

**OVERVIEW AND SCRUTINY MANAGEMENT BOARD**  
**Wednesday, 11th September, 2019**

Present:- Councillor Steele (in the Chair); Councillors Cowles, Cusworth, R. Elliott, Jarvis, Keenan, Mallinder, Taylor, Tweed and Walsh.

Apologies were received from Councillors Wyatt.

The webcast of the Council Meeting can be viewed at:-

<https://rotherham.public-i.tv/core/portal/home>

**43. MINUTES OF PREVIOUS MEETINGS**

**Resolved:-**

That the minutes of the Overview and Scrutiny Management Board held on 15 May, 5 June, 3 July, 10 July and 17 July 2019 be approved as true and correct records of the proceedings.

**44. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**45. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS**

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

**46. EXCLUSION OF THE PRESS AND PUBLIC**

**Resolved:-**

That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the Agenda Item 8 on the grounds that the appendices involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

**47. ADULTS INDEPENDENT ADVOCACY SERVICES - COMMISSIONING AND PROCUREMENT APPROACH**

Consideration was given to a report submitted for pre-decision scrutiny ahead of the Cabinet meeting on 16 September 2019 which concerned the commissioning and procurement of independent advocacy services for adults and provision for young people aged between 16 and 17 years of age. The report sought approval to include the NHS Complaints Advocacy in the scope of the advocacy procurement exercise and to commence a tender process with the objective of mobilising new independent advocacy services from 1 April 2020.

It was reported that independent advocacy services were necessary to meet all of the Council's statutory requirements under the Care Act 2014, the Mental Capacity Act 2005, the Mental Health Act 2007 and the Health and Social Care Act 2012. Statutory independent advocacy services provided support to people who:-

- Required assistance throughout the care and support assessment and through the review process.
- Lacked mental capacity to make decisions about themselves
- Were detained under the Mental Health Act
- Required support to complain about service provided by the NHS.

Members welcomed the report and specifically highlighted their pleasure at the quality of the equality analysis provided. Assurances were sought in respect of how the authority would raise awareness of advocacy and how people could access it. Furthermore, Members wanted to know how easy it was to access self-referrals and connector support. In response, it was confirmed that the Council wanted to raise better awareness and access to services and that was why the integrated approach had been recommended in the report. Details were provided of the specific approaches and methods to be deployed in increasing awareness through primary care networks and carers organisations.

Members recommended that the protected learning time which was mandated for primary care networks should be used to provide training on how to access advocacy services. In response, the Cabinet Member indicated that he could support that recommendation in principle and would look at the feasibility of how that would be promoted with primary care networks.

Reference was made to the projected increase in the number of persons with dementia and whether that had been factored into the specification for the procurement approach given that there may be increased need for advocacy services. In response, it was confirmed that the service believed that increased demand could be met within existing budgets. However, the more pressing concern was ensuring that those people and those supporting them were aware of the advocacy services available and how to access them. This would require targeted campaigns, liaison with relevant groups and a better web and social media offer.

As the report recommended following a new commissioning and procurement approach based on the practice of other local authorities, Members sought assurances that the proposed approach was effective and delivering elsewhere. In response, it was confirmed that officers had looked at the models used by Leeds City Council and Kirklees Metropolitan Borough Council, where providers had been brought together within an advocacy hub. It was noted that a potential bidder had indicated that a number of providers were willing to work within a lead provider model and there was confidence therefore that the recommendation approach would be appropriate.

**Resolved:-**

1. That the Cabinet be advised that the recommendations be supported.
2. That GPs be recommended to access training in respect of advocacy services through the protected training time.
3. That, following twelve months of operation after the award of the contract, an update report detailing performance and outcomes be submitted to the Health Select Commission.

**48. SPECIAL EDUCATIONAL NEEDS AND DISABILITY (SEND) PHASE 2 – NEW EDUCATION PLACES**

Consideration was given to a report submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled to take place on 16 September 2019, which sought approval to utilise £1.186m of available capital funding to create 111 additional school places in Rotherham starting from 2020 for children with special education needs and disabilities.

It was reported that the Cabinet had previously approved consultation on the authority's proposals to utilise capital funding to increase the sufficiency of school places for children with special education needs and disabilities in Rotherham (minute 147 refers). Consultation had taken place since that time with schools and a number of projects had been identified within the 2019 SEND Sufficiency Strategy.

The Chair of Improving Lives Select Commission, Councillor Cusworth, indicated that her commission had spent a lot of time looking at the SEND Sufficiency Strategy, expressing concern that the first round of places initially identified would not be enough to meet demand. There had previously been concerns that School Academies would not be on board with the proposals. However, Members had been overjoyed when assurances were provided and it was clear that academies were very keen to get involved. It was considered that the local grounding of the Academy Trusts had been key to securing that level of buy in. She concluded by informing Members that Improving Lives Select Commission would continue to have oversight of this, but the Commission was fully assured by the information provided and proposals submitted. In response to her comments, the Deputy Leader of Council indicated that the progress made with academy trusts was attributable to the way in which the Education Strategic Partnership had operated since it was established in 2018, which had secured buy in from everyone and all participants ensured that key decision makers from their institutions were around the table.

Assurances were sought that children would be fully integrated into mainstream schools and SEND students would not be hived off to other areas. Furthermore, clarification was sought that schools were fully capable of managing the change. In response, it was confirmed that intention was to provide an education to a child that would meet their needs and that the proposals provided a solution with flexibility as to how that need would be met.

Members queried what further work would now take place to continue to grow the number of places after 2021. In response, it was explained that the Sufficiency Strategy was based on a projection of need that looked forward over ten years and the approach was dependent on policy drivers and funding decisions from central government. The authority was committed to undertaking a data refresh on an annual basis and the most recent data refresh had indicated potential to secure further capital funding in future, which would mean that sound decision could be made with a strong evidence base for the future.

**Resolved:-**

1. That the Cabinet be advised that the recommendations be supported.

**49. COMMUNITY ENERGY SWITCHING SCHEME**

Consideration was given to a report which was submitted for pre-decision scrutiny ahead the Cabinet meeting scheduled to take place on 16 September 2019 which sought approval to accept a tender to establish a Community Energy Switching Scheme which would have the potential save an average three bedroom semi-detached household up to £300 per year.

It was reported that an open tender process had been conducted following the Cabinet decision in December 2018 (minute 79 refers) and two submitted responses had met all of the mandatory requirements. The tenders had been evaluated and officers had recommended the development of a community energy switching scheme in partnership with a bidder who had submitted a compliant bid that would deliver against the specification.

Given the volatility of the energy market and uncertainty arising from the anticipated withdrawal of the UK from the European Union in October 2019, Members sought to understand what plans were in place to overcome any financial or reputational risk arising from the failure of the company or failure of supply. In response, it was confirmed that a guarantee had been provided by the owners of the successful bidder in respect of its continued operation. With regard to the impact on households, it was confirmed that customers would reverse back to standard tariffs. Overall, there was assurance from the due diligence work that had taken place to date.

Following on, Members sought to understand how the company operated in respect of the use of smart meters and access to engineers. In response, it was confirmed that smart meters were in use and would be installed as soon as customers signed up. Whilst there was an obligatory 28 days in which to install the smart meter, the provider's level of performance ensured that these were in place within seven days.

Clarification was sought as to whether conversations had taken place with Housing Services to establish what could be done to use this scheme for District Heating in future. In response, it was explained that whilst electricity supply would be possible, it would not be possible for those properties in the District Heating Scheme to use the Community Energy Switching Scheme, as the energy supplied was purchased by the authority on an industrial basis and was therefore on a different pricing structure.

Members sought to understand the approach that would be adopted to market the scheme to ensure that it was viable for the provider and the authority. In response, it was confirmed that the successful bidder had submitted a marketing plan with their tender documents and the Communications and Marketing Team, along with the Neighbourhoods Service, would be involved in the development of the marketing approach. In order for the scheme to be viable, it was anticipated that 3,000 customers would be required and, to that end, conversations would also take place with Housing Services and Adult Care to target the promotion of the scheme. Furthermore, the scheme would be promoted to private landlords and tenants.

**Resolved:-**

1. That the Cabinet be advised that the recommendations be supported.
2. That an update report on the performance and outcomes from the Community Energy Switching Scheme be submitted to the Improving Places Select Commission after twelve months from the commencement of the scheme.

**50. STRATEGIC MANAGEMENT AND MAINTENANCE OF ROTHERHAM'S HIGHWAYS**

Consideration was given to a report which was submitted for pre-decision scrutiny ahead of the Cabinet meeting scheduled to take place on 16 September 2019 which sought endorsement of the strategic approach to the management and maintenance of Rotherham's highways, in accordance with the Highway Asset Management Policy.

The report detailed and reviewed the current strategy for the management and maintenance of Rotherham's highways and the impact of increased investment through the 2020 Roads Programme. Further information was provided on the current performance of Rotherham's highways in respect of condition and in the delivery of highways maintenance services.

In opening the item to the wider Board membership, the Chair indicated that this was a very positive report in his view and his own experience of the service had been very good. Officers from the service acknowledged the positive feedback from the Chair and elaborated more on the customer focused approach that the service had adopted which was resulting in better feedback and reduced complaints. Furthermore, it was clear that staff in the service were very in their work and proud of the difference they were making in maintaining and improving highways across the borough.

Members noted that the quality of maintenance to pavements in parts of the borough did not match that of highways and queried whether this was contracted differently. In response, it was confirmed that specialist contractors were used for different projects, the majority of work was undertaken by the authority's workforce and pavements was part of that programme of works. Officers welcomed the feedback and provided assurances that quality checks were undertaken on pavements. Tree root damage did have a significant impact on footways and pavements, but analysis undertaken by the service did not suggest that there was a significant increase in this as an issue. The service would be seeking additional capital funding for this in future years.

Having noted the reduction in the number of potholes across the borough, Members queried whether there had been a change in materials to generate such a change. In response, officers confirmed that the improvements were due to a number of factors and made specific reference to the first time fix approach through a multi hog machine which was having a positive impact. This early intervention was beneficial in reducing the spread of potholes.

Members sought to understand what the implications there were for a bad winter and how that would impact on the programme of works. In response, officers confirmed that there could be an impact on works planned for the immediate areas outside of schools and GP practices, but works would not be postponed, but simply delayed until the beginning of the following year's programme. In recent years, only a few days had been lost to bad winter weather and the programme had been delivered. Where planned works had been communicated to residents and businesses, the service would write again to confirm when works would take place if they had been subject to delay. It was noted that the service actively engaged both the Communications and Marketing Team and the Neighbourhoods Service to ensure that messages were communicated effectively via a number of mediums. Members were pleased to learn that the service was ahead of scheduled in respect of its programme of works.

Reference was made to the condition of country lanes that were not particularly well used in respect of the volume of vehicles, but had deteriorated to a very poor condition and how regularly these were checked and maintained. In response, officers confirmed that it was the Council's responsibility to check and maintain all highways across the borough.

**Resolved:-**

1. That the Cabinet be advised that the recommendations be supported.

**51. CHILDREN'S COMMISSIONER'S TAKEOVER CHALLENGE SCRUTINY REVIEW: YOUNG CARERS**

Consideration was given to a report which outlined the findings and recommendations following a spotlight review undertaken by Rotherham Youth Cabinet, together with Rotherham Young Carers Council, regarding improved access to leisure opportunities for young carers in Rotherham.

It was reported that Rotherham Youth Cabinet (RYC) had chosen young carers as the theme for the 2019 Children's Commissioner Takeover Challenge, which had been one of its key priorities from their manifesto in 2019. In undertaking the review, the RYC had worked closely with the Rotherham Young Carers Council.

Members noted that the RYC had developed recommendations which had focused on:-

- An improved offer of discounted access to leisure activities for young carers
- Clear eligibility criteria
- Support to travel to activities
- Good promotion and publicity
- Identification of young carers and support

The report was presented to the Board in order for the recommendations to be formally submitted to the Cabinet for response in early 2020.

**Resolved:-**

1. That the report be received and the conclusions and recommendations noted.
2. That the report be forwarded to the Cabinet and partners for consideration and to Council for information.
3. That a detailed response from the Cabinet and partners be presented to the Overview and Scrutiny Management Board and Rotherham Youth Cabinet in January 2020.

**52. YOUTH CABINET/YOUNG PEOPLE'S ISSUES**

The Chair reported that there were no further Youth Cabinet or young people's issues for consideration by the Board at the meeting.

**53. WORK IN PROGRESS - SELECT COMMISSIONS**

The Chairs of the Select Commissions provided the following updates on recent and planned activities:-

***Health Select Commission***

Councillor Keenan reported that at the meeting held on 13 June there had been consideration of the refresh of the Sexual Health Strategy for Rotherham and the Commission was awaiting the final equality analysis and feedback on suggestions for a broader and smarter set of performance measures. Members had also considered the Cabinet's response to the recommendations from workshop on Adult Residential and Nursing Care Homes, which had been entirely accepted by the executive. Consideration was also given to the Annual Report of the Director of Public Health and Members had emphasised the importance of addressing health inequalities.

In July, the Commission had received a monitoring report on Drug and Alcohol Treatment and Recovery Services and Members had made plans for a follow up visit to a treatment facility. Consideration was also given to a report in respect of the development of six primary care networks across the borough involving all GP practice in closer collaboration. Finally a report was submitted on the development of Rotherham Community Health Centre and Members reviewed proposals to move ophthalmology outpatient services from the hospital site to the Rotherham Community Health Centre.

Members received a further report on the ophthalmology proposals following public consultation at the meeting held on 5 September 2019. They also noted the progress made on maternity services transformation and how the requirements of national guidance 'Better Births' had been met with a focus on safe and personalised care. The Commission received an initial presented on the review of the respiratory pathway which detailed current issues, rationale for change and engagement plans. The outline business case for proposals for the new model of intermediate care and reablement based on a "home first" principle and recovery ethos were also reported to the Commission.

Looking to the future, Councillor Keenan reported that the October meeting of the Health Select Commission would include an update on the Rotherham Foundation Trust's progress against the CQC Action Plan, as well as a report on the Social, Emotional and Mental Health Strategy. Furthermore, she reported that a workshop on suicide prevention and self harm action plan was planned, which was important in light of newly released national figures on suicide.

### ***Improving Lives Select Commission***

Councillor Cusworth reported that her commission had met twice since the last update report to Overview and Scrutiny Management Board. On 11 June, Members had welcomed John Edwards, the Regional Schools Commissioner, which had proved to be a very open and informative session. Members had also agreed that a report would be brought to the September meeting in respect of elective home education. An update was provided on the Rotherham Strategic Education Partnership and Members were keen to understand what progress had been made since it was established in 2018. Members were pleased that there had been significant improvements arising from the work of the partnership.

On 19 July 2019, the Commission had received a presentation in respect of the Rotherham Multi-Agency Arrangements for Safeguarding Children, during which Members were informed of the new Multi-Agency Safeguarding Arrangements for Rotherham, which would replace the Rotherham Safeguarding Children Board. Members welcomed the decision to replace the board with a partnership body and resolved to receive an update on the progress made with the new arrangements after six months of operation.

### ***Improving Places Select Commission***

Councillor Mallinder reported that the Commission had held a meeting in June 2019 solely to discuss the contract with Dignity in respect of bereavement services, which included an update on progress against recommendations made by the Commission in February 2019, alongside the annual performance report against the contract. She was pleased that significant progress had been made in the past year, with regular monitoring and dialogue between the Council and Dignity, as well as improved links with the wider community. A further report would be submitted to the Commission in December 2019 detailing the outcomes of the extended hours pilot.

In July 2019, the Commission had received three reports for scrutiny which had provided updates on:-

- Thriving Neighbourhoods - delivery of the Thriving Neighbourhoods Strategy and the Neighbourhood Working model.
- Time for Action Enforcement Contract around enviro-crime, particularly littering offences and parking offences – performance, challenges and the importance of enhanced enforcement and visibility. Progress was being made on the recommendations previously made by Scrutiny.
- Home to School Transport - annual transport reviews, to be undertaken at the same time as Education and Health Care Plan reviews to assess the suitability of existing transport and young people's ability to partake in Independent Travel Training, was now in place. the service was on track for numbers of young people with personal travel budgets

Looking ahead, the next meeting in September would focus on the Employment and Skills Strategy and the Commission would seek to follow up on the recommendations made by OSMB at pre-decision scrutiny on the strategy.

The Chair of Overview and Scrutiny Management Board reported that he had been invited to attend a meeting of the East Midlands Scrutiny Network, along with the Leader of the Council, to report on the practices and procedures followed by scrutiny in Rotherham. Whilst it was expected that the Deputy Leader, Councillor Watson, would accompany him to the meeting, the Chair reflected on the positive nature of the invitation to attend and welcomed the interest being shown in the progress made in scrutiny at Rotherham MBC.

**54. FORWARD PLAN OF KEY DECISIONS - SEPTEMBER TO NOVEMBER 2019**

Consideration was given to the Forward Plan of Key Decisions for the period from 1 September to 30 November 2019 which was submitted in order to identify potential agenda items for pre-decision scrutiny by the Overview and Scrutiny Management Board and Select Commissions.

Recognising that there were a number of significant reports which would be of interest to Members from a scrutiny perspective, it was suggested that the relevant Cabinet Members be invited to arrange seminars for all Members in respect of the Social Value Policy and Crisis Support Future Options.

**Resolved:-**

1. That the Forward Plan of Key Decisions for the period from 1 September to 30 November 2019 be noted.
2. That the following items be identified for pre-decision scrutiny:-
  - Outcome and recommendations from Non-Residential Charging Consultation
  - House to House Collections Policy
  - Statement of Licensing Principles (Gambling Act 2005)
  - Statement of Licensing Principles (Licensing Act 2003)
  - Taxi Licensing Policy Consultation
3. That the relevant Cabinet Members be invited to consider arranging seminars for all Members in respect of the Cabinet reports on 'Social Value Policy' and 'Crisis Support Future Options'.

**55. CALL-IN ISSUES**

The Chair reported that there were no call-in issues requiring the consideration of the Board.

**56. URGENT BUSINESS**

The Chair advised that there were no urgent items of business requiring the urgent consideration of the Board.

**57. DATE AND TIME OF NEXT MEETING****Resolved:-**

That the next meeting of the Overview and Scrutiny Management Board will be held on Wednesday 2 October 2019 commencing at 11.00 a.m. at Rotherham Town Hall.