

Agenda

Overview and Scrutiny Performance Board

Wednesday, 5 December 2018, 9.30 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

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 3rd 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, 5 December 2018, 9.30 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)

Vacancy (Secondary)

Agenda

Item No	Subject	Page No
1	Apologies and Welcome	
2	Declaration of Interest and of any Party Whip	
3	Public Participation 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 4 December 2018). Enquiries can be made through the telephone number/e-mail address below.	
4	Confirmation of the Minutes of the Previous Meeting (previously circulated)	
5	Draft Scrutiny Report: Bus and Community Transport Provision	1 - 2
6	Withdrawal of West Mercia from the Strategic Alliance With Warwickshire - Report From The County Council's Representative on the West Mercia Police and Crime Panel	3 - 6
7	Member Update and Cabinet Forward Plan	7 - 14
8	Process for handling the Call-in: Cabinet Member Decision: 21 November 2018 - Proposal to introduce Parking Charges at Worcester Woods Country Park	Report to follow

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

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

Item No	Subject	Page No
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OVERVIEW AND SCRUTINY PERFORMANCE BOARD 5 DECEMBER 2018

DRAFT SCRUTINY REPORT: BUS AND COMMUNITY TRANSPORT PROVISION

Summary

1. The Overview and Scrutiny Performance Board (OSPB) is asked to consider and approve the attached draft scrutiny report of the Bus and Community Transport Provision Task Group.

Background

2. At its meeting on 13 September 2018, the Council unanimously agreed the following Notice of Motion:

"The Council is concerned at the unexpected cuts in bus services announced by First and Diamond bus companies in August which take effect on 17 and 3 September respectively.

We welcome the undertaking that the Council will carry out a fundamental review of its entire subsidised services which will involve a public consultation exercise.

We ask that this review is supported by an urgent cross-party scrutiny into current bus and community transport provision which should include the availability of transport at crucial times of the day to get to work, to school or college, to medical appointments and for shopping. The scrutiny exercise should be completed by middle/late November to feed into the 2019/20 budget-setting process."

3. The OSPB agreed at its meeting on 26 September 2018 that a Scrutiny Task Group led by Councillor Chris Bloore would be set up to scrutinise this issue. The findings of the scrutiny would feed into the Council's review of subsidised services and also into the 2019/20 budget setting process.

Terms of Reference

4. The terms of reference for the scrutiny exercise were to investigate current bus and community/alternative transport provision including the availability of transport at crucial times of the day to get to work, to school or college, to medical appointments and for shopping.

OSPB's Role

5. One of the OSPB's roles is to monitor the quality of scrutinies that are carried out to ensure that scrutiny reports are robust and evidence based, and that they follow the terms of reference agreed by the OSPB.
6. To help with this, the Task Group's lead has provided the OSPB with regular verbal updates on the progress of the scrutiny.

Next Steps

7. Once the Board is content, the Scrutiny Report will be considered by Cabinet at its meeting on 13 December 2018.

Purpose of the Meeting

8. The OSPB is now invited to consider, comment on and approve the attached Scrutiny Report.

Supporting Information

Appendix 1- Draft Scrutiny Report: Bus and Community Transport Provision (to follow)

Contact Points

County Council Contact Points
County Council: 01905 763763

Specific Contact Points for this report
Alyson Grice and Samantha Morris, Overview and Scrutiny Officers, 01905 844962/844963, 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 the OSPB meeting on [26 September 2018](#)
- Agenda and minutes for Council on [13 September 2018](#)

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

OVERVIEW AND SCRUTINY PERFORMANCE BOARD 5 DECEMBER 2018

WITHDRAWAL OF WEST MERCIA FROM THE STRATEGIC ALLIANCE WITH WARWICKSHIRE – REPORT FROM THE COUNTY COUNCIL'S REPRESENTATIVE ON THE WEST MERCIA POLICE AND CRIME PANEL

Summary

1. At the last meeting of the Board in October, the Lead Member for Crime and Disorder raised the implications of the West Mercia Police and Crime Commissioner's (PCC) recent decision to withdraw from the Strategic Alliance with Warwickshire Police. He informed Members that the Chairman of the West Mercia Police and Crime Panel (PCP) would be attending this meeting of the Board to update Members.

Background

2. The PCP scrutinises decisions of the PCC. Members are drawn from each local authority in the West Mercia area and the Worcestershire County Council's representative is Mr Stephen Mackay.
3. On 9 October 2018, the PCC and the Chief Constable of West Mercia Police announced that they would formally end the current Strategic Alliance between West Mercia Police and Warwickshire Police. In the light of concern about this decision the PCP held a special meeting on 29 October to find out more about the background and reasons for it. The Report from Mr Mackay is attached as Appendix 1 to this Report.

Purpose of the Meeting

4. The OSPB is invited to
 - consider the update report and
 - agree if it wishes to make any comments to the Council's representative on the PCP.

Supporting Information

Appendix 1 – Report from the County Council's representative on the West Mercia Police and Crime Panel.

Specific Contact Points for this Report

Sheena Jones, Democratic Governance and Scrutiny Officer 01905 846011
sjones19@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:

The Agenda, Reports and Minutes of the West Mercia Police and Crime Panel are available on the County Council's website [here](#)

Overview and Scrutiny Performance Board, 5 December 2018

Report of Worcestershire County Council's Representative, Mr Steve Mackay on West Mercia's Withdrawal from the Strategic Alliance with Warwickshire, as discussed at West Mercia Police and Crime Panel, 29 October 2018

1. On 9 October 2018 the West Mercia Police and Crime Commissioner (PCC) and the Chief Constable of West Mercia Police announced that they would formally end the current Strategic Alliance between West Mercia Police and Warwickshire Police. The reasons given for this were 'to deliver more effective and efficient services to communities, and ensure the public get better value for money'¹. The Overview and Scrutiny Performance Board asked for an update about this meeting from myself as the Council's appointee on the Police and Crime Panel.

2. The Strategic Alliance was set up in March 2012 via a set of Collaborative Agreements. The objective of the creation of the Strategic Alliance is to provide 'an effective and efficient service to both Forces.....' The 'Strategic Alliance Objectives' set out the benefits, which include all or a combination of the following:

- To provide a more efficient and effective policing service in the geographical areas of Herefordshire, Shropshire, Telford and Wrekin, Warwickshire and Worcestershire
- Enhanced capability and capacity
- Greater resilience and flexibility in the use of skilled specialist staff
- Reduction in duplication of roles and resources
- Greater opportunity to maximise financial savings

3. The Strategic Alliance Agreement sets out the governance arrangements for the Alliance. Further details are available on the PCC's website: <https://www.westmercia-pcc.gov.uk/key-information/policing-alliance-and-how-its-governed/> .

4. Whilst the Alliance was set up by the then Police Authorities, provision was made for it to continue when the Police and Crime Commissioners took over governance of the Police later in 2012.

5. In accordance with the Agreement, the PCC and Chief Constable have given one year's notice of their intention to end the current Alliance arrangement, effective 8 October 2019. They have publicly stated a preference of negotiating a new and mutually beneficial collaborative relationship with Warwickshire.

6. In view of the strategic nature of the Alliance and concern and interest engendered following the announcement of West Mercia's notice to leave the Alliance, the West Mercia Police and Crime Panel invited the PCC to a special meeting on 29 October to discuss the reasons for the decision.

¹ News release, West Mercia PCC [website](#)

7. During the course of the discussions at the meeting the Panel were advised that:
- The costs of withdrawing from the Alliance were not known at this stage but the PCC confirmed the change would not affect the current year's budget
 - The current funding agreement was that West Mercia met 69% of the costs and Warwickshire 31% which committed West Mercia Police disproportionately
 - The PCC expressed the view that while conversations had been held with Warwickshire during the last year or so these had not led to any change to that arrangement, hence the decision to withdraw from the alliance. However, he commented that he was committed to working with Warwickshire as long as it benefitted the residents of West Mercia
 - Potential options for future service delivery include a shared service, hosted services with either Force, or stand alone services
 - The current governance arrangements within the Alliance slowed down decision making, with most decisions being made via meetings between the two Chief Constables. The Panel was given an example of where there were no service level agreements within the Alliance which impacted adversely on West Mercia. Warwickshire had significantly more firearms incidents than all of West Mercia but West Mercia was funding 69% of the service. Similarly, greater resources were committed to road policing within Warwickshire. A key part of the delivery plan for the Alliance was a shared control room at Hindlip, involving closure of other sites, but Warwickshire had withdrawn from this and established a stand alone facility in Warwick.
8. The Panel was concerned that it had not been advised about the discussions and potential withdrawal from the Alliance before the public announcement. It has asked for regular updates to each Panel meeting, with information being provided in exempt session if necessary. The Panel will also be involved in scrutinising the PCC's proposal for the precept between now and early February 2019, where potential financial implications of the changes can be discussed.

Mr Stephen Mackay

OVERVIEW AND SCRUTINY PERFORMANCE BOARD 5 DECEMBER 2018

MEMBER UPDATE AND CABINET FORWARD PLAN

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 2019/20 budget, the Adult Care and Wellbeing (and Health Overview and Scrutiny Committee), Children and Families and the Corporate and Communities Overview and Scrutiny Panels have been reviewing the 2018/19 budget position at their November meetings, prior to consideration of the 2019/20 draft budget at their meetings in January 2019.

8. The relevant Cabinet Members with Responsibility and Directors were invited to Panel meetings to present the 2018/19 budget position and how any challenges are being addressed.

9. The Panel Chairman are invited to discuss the Panel feedback on the budget discussions attached as Appendix 1 and in particular highlight where Directorates are experiencing challenges with existing savings plans.

10. Budget Scrutiny for the Economy and Environment Overview and Scrutiny Panel is being carried out by a task group and will report its findings to January OSPB.

Cabinet Forward Plan

11. The Board will wish to take into account any issues arising from the Council's Forward Plan which is attached at Appendix 2.

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

13. 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.

14. 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: Overview and Scrutiny Performance Board: Budget Scrutiny 2019/20 – Comments from Overview and Scrutiny Panels (from November meetings)

Appendix 2: Forward Plan (as at 27 November 2018)

Contact Point for the Report

Alyson Grice/Samantha Morris, Overview and Scrutiny Officers

Tel: 01905 844962/844963

Email: 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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Overview and Scrutiny Performance Board

Budget Scrutiny 2019/20 – Comments from Overview and Scrutiny Panels (from November meetings)

Adult Care and Wellbeing Overview and Scrutiny Panel and Health Overview and Scrutiny Committee

As of 31 August 2018, a £15.188m overspend was forecast in Adult Social Care. Additional savings had been identified, resulting in a new forecast of £14.3m overspend.

The Panel recognised that there are unavoidable reasons for the costly extra demand for services - increasing numbers, age and complexity of people needing care, and improved medical success for people with disabilities. Over 85% of services are purchased in the market and are subject to rising inflation costs including the national living wage.

However, the Panel also learned that some unrealistic savings proposals were included in the 2018/19 budget and that anticipated savings from the Three Conversation Model were now coming through but later than anticipated. The 2017/18 Budget had used reserves as part of the base budget but this had not been picked up for 2018/19.

The Panel welcomed that the proposed Adult Social Care Business Plan includes working on improved forecasting methods and will be able to provide regular updates in future.

They endorsed the policy of working to support people to live independently as long as possible which should lead to a reduction in the pressure for more and more residential placements. Public Health's emphasis on healthy lifestyles and people taking responsibility for their own health is significant for the long term."

The Panel noted that the issues faced in Worcestershire were replicated nationally and it was hoped that the Government's Green Paper would address some concerns.

Members were pleased to hear that additional central Government funding had been given to Councils, however, agreed that the system had to change to provide long term solutions.

The Panel supported the Cabinet Member in his wish to put pressure on central Government over adult social care funding.

Public Health was predicting a small surplus, however, the Panel made note of the financial risk when the Public Health Ring-Fenced Grant (PHRFG) was removed in 2020.

Members wished to learn more about how cost sharing was undertaken, to establish what proportion was social care and what was health.

Children and Families Overview and Scrutiny Panel

- The Panel noted that the forecast outturn was for a £1m overspend out of a £90.8m Budget.
- The Panel noted that £700k of the forecast overspend related to Placements and Provision, which Members recognised was a demand-led budget that was very difficult to predict. The Panel acknowledged the ongoing work to reduce the number of new children coming in to care, including plans to develop an edge of care service. Members would wish to continue to scrutinise the service as it developed.
- The Panel was advised that the £600k forecast overspend in Home to School & College Transport was largely as a result of increased demand for SEND transport and welcomed the promotion of direct payments where appropriate.
- Concern was expressed about contract efficiencies in respect of the Babcock Contract. However, Members were reassured that the £52k saving was on target to be realised for 2018/19.
- The Panel noted that the overspend in the High Needs element of the Dedicated Schools Grant was part of a national trend.
- For future budget monitoring reports, the Panel would wish to see more narrative to accompany the figures, as well as details of both revenue and capital budgets.

Corporate and Communities Overview and Scrutiny Panel

Commercial and Change Directorate

There was currently a predicted overspend of £350k in Property Services relating to Place Partnership Limited, although the Panel were reassured that the situation was improving.

Although there was £150k of non-achievement of transformation savings in Property Services which related to capitalisation and property costs, the Director advised that capacity had been added to the Team and it was anticipated that the gap would be narrowed this year.

The ICT Budget for this year had a forecast overspend of £250k due to delayed insourcing of the DxC contract. The Director explained the staffing situation and how some staff had been transferred under TUPE arrangements and new staff had been recruited. Insourcing the Service had gone well and significant savings will be achieved. Work was now progressing to reach the original savings target for 2019/20.

The Panel was informed that the Fire Insurance Earmarked Reserve had been reduced by £0.5m to £1m, which was seen to be prudent measure.

There was a projected saving of £300k from the Self-sufficient Council – Optimising Income Generation, which would be achieved through traded services to other organisations and fees and charges, along with forecast additional £575k income through Council Tax and Business Rates.

Communities

The current position in respect of the Communities Budget Monitoring information provided was mostly forecast to outturn at budget at this stage of the financial year, although some savings relating to 2019/20 had already been partly delivered in advance, such as those for the Library Service.

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.
Council-Provided Children Social Care – Edge of Care Key Decision – <i>Cabinet Member Decision</i>	12 December 2018	4
2019/20 Budget and Council Tax	13 December 2018 & 31 January 2019	5
Balanced Scorecard and Corporate Risk Update – Quarter 2 2018/19 Performance Report	13 December 2018	6
Commissioning a Prevention and Early Intervention Service for Children and Young People Key Decision	13 December 2018	7
Education Planning Obligations required under S106 and Community Infrastructure Levy	13 December 2018	8
Redditch Town Centre Re-development Proposal – Middle House Lane Key Decision	13 December 2018	9
School Organisation Plan 2019-24	13 December 2018	10
Scrutiny Report – Bus and Community Transport Provision New Entry	13 December 2018	11
Waste Management Contract Key Decision	13 December 2018	12
Adoption of the Rights of Way Improvement Plan Key Decision	14 March 2019	13
'Called In' Decisions or Scrutiny Reports Potentially Key Decision	Within the plan period	14
Notices of Motion Potentially Key Decision	Within the plan period	15

All entries will be for decision by Cabinet unless otherwise indicated

