

OVERVIEW AND SCRUTINY MANAGEMENT BOARD
26th February, 2016

Present:- Councillor Steele (in the Chair); Councillors Hughes, Pitchley, J. Turner, Whelbourn and Wyatt.

Also in attendance : Councillor Atkin (Task and Finish Group Chair, in respect of item 114).

Apologies for absence were received from Councillors Beck, Cowles, Hamilton, Mallinder and Sansome.

110. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

111. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no questions from members of the public or the press.

112. ADULT SERVICES BUDGET MONITORING REPORT FOR THE PERIOD ENDING 31 DECEMBER 2015

Consideration was given to a report, presented by the Interim Director of Adult Social Services containing the forecast outturn position for Adult Social Services to 31st March, 2016, based on actual income and expenditure to 31st December, 2015.

The report stated that the forecast is for an overall overspend of £1.038 millions against a net revenue budget of £69.111 millions. The principal budget pressures are due to the increase in demand for services mainly in respect of direct payments and residential care placements. These pressures are being reduced by non-recurrent grant funding plus a number of actions including reviews of high cost placements and efficiency savings targets to ensure tight financial management.

Members' discussion highlighted the following salient issues:-

- specific budget pressures (eg: demographic pressure, as people live to and older age; the introduction of the national living wage);
- the measures being taken to manage expenditure on Adult Social Care effectively during the current financial year have been put in place and will be included in future budget monitoring reports;
- the use of Task Groups to review spending and cost effectiveness on specific issues (eg: direct payments) and ensuring that the Cabinet Member for Adult Social Care and Health is briefed regularly on the progress of the Task Groups' work;

- the increasing costs, nationally, of adult residential care placements;
- the residential care service providers which have contracts with the Council are all required to pay at least the minimum wage to their employees;
- a regular review is undertaken of the use of agency staff within Adult Social Care (Members requested further details about this matter).

Resolved:- (1) That the report be received and its contents noted.

(2) That the latest financial forecast against budget for 2015/16 and the actions being taken to mitigate the budget pressures facing Adult Social Services, as described in the report now submitted, be noted.

113. RISK MANAGEMENT UPDATE

Further to Minute No. 71 of the meeting of the Overview and Scrutiny Management Board held on 11th December, 2015, consideration was given to a report presented by the Interim Corporate Risk Manager containing the main areas of progress with the Council's Risk Management Strategy. The report stated that, in response to the criticism of the Council's approach to risk management, as expressed in the report by Louise Casey (January, 2015), the subsequent Corporate Improvement Plan for the Council included the following actions designed to re-invigorate risk management:-

- : produce a revised risk management policy and strategy;
- : roll out new risk management arrangements to managers, the Cabinet, Scrutiny Members and to the Audit Committee;
- : complete a new strategic risk register; and
- : complete new operational risk registers.

Members noted that there were several key elements of further work required, including:-

- : the need to refine further the Council's risk management approach – a process which may possibly take several years;
- : actions needed to embed risk management throughout the Council, especially in terms of service planning;
- : the future proposals for the overall responsibility for risk management.

Discussion took place on the following salient issues:-

- the regular reporting (at intervals of six weeks) of the Council's risk register to the Senior Leadership team, chaired by the Chief Executive;

- the use of ‘Sharepoint’ computer software, so that all risk registers may be shared by Directorates and be available online;
- there are risk registers now in place for each individual Directorate and they are being monitored regularly;
- sharing the risk registers with this Council’s partner organisations and developing a specific risk register for the partnership arrangement itself;
- each Directorate has an officer undertaking the role of ‘risk champion’ and together they attend meetings both to share information and to avoid the pitfalls of silo working; it was suggested that the risk champions from each Directorate should report periodically to the appropriate Select Commission;
- the sharing of good practice in risk management across the Council;
- a specific reference to child sexual exploitation and its absence from the Council’s risk registers until 2013/14;
- the Cabinet Member for Corporate Services and Budgeting is currently the lead Member for Internal Audit and Risk Management and the newly-appointed Assistant Chief Executive will have the officer responsibility for risk management.

Resolved:- That the report be received and its contents noted.

114. SCRUTINY REVIEW - LITTER AND FLYTIPPING

Further to Minute No. 44 of the meeting of the Improving Places Select Commission held on 24th February, 2016, consideration was given to a report, presented by Councillor A. Atkin (Chair of the Task and Finish Group), concerning the work of the Litter and Fly Tipping Task and Finish Group, which had now completed its review of the problem of the increase of litter and fly tipping within the Rotherham Borough area. The review was one of a number of reviews of service areas within Environment and Development Services, identified by the Commissioners and Elected Members as priority scrutiny reviews to take place during 2015/2016.

The report stated that the review had been undertaken against a background of annual revenue budget reductions for both street cleansing and enforcement duties and also the perception that enforcement was not necessarily effective in changing behaviour in respect of reducing littering and fly tipping.

Members considered the contents of the full report of this scrutiny review and its recommendations.

Discussion took place on the following specific issues:-

- the importance of both education and enforcement measures in attempting to reduce the amount of littering and fly tipping; such measures are labour-intensive; it was noted that budget reductions and the consequent staffing reductions have produced a consequent reduction in the number of prosecutions for both littering and fly tipping;
- the proposal to establish an officer post of 'Love My Streets' Co-ordinator is now the subject of further consideration (after one unsuccessful attempt to fill the post);
- whether it would be possible for public information messages encouraging a 'cleaner Rotherham' to be displayed periodically on the electronic information screens now located adjacent to some of the principal roads in the Borough area.

Resolved:- (1) That the report be received and its contents noted.

(2) That the scrutiny review report of Litter and Fly Tipping, together with its recommendations, be supported and be forwarded to the Cabinet and to the Commissioners for further consideration.

115. NEW HOMES BONUS - GOVERNMENT CONSULTATION RESPONSE

Consideration was given to a report presented by the Head of Policy, Improvement and Partnerships concerning the Council's draft response to the Department for Communities and Local Government consultation on the future of the New Homes Bonus. The deadline for responses to this consultation was Thursday, 10th March, 2016.

The report stated that this consultation was technical in nature, seeking views on options to change the New Homes Bonus, including: reducing the number of years in which current and future payments are made from six to four; the introduction of a "deadweight" threshold for payments; and disallowing the New Homes Bonus for houses built after planning appeals, which will take effect in 2017/18, with major changes from 2018/19 onwards.

The stated aim is to better reflect local authorities' delivery of new housing and save £800 millions on the New Homes Bonus budget. Savings on the bonus, according to the consultation document "will be redistributed with the local government settlement, in particular to support authorities with specific pressures, such as in Adult Social Care budgets." Specifically, based on the Chancellor of the Exchequer's Autumn statement and the November, 2015 spending review, the savings will part fund a £1.5 billions increase in the Better Care Fund.

Members debated the following issues:-

- the Council's protocol of requiring all Government consultation documents to be considered initially by the scrutiny process (this protocol will feature in the new terms of governance for the Council);
- Local authorities must have a Local Plan in place in order to ensure receipt of the New Homes Bonus;
- this Council's Medium Term Financial Strategy, from 2017/18 onwards, may have to be reviewed and amended as a consequence of the proposed changes to the New Homes Bonus;
- this Council's response to the consultation on the New Homes Bonus shall be consistent with the response to the Government's earlier consultation on proposed changes to national planning policy (Minute No. 87 of the meeting of the Overview and Scrutiny Management Board held on 22nd January, 2016, refers);
- it was clarified that the standard definition of 'affordable homes' refers to residential properties which are priced (for sale/purchase) at 80% of their actual market value;
- the prevalence of brownfield, industrial and contaminated land within the Rotherham Borough area, some situated in remoter, 'out-of-town' locations; the requirement for the construction of the necessary infrastructure to ensure access to such sites means that they will probably be more costly to develop;
- affirmation of the Council's suggested response, as now reported, that the New Homes Bonus should be allocated in cases where development has been granted on appeal, after initial refusal of an application for planning permission by the Local Planning Authority.

Resolved:- (1) That the report be received and its contents noted.

(2) That the draft response, now submitted, be endorsed and the comments and views now expressed by the Overview and Scrutiny Management Board be considered further by the Council's Executive and/or by the Commissioners, for inclusion within this Council's response to the Government's consultation on the New Homes Bonus.

116. WELFARE REFORM, BENEFIT SANCTIONS, AND TACKLING POVERTY AND INEQUALITY

Further to Minute No. 136 of the meeting of the Overview and Scrutiny Management Board held on 20th May, 2014, consideration was given to a report, presented by the Head of Policy, Improvement and Partnerships and by the Policy and Partnerships Officer, providing an update on key developments with the Government's welfare reform, as follows:-

- : developments following the scrutiny review of the Government's sanctions and conditionality regime in Rotherham, reported in March 2014; and following commissioning by the Government of Matthew Oakley (former Economic Advisor to the Treasury and later Head of Economics and Social Policy at the Policy Exchange), his report published in July 2014";
- : the new set of welfare reform proposals introduced by the Government after the General Election of 7th May, 2015, including the Welfare Reform and Work Bill currently before Parliament;
- : the Household Benefit Cap and the consequent issues affecting the Child Tax Credit;
- : child poverty and 'life chances';
- : Government proposals in respect of young people aged 18 to 21 years who are in receipt of the Universal Credit; the proposals include the removal of the automatic entitlement to housing benefit for people in this age group;
- : the Government announcement (July 2015 Budget) of a National Living Wage for people aged 25 years and over.

The report also outlined the strategic approach being taken by this Council, alongside its partner organisations, to tackling poverty in the Rotherham Borough area.

Members discussed the following salient issues:-

- the passage of the Welfare Reform and Work Bill through Parliament; the probable date on which this piece of legislation would receive Royal Assent was not yet known;
- issues affecting Rotherham households (eg: those households which will be affected by the benefits cap)
- the probable impact of the proposed legislation on this Council's Housing Inclusion Strategy and the Housing Revenue Account;
- the scrutiny review of the Department for Work and Pensions' sanctions and conditionality regime (Minute No. 136 of the meeting of the Overview and Scrutiny Management Board held on 20th May, 2014 refers); the aim of the organisations within the Rotherham Partnership to establish a local working protocol and whether this could be achieved as part of the Sheffield City Region devolution process;

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- whether the Department for Work and Pensions may allow the mandatory reconsideration process to be carried out locally, instead of via the decision-making/processing centre in Hanley, Staffordshire;
- the role, function and effectiveness of this Council's welfare reform steering group – the desirability of effective partnership working with other appropriate organisations; involving both Executive and Scrutiny Elected Members in the work of this steering group;
- the specific impact of the Government's welfare reform on young people aged 18 to 21 years; the difficulty of assessing the likely impact until the Government's reform has been implemented in full;
- whether there is an accurate figure available of the number of apprenticeships available in the Rotherham Borough area;
- whether information is yet available about the Sheffield City Region devolved skills budget; Members acknowledged the advantages of there being a single organisation responsible for the co-ordination of the adult skills agenda;
- it was noted that, with effect from 1 April, 2016, the back-dating of housing benefit claims will be restricted to four weeks
- there is already specific monitoring, by this Council, of the effects of welfare reform upon people in Rotherham, given the concerns about multiple deprivation and child poverty; these aspects will feature in the future reports submitted to meetings of Elected Members;
- it was also acknowledged that the recommendations of the scrutiny review of the Department for Work and Pensions' sanctions and conditionality regime, as referred to above, have effectively been negated by subsequent changes in legislation; however, the implementation of the review's recommendations does still have relevance in the context of the welfare reform and should still be monitored (for example, the information about benefits sanctions, as published by the Department for Work and Pensions, is not always clear and helpful);
- it was noted that the independent review of the operation of the Jobseeker's Allowance sanctions, undertaken by Matthew Oakley (July 2014) and referred to above, had contained similar recommendations to this Council's scrutiny review, referred to above;
- future reports to Elected Members, about the welfare reform, should include reference to the Financial Inclusion Strategy of this Council;

- there was value in the Council collecting its own statistics, as well as anecdotal evidence of the impact of welfare reform on individual households, in part because it appeared that the Department of Work and Pensions' own figures are not yet precise;
- the intention of Government is to implement the welfare reform in stages across the country during the next twelve months, to ensure implementation throughout the whole country by March, 2017); however, there has been no specific implementation date yet announced for the Rotherham Borough area;
- specific support, in terms of understanding the practicality of the welfare reform and the Government's concept of 'life chances', may ultimately be required by people who have learning difficulties and also by people who do not have immediate access to ICT services and to the Internet, etc.;
- specific concerns relating to child poverty and the likelihood of the enactment of the Welfare Reform and Work Bill ultimately resulting in the repeal of the Child Poverty Act 2010; it was noted that the House of Lords and the House of Commons appeared currently to have differing views about this issue.

Resolved:- (1) That the report be received and its contents noted.

(2) That the Overview and Scrutiny Management Board shall continue to monitor the key developments with the Government's welfare reform and the appropriate officers shall submit progress reports to the Management Board at intervals of three months and such reports shall include relevant statistics for each electoral Ward of the Borough area.

117. ISSUES REFERRED FROM THE AREA ASSEMBLIES

There were no issues to report.

118. YOUTH CABINET/YOUNG PEOPLE'S ISSUES

The Overview and Scrutiny Management Board expressed its gratitude to the members of the Rotherham Youth Cabinet, Commissioner Newsam, Scrutiny officers and other officers of this Council and also to the representatives of the various organisations who had all participated in and contributed to the Children's Commissioner Take-over Day meeting, concerning mental health issues affecting children and young people, which had been held on Tuesday evening, 23rd February, 2016.

119. MINUTES OF THE PREVIOUS MEETING HELD ON 12TH FEBRUARY, 2016

Resolved:- That the minutes of the meeting of the Overview and Scrutiny Management Board, held on 12th February, 2016 be approved as a correct record for signature by the Chairman.

120. WORK IN PROGRESS

Improving Lives Select Commission:-

Councillor Pitchley, Vice-Chair of the Improving Lives Select Commission, reported that the Select Commission will continue to consider issues affecting the Rotherham Safeguarding Children Board and the detailed scrutiny will be undertaken by sub-groups.

Improving Places Select Commission:-

Councillor Whelbourn, Vice-Chair of the Improving Places Select Commission, reported that the recent meeting of the Select Commission had considered the following matters:-

Litter and fly tipping – report of the review undertaken by the Task and Finish Group;

Improving Places - scrutiny work programme 2016/17 – suggested topics include a review of the commercialisation of Council services (eg: the Rotherham Investment and Development Office).

Health Select Commission:-

It was noted that the Chair of the Health Select Commission, Councillor Sansome, was today attending a meeting of the Joint Health Overview and Scrutiny Committee, which was being held in Leeds.