

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 12 FEBRUARY 2016 AT KENNET ROOM - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Simon Killane (Chairman), Cllr Alan Hill (Vice Chairman), Cllr Glenis Ansell, Cllr Chuck Berry, Cllr Christine Crisp, Cllr Stewart Dobson, Cllr Jon Hubbard, Cllr Gordon King, Cllr Jacqui Lay, Cllr Jeff Osborn, Cllr Tony Trotman, Cllr John Walsh, Cllr Mary Douglas (Substitute), Cllr David Jenkins (Substitute) and Cllr Philip Whalley (Substitute)

Also Present:

Cllr Baroness Scott of Bybrook O.B.E, Cllr Fleur de Rhé-Philipe, Cllr Dick Tonge, Cllr Stuart Wheeler, Cllr Keith Humphries, Cllr Laura Mayes and Cllr Jonathon Seed

20 Apologies

Apologies were received from Councillors Bridget Wayman, Howard Greenman and Stephen Oldrieve.

Councillor Greenman was substituted by Councillor Philip Whalley.

Councillor Wayman was substituted by Councillor Mary Douglas.

Councillor Oldrieve was substituted by Councillor David Jenkins.

21 Declarations of Interest

There were no declarations of pecuniary or non-pecuniary interest.

However, Councillor Glenis Ansell withdrew from the Committee for consideration of Minute 26, Wiltshire Council Financial Plan 2016/17, Opposition Amendments, in order to present proposed amendments in her capacity as Liberal Democrat Group Leader, and would not participate in any debate or vote beyond presenting the proposals and answering queries.

22 Chairman's Announcements

With the agreement of the Chairman, Councillor Dick Tonge, Cabinet Member for Finance, updated the Committee on the final grant settlement from the

Department of Communities and Local Government that had been received on 8 February 2016. The overall grant levels had not change, but there were improvements from the initial indications.

A transition grant of £3.0m had been included as the revenue support grant would phased-out by 2019/20. It is proposed that £2.0m be placed in capital financing to allow borrowing at lower interest rates, with £0.5m put into the general fund, and another £0.5m used to offset grant reductions in housing benefit subsidy and local welfare provision.

The other change was an increase of £2.5m in the rural services grant, which it was proposed would be placed into a fund to support projects that enabled the Council to generate recurring savings to offset against future central government grant reductions.

23 **Public Participation**

Four public statements were received under Minute 27, Call-in of Cabinet Member Decision HT-03-16 on the RUH Hopper, in support of the requested call-in.

24 **Date of Next Meeting**

The date of the next meeting was confirmed as 1 March 2016.

25 **Purpose of Meeting**

The Committee noted the procedure for the meeting.

26 **Wiltshire Council Financial Plan 2016/17: Opposition Group Amendments**

The only proposed amendments to the budget proposals received were from the Liberal Democrat Group.

Councillor Glenis Ansell, in her capacity as Liberal Democrat Group Leader, presented the proposed amendments to the Executive budget as detailed in agenda supplement 2, which sought £0.225m of increased revenue investment funded through additional savings and a small amount of rural grant funding from previous settlement announcements that are unallocated, and £0.500m of increased capital investment funded through borrowing available as a result of recurring revenue savings. The proposals had been confirmed as fully costed, legal and viable by the Corporate Leadership Team in consultation with the Monitoring Officer and Section 151 Officer. The Committee, along with other members in attendance including members of the Executive, discussed the proposed amendments as detailed fully in the appended report, including examining the impact of any proposed savings and attendant investment increases.

Discussion was also had on the Good Neighbour's scheme, as detailed in the report, including proposed scrutiny consideration of the implementation of the devolution of the scheme to Area Boards.

At the conclusion of discussion, it was,

Resolved:

- 1) **To thank the Leader of the Liberal Democrat Group for presenting their proposals, to add value to the policy development of the Council and enable robust scrutiny of all proposals ahead of determining the Budget on 23 February 2016.**
- 2) **That Council take note of the comments of the Committee as detailed in the report appended to these minutes.**

27 **Call-in of Cabinet Member Decision HT-03-16: Royal United Hospital (RUH) Hopper Bus Service**

On 5 February 2016 the Designated Scrutiny Officer and Acting Head of Corporate Support received a request from the requisite number of non-executive members that they wished to call-in Cabinet Member Decision HT-03-16: Royal United Hospital (RUH) Hopper Bus Service. An officer report had been circulated at Appendix 1, providing procedural advice to the Committee and background information and documents on the decision and the call-in.

The decision taken under delegated authority by the Cabinet Member for Highways and Transport covered the withdrawal of the service, which transported residents in West Wiltshire to the RUH in Bath, from May 2016.

The Chairman explained he had received several representations from members of the public regarding the decision and call-in. These would be forwarded to the Cabinet Member as the decision maker to provide a response.

The lead signatory of the Call-in, Councillor Jeff Osborn, thanked all those who had supported the call-in, and in particular the public who had made representations and signed petitions. He then outlined why he considered that the Decision had not been made in accordance with the principles of decision making as detailed in Part 2 of the Constitution.

Councillor Osborn referred to the documentation of the decision, including appendix 1, an equality analysis, and appendix 8, observations from the Wiltshire Clinical Commissioning Group (CCG) when the issue was first raised in February 2015. He was of the opinion that this demonstrated that the Decision disproportionately impacted upon the elderly and infirm, and that there was no equivalent alternative service to mitigate that impact, and as such there was a failure to promote the wellbeing of the county. It was also contended that the disproportionate impact failed to show due respect for human rights and equality of opportunity, and that the negative impact of the withdrawal of the service meant that the desired outcomes and aims of the decision were unclear.

Councillor Osborn further stated that in his mind there had been a failure both of the council and the CCG to work in partnership to review and revise the service to make it more cost effective. He added that the lack of a similar service in

other parts of the county was not a reason to remove the service from another when it was vital to so many.

Other signatories of the call-in, Councillors Jon Hubbard, Glenis Ansell and David Jenkins, also spoke to the item, recognising the challenging financial situation in securing long term viability of the service, but also stated health costs would rise if people were unable to attend appointments, and that town councils in the area were now exploring options to help part fund the service following the decision of the CCG not to do so, and the Cabinet Member to withdraw the service as a result.

The Cabinet member, Councillor Philip Whitehead, then responded to the points raised and described how he had followed the necessary processes and principles of decision making. He reminded the Committee that the decision not to reinvest in the Hopper service as a result of the high-cost of the subsidy was taken in setting the budget last February. Subsequently, funding had been arranged through the Better Care Fund to enable the service to run through to April 2016 and also for further discussions to take place to see if the service could be made viable. This did not prove to be the case so the Cabinet Member confirmed the earlier decision.

The Cabinet Member stated the decision had been proportionate to the intended outcome, noting that the subsidy of the service was in excess of £10 per person per trip, for a service which was not the responsibility of the council. Although the elderly and infirm would be more affected than others, this was the case with all bus service changes. To protect the Hopper service would require a significant saving to be made elsewhere.

The Cabinet Member noted that Arriva run service commissioned by the NHS to transport those with an assessed medical or hardship need was available across the entire county and would transport people to all the local acute hospitals. The Hopper was not currently providing equality of opportunity, and retaining the service would subsidise a few residents at the cost of many others, including the elderly and infirm.

The Cabinet Member also stated that a reorganisation of the service had been looked into extensively, including raising fares and reducing the level of service but, without matched funding from the CCG, it remained unviable. Alternative funds to the level required from other sources mentioned such as town councils had not formally materialised.

The Committee then discussed the case made for the call-in and the Cabinet Member's response. Comments were also received from Mr David Noyes on behalf of the CCG who confirmed consultation with the Council including the Health Select Committee on the matter. He confirmed the CCG's position that the Arriva transport contract was in place to meet statutory responsibilities to transport people to hospital across the entire county coupled with the changing nature of the delivery of services away from the centralised acute hospitals.

The Committee recognised the very difficult decision that the Cabinet Member had faced, and acknowledged the extensive consultations that had taken place

on the options available. Some members expressed concern at the impact and lack of what they regarded as satisfactory alternatives bearing in mind the demographics of the area. However others felt that the Cabinet Member had demonstrated he had taken those considerations into account in making his decision, even if people had disagreed with the conclusion.

The Committee also discussed the possibility of alternate funding streams such as Town and Parish Councils, although acknowledged that the Cabinet Member had to take the decision based on the situation that existed at the time, and was not in a position to delay the matter any further.

To summarise, the Cabinet Member defended his decision on the grounds that no compelling evidence had been presented to demonstrate he had not followed the correct process of decision making, and that he had appropriately considered all relevant factors available to him at the time. An alternative service was available even if this did not serve as many as the Hopper, most residents of the county received no benefit from the service, it was not the responsibility of the council to fund the service, and to retain the service which required such a level of council subsidy could not be justified.

Those who had called-in the Decision reiterated how they felt the Cabinet Member had not considered all factors appropriately, particularly with regard to the disproportionate impact of the Decision without acceptable mitigating measures, and therefore had not followed the principles of decision making.

At the conclusion of debate, it was,

Resolved:

On balance of the written and oral evidence presented, to find that there were insufficient grounds to demonstrate that the principles of decision making had not been followed by the Cabinet Member in this case, and therefore the decision can be implemented with immediate effect.

28 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.30 pm)

The Officer who has produced these minutes is Kieran Elliott (Senior Democratic Services Officer) of Democratic Services, direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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Wiltshire Council

APPENDIX

Council

23 February 2016

Special Meeting of the Overview and Scrutiny Management Committee Report on Proposed Amendments for the 2016-17 Budget

Purpose of report

1. To report to Full Council a summary of the main issues discussed at the special meeting of the Overview and Scrutiny Management Committee held on 12 February 2016. This was convened to consider proposed amendments from Opposition Groups to the budget recommended by Cabinet on 9 February 2016.

Background

2. This special meeting of the Overview and Scrutiny Management Committee provided an opportunity for non-executive councillors to question Councillor Glenis Ansell, Leader of the Liberal Democrat Group, as the only group to submit proposals to the Committee, on her group's proposed amendments before the budget is considered by Full Council on 23 February 2016.
3. The Leader of the Liberal Democrat Group gave a presentation covering the proposed amendments to the Executive's budget. She made the following comments:
 - The proposals had been accepted as legal and financially deliverable by the council's Corporate Leadership Team in consultation with the Section 151 Officer and the Monitoring Officer.
 - The group had aimed to add value to the work already undertaken by the Executive and officers in a challenging financial environment, setting out areas of further potential savings and priorities for further investment the group had identified.
 - These included reductions in catering and the council's fleet of vehicles, and additional funding through the rural services grant.

Main issues raised during questioning and debate

4. The Chairman invited the Leader of the Council and other Executive Members to respond to the amendments to lead off discussion, before opening up to general queries from the Committee and other Members in attendance.

Leader's response

5. The Leader of the Council, Councillor Baroness Scott of Bybrook OBE, commented upon the proposals, detailed fully below, stating they would be looked at closely ahead of Full Council, although at this stage the potential savings and investment had not

raised significant policy concerns, and been cleared by the officers. The Cabinet Member for Finance confirmed that view.

Consideration of amendments (investments)

Investment in 'Pause'

6. Pause is a national initiative to reduce the demand/cost placed on Children's Services by working with families who have experienced or are at risk of repeated removal of children from their care in an attempt to break that cycle. A national pilot scheme is currently running.
7. The Liberal Democrat group's proposal was to invest £0.125m into the initiative, funded with savings as detailed at paragraphs 12-17.
8. The Leader of the Council and the Cabinet Member for Children's Services, Councillor Laura Mayes, stated the initiative appeared worthwhile subject to further consideration.
9. The Committee discussed the amendment, including the current impact on families and particular children as well as the cost to the council of repeatedly taking the children of certain families into care, and the accompanying financial as well as societal benefits if this could be addressed with such an initiative. Members were informed the investment was a cost to get the initiative running in Wiltshire, and that feasibility studies with other local authorities had shown significant savings in following years as a result of successful implementation.

Adaptations and Equipment for Adults with Learning Disabilities

10. The Liberal Democrat group's amendment was to provide play and leisure equipment for adults with learning disabilities to reflect the growing population and enable greater development through play and work alongside care and leisure services. This would require a revenue investment of £0.100m to fund capital borrowing which would result in a capital investment of £0.469m.
11. The Committee discussed the proposals including the type of specialist sensory equipment this would provide, with details sought on the interest repayments required on any borrowing.

Consideration of amendments (savings)

Catering

12. The Liberal Democrat group's proposal was for Officers to review the current net cost of catering across all services (£0.289m) to look at pricing, controls, procurement etc. in order to reduce the spend and introduce commercial pricing in areas from the County Hall and Monkton Park facilities, as well as frontline services such as Leisure or activity centres such as Braeside in Devizes. This would seek to identify savings of £0.050m.
13. The Executive responded by stating there were no objections to reducing the budget if council approved.

14. The Committee discussed the proposed review and identification of savings, requesting details of any impacts particular in centres servicing external customers. It was clarified that beyond the Monkton Park and County Hall facilities little of the catering at other locations was under contract, and it was suggest many units might benefit from tighter controls on spend.

Vehicle Fleet

15. The Liberal Democrat group's proposal was to reduce the council's vehicle fleet by at least one further vehicle, saving an additional £0.025m on top of the the administration's proposed savings of £0.200m
16. The Committee discussed the proposal, seeking details of the current fleet and impact of existing Executive proposals and the additional proposal, as well as how much staff travel was undertaken using the vehicle fleet and if a reduction was viable.
17. It was reported that the majority of fleet costs related to vehicle maintenance rather than staff travel, but confirmed the further level of saving was achievable if supported by Council.

Rural Services Grant

18. The Liberal Democrat group's proposal was to utilise £0.150m of the rural services grant uplift as detailed by the Cabinet Member at the beginning of the meeting as a contribution towards funding the above investment proposals. The details of the final settlement figure from central Government would be included in a revised financial plan report to Council.

Consideration of amendments (policy)

Good Neighbour Scheme

19. The Good Neighbour Scheme consists of individuals who advise residents in rural areas and signpost them to relevant support services, and is operated by Community First.
20. In December it was decided to devolve responsibility for the scheme to Area Boards from April 2016, as detailed in [Councillors Briefing Note No.272](#).
21. The Liberal Democrat group's proposal is to reverse that devolution, claiming that valuable funding streams would be lost as a result.
22. The Leader of the Council and the Cabinet Member for Public Health responded stating that the contract for this service with Community First was ending on 31 March 2016 following appropriate consultation and did not accept that the amendment was cost neutral. However the arrangements for implementing the decision to delegate responsibility for the scheme to Area Boards could be reviewed by Scrutiny.

23. The Committee discussed the proposal including whether there were specific budget implications, potential loss of operating knowledge and the alignment to the principle of increasing delegation for local provision to Area Boards. The Committee felt that the offer for scrutiny engagement was a positive one.

Conclusion

24. That Council take into account the comments from the Overview and Scrutiny Management Committee in considering the proposed amendments to the financial plan 2016-17.

Councillor Simon Killane

Chairman of the Overview and Scrutiny Management Committee

Report Author: Kieran Elliott, Senior Democratic Services Officer, 01225 718504 or kieran.elliott@wiltshire.gov.uk