the figure was incorrect.

Councillor Jeff Beck requested clarification on the responsibility that a Local Authority had to provide technical advice to academies. In response, the Commission heard that:

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- It was the responsibility of the community to manage the performance of their carbon foot print, however, the Council provided incentives in order to encourage reductions.
- The incentive offered the applicant savings and funding arrangements in order to implement reduction measures.
- Applications would contain plans for the scheme of works and associated costs. The service would consider suitability of the proposal and if agreed the applicant would receive a loan in order to proceed.
- The loan would be provided by capital funds.

Councillor Emma Webster asked what work the service had conducted to promote the available funding. Paul Anstey advised that a mechanism had been established across the Thames Valley area to distribute leaflets and guidance packs to likely applicants. It was stated that the service was currently operational on a small scale, but it was expected that the provision would expand.

Councillor Gwen Mason asked whether a project team had been established in order to manage the applications received from schools. Adrian Slaughter advised that at this stage they had not identified a specific role to manage school applicants; these were managed on a case by case basis by the existing team.

Councillor Lazlo Zverko asked what pay back arrangements were in place and how the value of CO2 savings was calculated. Adrian Slaughter explained that there were multiple measures which could be used to ascertain the potential reduced carbon footprint. Payback arrangements were agreed in advance of the loan being issued.

In response to a question from Councillor Mike Johnston, Adrian Slaughter advised that interest was not charged on loans.

Adrian Slaughter explained that in cases where the service might have to consider multiple applications, the method for prioritising would be via the review of the business case and where the most influence and control over the project was evident.

Paul Anstey advised that there was no evidence to suggest that the introduction of Timelord had reduced energy usage by the Council. The scheme was considered energy neutral.

### **Resolved that:**

- The energy efficiency programme should consider suitable interest charges associated with a five year loan for a scheme of works.
- The Energy Efficiency Programme would return to the Commission for a progress update in 2016.

## **91. Revenue and capital budget reports**

Andy Walker introduced the report to the Commission which provided the month ten revenue position. He advised that the Capital Report was produced quarterly only.

The Commission heard that the forecasted outturn position as of month 10 for the 2013-14 financial year was an overspend of £101k, an increase of £284k from month nine. The

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reason for the expenditure increase was the recent severe weather and the costs associated with incident response. Andy Walker explained that funds could be recovered through the Bellwin scheme. At this stage the Council was reviewing what could be recovered before submitting the final claim in May this year.

Councillor Webb asked for an explanation of the reasons for the overspend in the Looked After Children service area. Rachael Wardell explained that the service had received the highest number of Looked After Children cases for some time. The service was considering the means for reducing costs by creating a business case for the provision of alternative care arrangements.

The service was developing a model to increase the number of specialist foster carers for children with specialist needs, which would reduce the demand on current resources. Rachael Wardell explained to the Commission that the service was demand led and at this stage was considering the most effective means to deliver early preventative measures which would in turn reduce overall spend.

**Resolved that** the report be noted.

### 92. Performance Report for Level One Indicators

Andy Day introduced the report to the Commission. The report appraised the progress against 47 key accountable measures and activities aligned to the objectives set out in the Council Strategy. He advised that:

- Of the 47 key accountable measures, 40 were available for an update at quarter 3.
- 34 were reported as delivered/ achieved at year end.
- 3 were reported as behind schedule but expected to be delivered/ achieved by year end:
  - Proportion of children becoming subject of a child protection plan for a second or subsequent time (within two years of the previous plan end date)
  - Number of active foster carers
  - Number of days taken to make a full decision on new benefit claims
- 3 were reported as red:
  - Number of children accessing short breaks
  - Proportion of older people still at home 91 days after discharge from hospital into re-ablement/ rehabilitation services
  - Proportion of upheld planning appeals was less than the national average

In response to questions asked, David Lowe advised that requests for information to the Council could be considered, in most cases, as business as usual. A Freedom of Information request would cover something that would otherwise not be routinely provided by the service to which the request was made.

The Commission heard that the Freedom of Information request was frequently used by researchers, business and the media. It was acknowledged that the FOI Act provided an opportunity for information to be obtained and that the right was being used.

Councillor Alan Macro highlighted that on page 69 of the report it suggested that the number of clients accessing community based services had decreased, despite the belief

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that West Berkshire had an aging demographic. It was stated that the figures were not unusual compared to the national average.

Councillor Tony Vickers stated that the number of planning applications upheld was misleading as they appeared favourable against the national average, however, he highlighted that the number of cases locally was still very high.

**Resolved that** the report be noted.

**93. Scrutiny Recommendations Update**

**Resolved that**

- the report would be noted

*(The meeting commenced at 6.30 pm and closed at 8.25 pm)*

**CHAIRMAN** .....

**Date of Signature** .....