

Lancashire County Council

Scrutiny Committee

Minutes of the Meeting held on Friday, 16th September, 2011 at 10.00 am in Cabinet Room 'C' - County Hall, Preston

Present:

County Councillor John Shedwick (Chair)

County Councillors

S Chapman	A Knox
Mrs F Craig-Wilson	P Malpas
M Devaney	D O'Toole
K Ellard	P Steen
Mrs J Hanson	D Westley

This meeting was originally scheduled to take place on 9 September 2011. However, due to unforeseen circumstances it was necessary to adjourn the original meeting.

County Councillor A Knox replaced County Councillor B Winlow for this meeting only.

County Councillors T Winder and J Mein attended the meeting under Standing Order 19 (1).

1. Apologies

Apologies for absence were received from County Councillor L Oades.

The Cabinet Member for Highways and Transport – County Councillor T Ashton submitted his apologies as he was unable to attend this reconvened meeting.

2. Disclosure of Personal and Prejudicial Interests

None were disclosed.

3. Minutes of the Meeting held on 10 June 2011

Resolved: That, the minutes of the meeting held on 10 June 2011 be confirmed and signed by the chair.

4. Review of Winter Service

The Chair welcomed Jo Turton, Executive Director for the Environment, Phil Barrett, Director for Environment and Public Protection Services, and Dave Colbert, Principal Engineer (Transport Planning), to the meeting.

The Committee was informed that the review had built upon those undertaken the previous two winters and aimed to implement further improvements and new initiatives in order to deliver an enhanced service for 2011/12 and beyond.

It was reported that there had been an overspend for the provision of winter services for 2010/11. It was explained that 62% of the total cost was in relation to variable costs covering expenditure on salt stocks and gritting operations. Whilst the remaining 38% accounted for fixed costs including; provision, maintenance and servicing of the gritting fleet, facilities, infrastructure and systems and standby payments during the winter season.

The Committee was informed that current salt stocks stood at 23,000 tonnes and that the County Council hoped to have in excess of 30,000 tonnes available by 1 October 2011. However, the Committee noted that the price per tonne of treated salt delivered from the supplier (Salt Union Ltd) had risen by approximately 17% compared to 2010/11 due to the recent rise in the cost of diesel fuel.

The Committee was also informed that for the forthcoming winter, the County Council intended to utilise the salt supplier's own 'Salt Stock Management System' in order to enhance management of salt stocks and to improve resilience. It was understood that under this system, the supplier would maintain stock levels between pre-defined quantities during the winter season ensuring that the minimum level would provide an acceptable degree of resilience without the need to draw on strategic reserves.

It was reported that the County Council had purchase 30,000 litres of liquid de-icer for use on the priority route network only for when temperatures fell below the threshold for effective salt use and snow ploughing. Other measures intended for the forthcoming winter included; effective use of snow ploughs through pre-winter training sessions, revised gritting routes with a consistent approach across the County and to work with neighbouring authorities to ensure consistent approach on gritting cross-boundary.

The Committee was informed that during the previous two winters the County Council had trialled Route-Based Forecasting with the view to migrate all forecast based operations to this approach in the next few years. It was hoped that Route-Based Forecasting would deliver better decision making and efficient use of resources throughout forthcoming winters.

The County Council in its review of winter services had also identified priority footway networks in each of the 12 District Council areas.

With regard to grit bins, the Committee was informed that filling had commenced with the aim to complete by mid-October. A review of the Parish Council Winter Service Pilot was also included in the report to which a number of operational issues had been addressed that the County Council would need to rectify if it was to continue with the initiative.

Discussions were also in-hand with representatives from business in the Skelmersdale area in supplementing the County Council's winter service with their own resources if the need was to arise again.

A comprehensive communications strategy was also being prepared. It was hoped that this would be in place by October 2011.

It was reported that a draft updated Winter Service Plan for 2011/12 would be available for the Committee to consider at its next meeting on 7 October 2011.

Councillors raised a number of questions and comments, a summary of which is provided below.

- Comments were made in relation to managing the public's expectations of the County Council's winter service provision. It was also suggested that work experience/shadowing opportunities with the winter service team be extended to members of the public and businesses.
- Councillors voiced their concern in relation to data protection law and vulnerable people who had suffered injury during previous winters and who had used the services of the NHS. It was the County Council's intention that it could obtain the locality of such individuals in order to target winter services better.
- Councillors expressed the view that the County Council should be encouraging residents and businesses to clear footways. The Committee was informed that Government guidance issued in 2010 on the clearing of footways would feature in the communications strategy for the forthcoming winter.
- Councillors expressed concern over the provision of grit bins and the siting of them. It was felt that more were needed in particular at junctions.
- One Councillor brought to the attention of the Committee issues surrounding farmers and their insurance policies in relation to them assisting the County Council with the provision of winter services. It was reported that there had been situations during the previous winter in West Lancashire where farmers had to abandon their assisting role due to a lack of appropriate insurance cover. It was suggested that a message on Farmers roles in assisting local authorities be disseminated through the National Farmers' Union (NFU).
- Councillors raised the need to incorporate main access roads to and from villages in the priority network gritting routes. Mention was also made that some roads had only been ploughed to a single track through the middle. The Committee was reassured that gritting routes were currently under review and that the revised networks would be presented at the Committee's next meeting on 7 October 2011.
- Councillors enquired whether forecasting methods were improving. The Committee was informed that the County Council was in regular dialogue with the MET Office and that the working relationship was continuing to improve the County council's response and decision making.
- One Councillor suggested that consideration for increased winter service provision be provided in areas where the population of older people was

above the national average. Comment was also made that some bus routes in such areas had not been gritted.

- Another Councillor enquired about what the role of the Three Tier Forums would be in relation to winter service provision. Officers felt that such an opportunity could prove to be a useful method of engagement between the County Council and the District Councils.

The Chair thanked the officers for their report and their attendance.

It was suggested that due to the size and matters due for consideration on the agenda for the next meeting that the revised draft Winter Service Plan for 2011/12 be made available to Councillors prior to the next meeting and that a separate session on the rising of the next meeting be held whereby Councillors could put forward any questions to Phil Barrett.

Resolved:

- i. That the minutes of the meeting be passed on to the Cabinet Member for Highways and Transport for consideration;
- ii. That the draft Winter Service Plan for 2011/12 be made available to the Committee prior to its next meeting (7 October 2011) so that Councillors can formulate any questions to put forward to Phil Barrett, Director for Environment and Public Protection Services on the rising of the next Committee meeting.

5. Draft Report of the Task Group: "Who Cares?" Cross Boundary Looked After Children

County Councillor Steen, Chair of the task group presented the draft report to the Committee. Councillor Steen also expressed his gratitude to all those who had given their support, encouragement and evidence to the task group. He also thanked the members of the task group for their hard work and to the supporting officer. They had all contributed to the production of what he believed was a structured and balanced report.

Councillor Steen explained that initially the task group was charged to look into private children's care homes. However, it became apparent that the main issue of concern to Members was about cross boundary looked after children (LAC) and how their needs were met – or not. Every time a young person in care was placed outside their local authority boundary, this presented a unique set of challenges to the various public agencies that had duties to support them. Current practices, policies and even legislation were ill- equipped to manage those challenges, with the result that some cross boundary looked after children were slipping through the support system net and significant amounts of public money was being wasted.

He added that the issues identified in the report were not exclusive to Lancashire. Indeed, they represented what was essentially a national problem, but one which was he was sure was not yet fully and properly understood by Government.

Cllr Steen highlighted in particular the issue of so called "double-funding", where the public sector was charged once when a placing authority paid a provider to care for their LAC, often for an enhanced package of care to meet complex needs. But then charged again when the provider accessed local services that should have been offered in-house. Or even more seriously, when the provider failed to exercise effective care and control and a child in their charge reached some form of crisis.

He also highlighted his concerns about the role and performance of Ofsted and the scope there was for a more robust and effective regulation and inspection regime.

Councillor Steen requested that additional recommendation be included in the report to reflect what the task group saw as a need for legislative change around the role and performance of Ofsted:

- Further consideration be given to the possibility of strengthening the regulatory teeth of Ofsted under the Care Standards Act 2000, in order that it may enforce standards that at least reflect National Minimum Standards
- Care Standards Act 2000 Regulations be amended to allow for Ofsted data on the local profile of the independent children's care sector to be made available to local safeguarding boards and its constituent members, and a way found to ensure that other relevant and important information may be shared amongst stakeholder agencies.

Councillor Steen commended the draft report to the Committee and hoped that the Cabinet Member for Children and Schools would endorse its recommendations to bring changes forward.

Councillors raised a number of questions and comments a summary of which is provided below.

- Members were clear that this was a very important scrutiny report which had been well researched and had their full support. They were also clear that the Scrutiny Committee would be vigilant in seeking to secure impact and influence in changes to current policies, practices and even legislation to manage what was, in their view, a grave safeguarding issue. The status quo, where the tendency was for cross boundary LAC to be labelled by local authorities across the country as "someone else's problem", was not acceptable and could not be tolerated. Elected members across the county had been concerned about these issues for some years, but had often felt "in the wilderness" in seeking to tackle the poor outcomes that followed. This report was an important part of the effort to improve things for looked after children.
- Councillors were especially encouraged by the recent ruling of the Planning Inspectorate in favour of Stockport Council in that planning permission should be acquired for an address to serve as a private children's care home as there would be a material change of use which

would amount effectively to commercial use. It was suggested that in light of this evidence all district and unitary councils in Lancashire be made aware of the Stockport case, as indeed the report recommended.

- Concern was expressed about the issue of "double-funding" raised in the report and the scale of the costs involved for local authorities and their public sector partners. There was a clear need for this matter to be addressed. The issue of finances must not be overlooked, where local authorities could be paying around £100 000 for what in some cases was a "lack of service".
- Councillors expressed concern regarding the role and performance of Ofsted as regulator and inspector for the sector. There was agreement to support the recommendations as they stood, plus the additional suggestion by Cllr Steen regarding legislative change.
- One Councillor expressed their concern about the impact that poor parenting skills were having on the numbers of young people getting taken into care in the first place, which only fuelled these issues. She stressed that early interventions with families in need would be a key factor in reducing the number of children entering care. It was suggested that Committee support for early intervention and the "Total Family" initiative might form a part of the recommendations made to the Executive.
- Councillors shared concerns that systems for recording, managing and sharing information on cross-boundary LAC were inadequate.
- Councillors highlighted the importance of independent care home staff having the right skills and necessary training to meet the needs of their charges. Some concern was expressed around staff numbers and the nature of schooling received by LAC.
- One Councillor also expressed concern regarding the mixture of ages in care homes and the impact this could have, in particular on young people.
- Concern was also expressed in relation to the welfare of those children from Lancashire placed outside of the County.
- Councillors stressed the need for this matter to be brought back to the Committee in order to monitor progress on developments. It was therefore suggested that an interim response from the Executive be provided in three months and a formal response in six months' time.

It was therefore;

Resolved:

- i. That subject to the inclusion of additional recommendations as set out in the minutes above, the draft report be endorsed and published;
- ii. That the relevant recommendations in the report be submitted to the Cabinet Member for Children and Schools;
- iii. That all district and unitary authorities in Lancashire be notified of the planning inspectorate's ruling in favour of Stockport Council regarding planning permission for change of use; and
- iv. That an Interim Executive Response be provided in three months and a Formal Response in six months' time.

6. Task Group Updates

The Committee received an update on current task groups and their proposed completion dates. The Committee also received three new requests for task groups.

The Committee was informed that the Health Scrutiny Committee had requested two new task groups; one on Dementia Pathway, the other on the Fylde Coast Health Economy Strategy. The third request was for a task group on Arts Funding in Lancashire as resolved by the Scrutiny Committee at its last meeting on 10 June 2011.

It was suggested that the composition of the task group on Arts Funding in Lancashire be extended to include a representative from the following councils; Preston City Council, Lancaster City Council and Blackburn with Darwen Borough Council.

Resolved:

- i. That, the update on existing task groups be noted;
- ii. Approved the requests from the Health Scrutiny Committee for two new Task Groups on Dementia Pathway and Fylde Coast Health Economy Strategy;
- iii. Approved the request for a Task Group on Arts Funding in Lancashire on the basis of three Conservative, two Labour and one Liberal Democrat and three representatives from Preston City Council, Lancaster City Council and Blackburn with Darwen Borough Council.

7. Recent and Forthcoming Decisions

The committee had been given the opportunity to view and consider recent relevant decisions made and also forthcoming decisions including those set out in the current Forward Plan.

Resolved: That, the report be noted.

8. Workplan 2010/11

The workplan for the committee was presented for noting and comments. The Chair gave an outline of the work to be carried out by the Committee over the coming months including the additional work agreed earlier in the meeting.

Resolved: That, the report be noted.

9. Date of Next Meeting

It was noted that the next meeting of the Committee will be held on 7 October 2011 at 10am at County Hall, Preston.

I M Fisher
County Secretary and Solicitor

County Hall
Preston