

Agenda

Overview and Scrutiny Performance Board

Wednesday, 15 December 2021, 12.00 pm
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 Scrutiny on telephone number 01905 844963 or by emailing scrutiny@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, 15 December 2021, 12.00 pm, County Hall,
Worcester

Membership

Councillors:

Cllr Tom Wells (Chairman), Cllr Richard Morris (Vice Chairman), Cllr Alastair Adams, Cllr Brandon Clayton, Cllr Kyle Daisley, Cllr Mike Rouse, Cllr Shirley Webb and Cllr Richard Udall

Co-opted Church Representatives (for education matters)

Mr T Reid (Church of England)

Parent Governor Representatives (for education matters)

Mr M Hughes

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 Assistant Director for Legal and Governance in writing or by e-mail indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 14 December 2021). Further details are available on the Council's website. Enquiries can also be made through the telephone number/e-mail address listed in this agenda and on the website.	
4	Budget Scrutiny 2022/23	1 - 6
5	Member Update, Work Programme and Cabinet Forward Plan	7 - 16

Agenda produced and published by the Assistant Director for Legal and Governance, 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 [Council's Website](#)

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OVERVIEW AND SCRUTINY PERFORMANCE BOARD 15 DECEMBER 2021

BUDGET SCRUTINY 2022/23

Summary

1. The Board is asked to consider the initial feedback provided from the November Scrutiny meetings in respect of the emerging pressures and challenges in relation to the 2022/23 Budget.

Background

2. Performance and financial monitoring are part of the Scrutiny Panels' role in maintaining oversight of service provision and a key role for Scrutiny.
3. As previously agreed by the Board, Scrutiny Panels carry out quarterly performance and financial monitoring, and then report to the Board by exception any areas of concern or suggestions for further scrutiny.
4. At the November Scrutiny Panel meetings, Members were provided with performance information and in-year budget monitoring reports. The Panels welcomed the information and gave feedback. In addition, Panels have started to explore the emerging pressures and challenges in relation to the 2022/23 Budget and initial feedback is attached at Appendix 1.

Budget 2022/23

5. The draft Council Budget 2022/23 is due to be presented to Cabinet on 6 January 2022.
6. The Panel's discussions on the draft Council Budget 2021/22 will be reported to the Overview and Scrutiny Performance Board on 26 January 2022 when the Board will formulate its comments to Cabinet on the draft Budget.

Purpose of the Meeting

7. The Board is asked to:
 - consider and comment on the feedback in respect of the emerging pressures and challenges in relation to the 2022/23 Budget; and
 - determine whether any comments should be highlighted to the Leader/relevant Cabinet Member or if any information or scrutiny on a particular topic is required.

Contact Point for this Report

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Background Papers

In the opinion of the proper officer (in this case the Assistant Director of Legal and Governance) the background papers relating to the subject matter of this report:

Agenda and minutes of:

- [Agenda for Adult Care and Well Being Overview and Scrutiny Panel on Monday, 15th November, 2021, 2.00 pm - Worcestershire County Council \(moderngov.co.uk\)](#)
- [Agenda for Children and Families Overview and Scrutiny Panel on Friday, 12th November, 2021, 10.00 am - Worcestershire County Council \(moderngov.co.uk\)](#)
- [Agenda for Corporate and Communities Overview and Scrutiny Panel on Monday, 8th November, 2021, 2.00 pm - Worcestershire County Council \(moderngov.co.uk\)](#)
- [Agenda for Economy and Environment Overview and Scrutiny Panel on Tuesday, 9th November, 2021, 2.00 pm - Worcestershire County Council \(moderngov.co.uk\)](#)

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

Emerging pressures and challenges for services in relation to the 2022/23 Budget (discussed at the November 2021 Scrutiny Meetings).

Health Overview and Scrutiny Committee – 3 November 2021

The Committee was provided with a brief overview of the budget for Public Health, which takes the form of a Public Health Ring-Fenced Grant. The budget of approximately £30m is allocated at the start of the year against strategic functions, which includes preventative work in Adult Services, Children's Services, and some in Community Services, for example support to trading standards in preventing disease and the role of libraries in helping people to interact. Additional funding was received for Covid related activities and this has enabled a more rounded support to be provided.

- It was noted that the budget announcement for 2022/23 is awaited, and the typical annual increase in recent years totals around 1% (£30,000), although increases in other financial years has been 2-5%
- The anticipated budget increase would not be sufficient to cover pay increases and inflationary uplift in contracts, since it did not match inflation, therefore an overall view is taken of planned activity and priorities, and some contracts have zero inflation.
- In terms of which services were of most concern, the Director of Public Health explained that obesity was an area of concern which needs more focus and that a whole system approach is important.
- No specific prevention services had seen funding decreases, but some had been increased.
- Regarding the predicted underspend for 2021/22 and whether money could be allocated to relieve predictable pressure points, for example to tackle fuel poverty, it was explained that a three-year plan for reserves is being developed.
- There is a proposal in place to pump up funds for One Worcestershire.
- A review of the new Health and Well-being Strategy has been added to the Work programme for 2022.
- The tremendous amount of work undertaken by both Public Health and NHS colleagues was acknowledged as well as the importance of using assets in the best way.

Corporate and Communities Overview and Scrutiny Panel – 8 November 2021

During the Panel's discussion of quarterly Performance and in-year Budget Monitoring, Members took the opportunity (as suggested by the Leader of the Council) to discuss emerging pressures and challenges for services in relation to the 2022/23 Budget, summarised as follows:

- A post pandemic review of operations had identified a number of key pressures which would impact services, including the rising costs of transport, energy and pay. It was noted that in the Commercial and Change Directorate (CoaCh), the majority of the budget related to staffing. The Government had confirmed that it would return to an annual pay award, but the pay award had not yet been set for this financial year.

- There were difficulties in recruiting key specialist staff and agency staff were therefore being used to support certain specialist roles, leading to significantly increased costs.
- With the Retail Price Index (RPI) increasing and likely to be at 3% by the end of the calendar year, the Panel was advised that inflationary factors were putting pressure on services just to remain as the status quo.
- The Strategic Director of Commercial and Change advised that the Council currently had £630m of procurement managed by the Council's Commercial Team. For some of the contracts such as Microsoft, market influences could lead to sudden increase in costs, whilst for major contracts due to end next year, such as the street lighting contract (negotiated by West Mercia Energy) there would inevitably be an increase in contract price. The Panel was informed that CoaCh had a number of procurement interim staff with specific knowledge to provide support.
- The increased cost of transport and the impact on the supply chain was raised by Members and the question was raised as to what the Council was doing to mitigate these costs? The Strategic Director explained that as the Council doesn't buy many goods and services itself, these costs tended to sit with suppliers and contractors. Where the Council uses transport such as for home to school transport, there were some fixed contracts and some other arrangements. Additional costs would be mitigated wherever possible, but it was hoped that this was a relatively short-term issue.

The Panel expressed their concern about these emerging pressures and challenges and the resultant impact on Council budgets and services. The Panel was due to review the Corporate Procurement Strategy at its January meeting.

Economy and Environment Overview and Scrutiny Panel – 9 November 2021

During the in-year budget monitoring discussion, the Panel was informed that this had proved to be a difficult period with transport and purchasing of services both being subject to price inflation since the budget was set. Income generation had been harder than anticipated and some jobs were proving difficult to recruit to. These were the main reasons for the variances to the budget and focused attention as to what could be worked on to mitigate the forecast. The Panel was also informed of the pressures regarding inflation and pay and that these were being closely monitored and managed.

The Panel was informed that material supplies were impacting future capital works as well as some of the existing ones. The difficulty to recruit was a national problem and contractors and consultants were having to be used when necessary. The Panel was informed that the Directorate has a capitalisation target of £2m this year and service managers would be looking to capitalise staff costs wherever appropriate.

The forecast underspend of £250k in street lighting due to a reduction in energy costs following conversion to LED lighting was welcomed.

The Chairman of the Panel had written to the relevant Cabinet Members to identify a number of issues regarding next year's budget that the Panel wished to highlight, as follows:

Flooding

The Panel recognised and commended the positive progress made with the additional funding which had been allocated in this year's budget to deal with flooding issues, drainage, and gully clearance work. The Panel also highlighted that there was still much more to be done to alleviate road flooding caused by blocked or faulty pipes, or inadequate drainage and urged that the additional funding continue to be provided in the 2022-23 Budget.

A number of small flood alleviation schemes had been completed this year in partnership with landowners, the Environment Agency, District Councils, and residents. The Panel commended these smaller schemes and urged a concentration of effort from partners to try and find a solution to small scale flooding issues.

Footways

The Panel recognised the extra £7.5m which was being invested in the County's footways during 2021-22 and applauded this initiative. The Panel also noted from the coarse visual inspection survey of footways that 35.4% were currently in need of repair work. The Panel therefore highlighted this as an area for which they would urge continued budget support being maintained in 2022-23.

Public Rights of Way

The Panel welcomed the additional funding that was starting to make a positive impact in this area. Noting, however, that the number of outstanding PROW defect reports remained at a high level, they asked that additional investment in PROW's continued to be supported in the 2022-23 Budget.

The Panel was pleased at the involvement of volunteers through the Countryside Access Group whose input was significantly contributing to the positive progress being made. The Panel were keen to see this initiative expanded and promoted going forward.

Children and Families Overview and Scrutiny Panel - 12 November 2021

- The Panel noted that, as previously reported, the key pressure on the Dedicated Schools Grant (DSG) was in the High Needs Block, a pressure that was in line with the national picture. Members also noted that the legislation which had allowed councils to carry forward this deficit on their balance sheets would expire at the end of the 22/23 financial year at which point the deficit could potentially revert to the County Council. Members acknowledged that the High Needs Management Plan was in place to monitor this budget closely.
- The Panel was informed that the Council was still awaiting specific details from the Government in relation to the budget for 2022/23.
- With reference to Home to School Transport, the much-improved budget picture was welcomed.
- Members were interested in the amount to be included in the 2022/23 budget for staff pay increases and were informed that this was not yet confirmed.

Adult Care and Well Being Overview and Scrutiny Panel – 15 November 2021

The Head of Finance outlined that the Adult Services budget, as at the end of Quarter 2, was forecast to be broadly balanced by the end of the financial year. Risk areas included increased placement costs for Learning Disabilities and a forecasted reduction in income generation. There were underspends in Direct Payment income recovery and Physical Disability services.

Looking forward to 2022/23, risks and potential pressures included increases to the cost of care, taking into account increases to the National Minimum Wage, costs associated with staff shortages and general living costs as a result of both the pandemic and leaving the European Union. An increase in service demand above forecast and the impact of delayed discharges from acute hospitals were also risks. The level of Government funding was never certain, and the impact of the lifetime care cap would become clearer in time.

In response to Member questions, the main points included:

- Learning Disability forecasted income reduction was as a result of health reviews of each client in receipt of NHS Continuing Healthcare funding
- Income Recovery from Direct Payments would take place after conversations and engagement. A contingency was acceptable, however, if the Council was funding over and above the level of outgoings and welfare was not at risk, then it was the correct course of action to recover some of the payments made
- For the benefit of new Members, further information would be shared on the Directorate's Transformation Plan, the '3 Pillar' Strategy
- The Head of Finance clarified that all budgets were a fair forecast.

OVERVIEW AND SCRUTINY PERFORMANCE BOARD 15 DECEMBER 2021

MEMBER UPDATE, WORK PROGRAMME 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 remit of each Member of the OSPB, including an update on each Overview and Scrutiny Panel and Task Group;
 - (b) Consider the 2021/22 Work Programme and consider whether it would wish to make amendments;
 - (c) Consider the Council's latest Forward Plan 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 feedback 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 – Shirley Webb
- Children and Families Overview and Scrutiny Panel – Kyle Daisley
- Economy and Environment Overview and Scrutiny Panel – Alastair Adams
- Corporate and Communities Overview and Scrutiny Panel – Mike Rouse
- Health Overview and Scrutiny Committee (HOSC) – Brandon Clayton
- Crime and Disorder – Richard Udall

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.**

Work Programme

7. From time to time the Board will review its work programme and consider which issues should be investigated as a priority.

8. Worcestershire County Council has a rolling annual Work Programme for Overview and Scrutiny, which is agreed by Council on an annual basis. The last programme was agreed on 9 September 2021

9. The main responsibilities of the OSPB are:

- Commissioning work for Scrutiny Panels
- Establishing Scrutiny Task Groups (agreeing Terms of reference and Reports)
- Advising on Council's Policy Framework ie Sustainable Community Strategy (if any), Corporate Plan, Children and Young People's Plan, Local Transport Plan, Youth Justice Plan, 'Act Local in Worcestershire' framework, such other plans and strategies as required by law to form part of the Policy Framework or which may be and have been adopted to be part of that Framework eg Corporate Plan, Budget
- Call-ins
- Designated by the Council as its statutory Crime and Disorder Committee and must meet at least annually.

10. 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 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?

11. The Board is asked to consider its 2021/22 Work Programme (attached at Appendix 1) and agree whether it would wish to make any amendments

Cabinet Forward Plan

12. The Board will wish to consider any issues arising from the Council's Forward Plan. The latest version of the Plan available at the time of Agenda despatch is routinely considered at each meeting of OSPB (attached at Appendix 2).

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.**

Supporting Information

- Appendix 1: OSPB 2021-22 Work Programme
- Appendix 2: Forward Plan (available at 7 December 2021) [Forward Plan 2021](#)

Contact Point for the Report

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Background Papers

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

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

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Overview and Scrutiny Performance Board

Date of Meeting	Issue for Scrutiny	Date of Last Report	Notes/Follow-up Action
15 December 2021	Budget Scrutiny		
	Member Update, Work Programme and Cabinet Forward Plan	Each meeting	
26 January 2022	Budget Scrutiny 2022/23	15 December 2021	Scrutiny comments to Cabinet
	Member Update, Work Programme and Cabinet Forward Plan	Each meeting	
23 March 2022	Quarterly Performance and In-Year Budget Monitoring - Feedback from Scrutiny Panels (Q3 October to December/Period 9)	Quarterly	
	Member Update, Work Programme and Cabinet Forward Plan	Each meeting	
26 April 2022	Annual Update from Worcestershire Local Enterprise Partnership (LEP) (2022 Update to include the WLEP's Climate Strategy)	21 July 2021	
	Review of Overview and Scrutiny Work Programme	30 September 2021	To be endorsed by Council in May 2022
	Member Update and Cabinet Forward Plan	Each meeting	
25 May 2022	Quarterly Performance and In-Year Budget Monitoring - Feedback from Scrutiny Panels (Q4 January to March)	Quarterly	
	Member Update, Work Programme and Cabinet Forward Plan	Each meeting	

Date of Meeting	Agenda Item(s)	Date of Last Report	Notes/Follow-up Action
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Possible Future Items			
TBC	Worcestershire Minerals Local Plan (development plan document)		To be considered by Cabinet
TBC	Children and Young People Strategic Partnership Report		Policy Framework Report
TBC	Draft Scrutiny Report: Children and Adolescent Mental Health Services (CAMHS)		Scrutiny Task Group paused due to COVID-19
TBC	Draft Scrutiny Report: Elective Home Education	10 December 2019	Scrutiny Task Group paused due to COVID-19
TBC	Draft Scrutiny Report: Developer-Funded Highways Infrastructure and Section 278 Technical Approval	28 November 2018	Scrutiny Task Group agreed but not started due to other priorities
TBC	Update on Trading Standards (including reporting mechanisms)		Suggested at 22 July 2020 meeting
TBC	Income Generation		Suggested at 17 March 2020 meeting
TBC	The levelling up agenda and the impact on Worcestershire (including the Towns funding allocated to Worcester and Redditch)		Suggested at 30 September 2021 Meeting
TBC	Safety of Worcestershire Parks and open spaces (Crime and Disorder)		Suggested at 30 September 2021 Meeting
TBC	Community Safety Partnerships (Crime and Disorder)		Suggested at 21 October 2021 Meeting

Date of Meeting	Agenda Item(s)	Date of Last Report	Notes/Follow-up Action
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Standing Items			
November/January	Budget Scrutiny		
March/May July/November	Quarterly Performance and In-Year Budget Monitoring - Feedback from Scrutiny Panels		
April	Review of Overview and Scrutiny Work Programme		To be endorsed by Council in February
July	Annual Crime and Disorder Meeting		
April	Annual Update from Worcestershire Local Enterprise Partnership (LEP) (2022 Update to include the WLEP's Climate Strategy)		
As necessary	Call-ins		
As necessary	Commissioning work for Scrutiny Panels		
As necessary	Establishing Scrutiny Task Groups (agreeing Terms of reference and Reports)		
As necessary	Advising on Council's Policy Framework ie Sustainable Community Strategy (if any), Corporate Plan, Children and Young People's Plan, Local Transport Plan, Youth Justice Plan, 'Act Local in Worcestershire' framework, such other plans and strategies as required by law to form part of the Policy Framework		

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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.
Fair Funding for Schools 2022/23 – National and Local Funding Arrangements for Schools Key Decision	9 December 2021	4
Policy and process for the determination of penalties under the Tenant's Fees Act 2019 and associated legislation	9 December 2021	5
Waste Management Contract Key Decision	9 December 2021	6
Day Opportunities CMR Decision	13 December 2021	7
2022/23 Budget and Council Tax	6 January 2022	8
2022/23 Budget and Council Tax	3 February 2022	9
Development of All Disability Service and the Transition of that Service into Worcestershire Children First(WCF) New Entry	3 February 2022	10
Future of Redditch Library New Entry Key Decision	3 February 2022	11
Mental Health Aftercare Arrangements as required under section 117 of the Mental Health Act 1983 New Entry Key Decision	3 February 2022	12
Pershire Education Planning Area Review Consultation Responses New Entry Key Decision	3 February 2022	13
Review of Adult Services Transport Policy New Entry Key Decision	3 February 2022	14
Domestic Abuse Act 2021 – Implementation	24 March 2022	15
Worcestershire Rail Investment Strategy Key Decision	24 March 2022	16
'Called In' Decisions or Scrutiny Reports Potentially Key Decision	Within the plan period	17
Notices of Motion Potentially Key Decision	Within the plan period	18

All entries will be for decision by Cabinet unless otherwise indicated

