

# Agenda

## Overview and Scrutiny Performance Board

**Wednesday, 6 December 2017, 10.00 am**  
**County Hall, Worcester**

All County Councillors are invited to attend and participate

This document can be provided in alternative formats such as Large Print, an audio recording or Braille; it can also be emailed as a Microsoft Word attachment. Please contact Democratic Services on telephone number 01905 844963 or by emailing [democraticservices@worcestershire.gov.uk](mailto:democraticservices@worcestershire.gov.uk)

# DISCLOSING INTERESTS

There are now 2 types of interests:  
**'Disclosable pecuniary interests'** and **'other disclosable interests'**

## WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3<sup>rd</sup> party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

**NB Your DPIs include the interests of your spouse/partner as well as you**

## WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
  - you must **not participate** and you **must withdraw**.

**NB It is a criminal offence to participate in matters in which you have a DPI**

## WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:  
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

## WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

## DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

## DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
  - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

**Overview and Scrutiny Performance Board**  
**Wednesday, 6 December 2017, 10.00 am, County Hall,**  
**Worcester**

**Membership**

**Councillors:**

Mr C J Bloore (Chairman), Mrs E A Eyre (Vice Chairman), Mr A A J Adams, Mrs J A Brunner, Mr P Middlebrough, Mrs F M Oborski, Mr C B Taylor and Mr P A Tuthill

**Co-opted Church Representatives (for education matters)**

Bryan Allbut (Church of England)

**Parent Governor Representatives (for education matters)**

Ms C Richardson (Parent Governor) and Vacancy (Secondary)

**Agenda**

<b>Item No</b>	<b>Subject</b>	<b>Page No</b>
1	<b>Apologies and Welcome</b>	
2	<b>Declaration of Interest and of any Party Whip</b>	
3	<b>Public Participation</b> Members of the public wishing to take part should notify the Head of Legal and Democratic Services in writing or by e-mail indicating the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 5 December 2017). Enquiries can be made through the telephone number/e-mail address below.	
4	<b>Confirmation of the Minutes of the Previous Meeting</b> (previously circulated)	
5	<b>Call-In: Engagement on Options for Future Delivery - Connect Short-Term Service and Council - Provided Day Services for Adults with a Learning Disability</b>	1 - 10
6	<b>Member Update and Cabinet Forward Plan</b>	11 - 16

Agenda produced and published by the Head of Legal and Democratic Services, County Hall, Spetchley Road, Worcester WR5 2NP. To obtain further information or hard copies of this agenda, please contact Alyson Grice (01905 844962)/Samantha Morris 01905 844963 email: [scrutiny@worcestershire.gov.uk](mailto:scrutiny@worcestershire.gov.uk)

All the above reports and supporting information can be accessed via the Council's website [here](#)

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## **OVERVIEW AND SCRUTINY PERFORMANCE BOARD 6 DECEMBER 2017**

### **CALL-IN: ENGAGEMENT ON OPTIONS FOR FUTURE DELIVERY - CONNECT SHORT-TERM SERVICE AND COUNCIL - PROVIDED DAY SERVICES FOR ADULTS WITH A LEARNING DISABILITY**

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#### **Summary**

1. In accordance with the Constitution, the Overview and Scrutiny Performance Board (OSPB) is requested to consider a decision taken by the Cabinet on 2 November 2017 in relation to Engagement on Options for Future Delivery - Connect Short-Term Service and Council - Provided Day Services for Adults with a Learning Disability. This decision has been called-in by the required number of Members – see Appendix 1. The reasons given for the call-in are set out in Appendix 1.

#### **Background**

2. Non-Cabinet Members have the power to call in Cabinet decisions in exceptional circumstances and normally only when there is evidence to suggest that Cabinet has departed from the principles of decision-making, as set out in Article 7 of the Constitution - see Appendix 2. If a decision is called in, it cannot be implemented until the call-in process is completed.

3. The called-in decision is considered by the OSPB, who will decide the next course of action based on the options set out in paragraph 9.

#### **Cabinet Decision**

4. The details and context behind the decision are set out in the Cabinet Report linked at Appendix 3 and the Board is referred to that report.

5. On 2 November 2017, Cabinet **RESOLVED: that**

- a) **the continued effort to encourage a vibrant and varied range of day service provision across Worcestershire in order to maximise choice, independence and wellbeing for individual service users, and the related need to resolve the current issues regarding the ongoing financial sustainability of Council-provided day services for adults with a Learning Disability (Resource Centres, Connects and Leisure Link) and the Connect Short-term Service be noted;**

- b) the intention to use a co-production approach to future service development and delivery, engaging with people using services, family carers and staff to gather ideas which will inform future proposals for how services are delivered be endorsed;
- c) the Director of Adult Services be authorised to carry out engagement with individuals using the Resource Centre service, family carers and staff to explore options to increase usage, options for income generation and ideas for more efficient operation of the services;
- d) the Director of Adult Services be authorised to explore the option and potential impacts of partially reducing or fully closing the Connect Short-term Service to new referrals, through engagement with partner organisations and staff, and detailed impact assessment;
- e) the Director of Adult Services be authorised to carry out engagement with individuals using the Connect Learning Disability day services and the Leisure Link service, family carers and staff to explore alternative delivery options for each of the services; and
- f) a further report, informed by the proposed engagement exercises and detailed impact assessments, be brought to Cabinet by April 2018, with proposals for future service delivery, including proposals for formal consultation where required.

### Invitations to Attend

6. In accordance with the Council's Overview and Scrutiny Procedure Rules and scrutiny practice (a copy of which are available on the County Council's website [here](#)) the following have been invited to attend the meeting:

- Signatories to the call-in
- Mr A I Hardman, Cabinet Member with Responsibility for Adult Social Care

7. The Director of Adult Services has also been invited to attend.

8. The Cabinet Member has been invited to provide a formal response to the call-in which is attached at Appendix 4.

### Suggested Order of Business

9. The OSPB may wish to adopt the following order of proceedings:

- Presentation by Members of the reasons for calling-in the decision.

(Members are reminded that paragraph 17.10 of the Council's Overview and Scrutiny Procedure Rules states that "*The first 3 members exercising the right of call-in and who are not either local members or members of the Overview and Scrutiny Performance Board, an Overview and Scrutiny Panel or Scrutiny Task Group established to consider a call-in, are entitled to attend any meeting of that Overview and Scrutiny Performance Board, Overview and Scrutiny Panel or Scrutiny Task Group respectively considering the call-in and*

*to speak but not vote.")*

- Questions and Clarification
- Response by the Cabinet Member/officer
- Questions and Clarification
- Any closing remarks by the Cabinet Member/officer
- Any closing remarks by those Members calling-in the decision.

### **Options available to the OSPB**

10. Having heard from all parties and considered the decision called-in, the Overview and Scrutiny Performance Board will either:

- a) accept the decision without qualification or comment (in which case it can be implemented immediately without being considered again by the Cabinet); or
- b) accept the decision (in which case it can be implemented immediately without being considered again by Cabinet) but with qualification or comment which the relevant Cabinet Member with Responsibility must consider and respond to; or
- c) propose modifications to the decision or require a reconsideration of the decision (in which case the implementation of the decision is delayed until the Cabinet has received and considered a report of the Overview and Scrutiny Performance Board); or
- d) in exceptional circumstances ask the Council to consider whether option (a) (b) or (c) is appropriate (in which case the implementation is delayed until after the meeting of the Council to which it has been referred and, if Council resolves option (c), the Cabinet has reconsidered the matter having regard to the Council's view).

(The Council has no power to make final decisions in respect of matters which are the responsibility of the Cabinet.)

11. Such exceptional circumstances referred to in d) above may be if the decision called-in is one which the Overview and Scrutiny Performance Board believes is one which:

- the Cabinet cannot in law take; or
- is reserved to the Full Council; or
- raises issues of such exceptional significance and public interest to justify reference to the Full Council, although the final decision will rest with the Cabinet; or
- is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

12. Members are reminded that the role of OSPB when considering a call-in is to debate and consider the reasons for the call-in as they relate to the principles of effective decision-making detailed within the Constitution. It is not the role of OSPB to debate the merits of the decision that has been taken.

### **Supporting Information**

Appendix 1a: Copy of the call-in (received 3 November 2017)

Appendix 1b: Additional Information supplied by Callers-in

Appendix 2: Article 7 of the Council's Constitution – Decision Making available on the County Council Website [here](#)

Appendix 3: (a) Cabinet Agenda Report and (b) Minutes dated 2 November 2017 [here](#)

Appendix 4: Cabinet Member Response to Call-in

### **Contact Point for the Report**

Alyson Grice/Samantha Morris, Overview and Scrutiny Officers

Tel: 01905 844962/844963

Email: [scrutiny@worcestershire.gov.uk](mailto:scrutiny@worcestershire.gov.uk)

### **Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) the following are the background papers relating to the subject matter of this report:

Agenda and Minutes of Cabinet held on 2 November 2017

Agenda and Minutes of the Overview and Scrutiny Performance Board held on 7 November 2017

[All agendas and minutes are available on the Council's website here.](#)





Dear S. Mallinson

I am requesting that the decision made today 2<sup>nd</sup> November 2017 at Cabinet regarding Item 13: Council Provide Day Service for Adults with Learning Disability and Connect Short Term Service – Proposed Engagement on Options, be Called-In.

The reasons are that they do not meet with entirely with the principles of decision making as outlined in Article 7 – Decision Making.

1. It fails in regards equal rights and equalities.
2. Reasons being given for the decision our not appropriate
3. It fails regarding aims and desired outcomes
4. A presumption of openness

*Peter McDonald*

*Richard Wally*

*Pattie Hru*

*Andrew Fry*

*Wally*

*(A)*

*Tara Benham*

*Pat Aggar*

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Additional Information supplied by Callers-in

A Presumption

2. Predetermination

3. Public being informed not consulted

4. Finance determining service not need

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## **PROPOSED ENGAGEMENT ON OPTIONS FOR FUTURE DELIVERY - CONNECT SHORT-TERM SERVICE AND COUNCIL-PROVIDED DAY SERVICES FOR ADULTS WITH A LEARNING DISABILITY – CABINET MEMBERS RESPONSE**

### **Relevant Cabinet Member**

Mr A Hardman

### **Relevant Officer**

Director of Adult Services

### **Cabinet Members Response**

The call-in identified a number of challenges to Cabinet, all of which have been answered in turn below.

**Call-in challenge one:** It fails in regards equal right and equalities.

**Call-in response one:** The report sets out in paragraphs 38 and 39 that duties under the Equality Act 2010 will be met by the completion of detailed Equality Impact Assessments for each element of the service where change is proposed. Equality Relevance Screenings have indicated that full Equality Impact Assessments will be required for all of the services included in the report and the report clarifies that these will form a key part of the next stage of work in relation to these services. This is formalised in Cabinet decision (f) which requested that a further report, informed by the proposed engagement exercises and detailed impact assessments, be brought to Cabinet by April 2018, with proposals for future service delivery, including proposals for formal consultation where required.

**Call-in challenge two:** Reasons being given for the decision are not appropriate.

**Call-in response two:** The decisions made by Cabinet were to carry out engagement with people using services, family carers and staff to gather ideas which will inform future proposals for how services are delivered. Paragraphs 9 to 22 set out in detail the case for change and the reasons for the decision to engage about future service delivery, and the reasons can be summarised as follows:

- The need for financial sustainability and maximising value for money and best use of resources, in the context of increasing demand for Council-funded services, to ensure that the needs of individuals eligible for services can continue to be met now and in the future. Detailed information on the current financial position of the services is included in the report to support this. A benchmark of the equivalent cost of externally provided services, based on the cost of current external contracts, has been used to illustrate the current issues in relation to value for money.
- The aim to encourage a vibrant and varied range of day service provision across Worcestershire, with services of a high quality which meet the needs of

service users, secure improved outcomes and are responsive and flexible in providing the type of services which people want.

- The evidence that usage of Council-provided day services by people with learning disabilities has been reducing over time and is forecast to continue to reduce over future years. This is due partly to changing expectations from individuals and families, particularly younger individuals, wanting a more mixed variety of services during the week, and also to the growth in the number and variety of external provision of day opportunities in Worcestershire. Furthermore, many people with a learning disability tell us they want meaningful employment rather than day opportunities.

The proposed engagement exercises will explore with service users, carers, staff and partners ways in which these issues can be addressed in future, and the results of this work will be reported back to Cabinet in April 2018.

**Call-in challenge three:** It fails regarding aims and desired outcomes.

**Call-in response three:** The aim of the decisions in the Cabinet report is to enable a period of detailed engagement and co-production with people using services, family carers, staff and other stakeholders. This will inform any future proposals relating to the services, which will then be subject to formal consultation as required. The ultimate desired outcomes are those set out in Response Two above; however, the engagement work will inform how these outcomes are to be achieved, to be set out in detail in the proposed follow-up report to Cabinet in April 2018.

**Call-in challenge four:** A presumption of openness

**Call-in response four:** The report outlines in detail what the services are which are the focus for the proposed engagement. As stated in the report, the engagement exercises will seek to gather ideas and options, assess impacts of any potential changes to services, and explore options to increase usage, options for income generation and ideas for more efficient operation of the services. The engagement exercises will be fully inclusive of all stakeholders as outlined in the report.

## **OVERVIEW AND SCRUTINY PERFORMANCE BOARD 6 DECEMBER 2017**

### **MEMBER UPDATE AND CABINET FORWARD PLAN**

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#### **Summary**

1. The Overview and Scrutiny Performance Board (OSPB) is asked to:
  - (a) Receive an update on emerging issues and developments within the particular remit of each member of the OSPB, including an update on each Overview and Scrutiny Panel and Task Group;
  - (b) Consider the feedback provided by Panel Chairmen from the Budget Scrutiny discussions, which have taken place at the November Panel meetings and in particular highlight where Directorates are experiencing challenges with existing savings plans;
  - (c) Consider the Council's latest Forward Plan in order to identify:
    - any items it would wish to consider further at a future meeting; and
    - any items it would wish to refer to the relevant Overview and Scrutiny Panel for further consideration.

#### **Member Updates**

2. In order to ensure that Members of the OSPB are fully informed about issues relating to scrutiny in Worcestershire, communication between Members is essential. To assist in this, it has been agreed that an item will be placed periodically on the OSPB agenda to enable each member to feed back on emerging issues and developments within their remit. This will also provide an opportunity to highlight possible future agenda items. Regard for the Council's statutory requirements in relation to access to information will be critical.

3. Board Members' areas of responsibility are as follows:

- Adult Care and Well-Being Overview and Scrutiny Panel – Juliet Brunner
- Children and Families Overview and Scrutiny Panel – Fran Oborski
- Economy and Environment Overview and Scrutiny Panel – Alistair Adams
- Corporate and Communities Overview and Scrutiny Panel – Kit Taylor
- Health Overview and Scrutiny Committee (HOSC) – Paul Tuthill
- Crime and Disorder – Paul Middlebrough
- Quality Assurance – Liz Eyre

4. As part of their role, it was agreed by the Strategic Leadership Team (SLT) that scrutiny lead members should receive regular briefings from the Directorates they are shadowing. These briefings, alongside the Forward Plan (see below), can be used to help identify any emerging issues that may be appropriate for future scrutiny. Recognising that work across the County Council is of interest and value to all OSPB

members, the notes from these briefings (where produced) are available to all members electronically.

5. Members may also be leading scrutiny task groups. It will be important for Members of OSPB to be aware of how each scrutiny is developing so that they can fully consider the final report.

6. Overview and Scrutiny Panel Chairmen are asked to feedback on:

- progress on the work of their Panels and any scrutiny task groups they are leading;
- key issues from the Directorate that may be appropriate for future scrutiny;
- performance information they have queries or concerns about;
- items in the Forward Plan which they consider may be possible issues to scrutinise; and
- any other issue which they feel is relevant/of interest to the OSPB.

### **Budget Scrutiny**

7. As part of the Council's development of the 2018/19 budget, the Overview and Scrutiny Panels and the Health Overview and Scrutiny Committee have been reviewing the 2017/18 budget position at their November meetings, prior to consideration of the 2018/19 draft budget at their meetings in January 2018.

8. The relevant Cabinet Members with Responsibility and Directors were invited to Panel meetings to present the 2017/18 budget position and how any challenges are being addressed.

9. The Panel Chairman are invited to feed back on the budget discussions and in particular highlight where Directorates are experiencing challenges with existing savings plans.

### **Cabinet Forward Plan**

10. The Board will wish to take into account any issues arising from the Council's Forward Plan which is attached at Appendix 1.

11. The latest version of the Plan (available at the time of Agenda despatch) is routinely considered at each meeting of OSPB.

12. The Board is asked to consider the Council's latest Forward Plan in order to identify:

- Any items that it would wish to consider further at a future meeting;
- Any items that it would wish to refer to the relevant overview and scrutiny panel for further consideration.

13. The OSPB agreed to use a set of criteria (listed below) to help determine its scrutiny programme. A topic does not need to meet all of these criteria in order to be scrutinised, but they are intended as a guide for prioritisation.



- Is the issue a priority area for the Council?
- Is it a key issue for local people?
- Will it be practicable to implement the outcomes of the scrutiny?
- Are improvements for local people likely?
- Does it examine a poor performing service?
- Will it result in improvements to the way the Council operates?
- Is it related to new Government guidance or legislation?

## **Supporting Information**

Appendix 1: Forward Plan (as at 27 November 2017)

## **Contact Point for the Report**

Alyson Grice/Samantha Morris, Overview and Scrutiny Officers

Tel: 01905 844962/844963

Email: [scrutiny@worcestershire.gov.uk](mailto:scrutiny@worcestershire.gov.uk)

## **Background Papers**

In the opinion of the proper officer (in this case the Head of Legal and Democratic Services) there are no background papers relating to the subject matter of this report:

[All agendas and minutes are available on the Council's website here.](#)

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## FORWARD PLAN

### FORMAL NOTICE OF KEY DECISIONS TO BE TAKEN BY, AND PRIVATE MEETINGS OF, CABINET (OR OTHER EXECUTIVE DECISION-MAKING BODY OR PERSON)

Forward Plan	Expected Date of Decision	Page No.
<a href="#">New Technology to support the delivery of care at Howbury House, Malvern</a> <i>Cabinet Member Decision</i>	21 November 2017	4-5
<a href="#">2018/19 Budget and Council Tax</a> New Entry	14 December 2017 & 8 February 2018	6
<a href="#">Balanced Scorecard and Corporate Risk Update – Quarter 2 2017/18 Performance Report</a>	14 December 2017	7
<a href="#">Children's Service Alternative Delivery Model – Options Appraisal and Model Recommendation</a> Key Decision	14 December 2017	8
<a href="#">Churchfields, Kidderminster – Infrastructure Improvements</a> Key Decision	14 December 2017	9
<a href="#">Fair Funding for Schools 2018/19 National and Local Changes to the Funding Arrangements for Schools</a> Key Decision	14 December 2017	10
<a href="#">Future provision of Overnight Unit-Based Short Breaks for children with disabilities</a> New Entry	14 December 2017	11
<a href="#">Transport Hierarchy – Notice of Motion from Council 9 November 2017</a> New Entry – Key Decision	14 December 2017	12
<a href="#">Children's Service Alternative Delivery Model – Detailed Business Case</a> Key Decision	29 March 2018	13
<a href="#">'Called In' Decisions or Scrutiny Reports</a> Potentially Key Decision	Within the plan period	14
<a href="#">Notices of Motion</a> Potentially Key Decision	Within the plan period	15

All entries will be for decision by Cabinet unless otherwise indicated

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