

**Minutes of: OVERVIEW AND SCRUTINY COMMITTEE**

**Date of Meeting:** 22 November 2017

**Present:** Councillor R Caserta (in the Chair)  
Councillors T Cummings, E Fitzgerald, M Hankey, J Harris,  
M James, S Smith, J Walker and S Wright

**Also in attendance:** Councillor E O'Brien and Councillor A Quinn

**Public Attendance:** No members of the public were present at the meeting.

**Apologies for Absence:** Councillor K Leach and Councillor R Skillen

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**OSC.259 DECLARATIONS OF INTEREST**

Councillor S Wright declared a personal interest in any items relating to schools as his wife is employed at a Bury School.

Councillor Cummings declared a personal interest two items; Highways Maintenance and Environmental Quality and Fly Tipping as he is Deputy Cabinet Member, Environment.

**OSC.260 PUBLIC QUESTION TIME**

There were no members of the public present to ask questions.

**OSC.261 MINUTES OF PREVIOUS MEETING**

**It was agreed:**

That the Minutes of the Meeting held on 7 September 2017 be approved as correct records and signed by the Chair.

**OSC.262 CORPORATE FINANCIAL MONITORING REPORT , APRIL 2017 - SEPTEMBER 2017**

Councillor O'Brien, Cabinet Member, Finance and Housing and Steve Kenyon, Interim Executive Director of Resources and Regulation presented a report informing Members of the Council's financial position for the period April 2017 to September 2017.

Members of the Committee were asked for comments and questions;

- Councillor Smith stated that the overspend hadn't reduced much from the last report received and asked how accurate the financial forecasts were.

Steve explained that the forecasts were made up of actual spend plus committed spend. At the start of the process activity and demand is considered and then new information is added as the year goes on. The forecast also needed to include changes in demand and unknown pressures that may arise.

- Councillor Harris referred to the Better Care Fund and other grants and asked whether the Council was doing as much as possible to utilise the funds available to it.

It was explained that there were two different types of grants. The Better Care Fund is one that is received automatically and then there are other ones such as 'I Will if You Will' that involve bidding for.

There isn't a dedicated officer to bid for the grants but every service is encouraged and do look for a bid for grants specific to their service.

- Councillor FitzGerald referred to the new national funding formula and the fact that schools were currently deciding which option to pick in relation to this. Councillor FitzGerald asked what would happen to the overspend in schools and the requirement that they pay it back. Councillor FitzGerald also referred to the 8 options for schools to choose from and whether schools were being advised on which option would be the most suitable for them.

It was explained that this was something that the Council was aware of and work was being done to address the issue.

- Councillor Hankey stated that the deficit usually reduces as the year goes on but the decrease is less this year and asked whether the Council was confident that it will reduce more.

Steve explained that he was confident that work was being done across the Council to address budget issues but there were always the unknowns that you couldn't anticipate.

- Councillor Hankey referred to service redesigns that were being carried out and asked whether there was enough time for these to be completed.

It was explained that the service redesigns had been scheduled to take place over 3 years but will deliver at different times.

- Councillor Hankey asked whether the Council could afford to keep services such as the civic halls open until the reviews were completed. There had

been a number of civic hall reviews and nothing had changed. Should this be dealt with as a matter of urgency.

Councillor O'Brien explained that the Star Chambers looked at all different aspects of services including how to increase capacity.

- Councillor Wright referred to the delays in achieving savings that were set out in the report and stated that there seemed to be a lot of delays highlighted.

It was explained that the service redesigns needed to be right so could take longer than initially planned or be changed. There was more analysis of budgets than ever before.

- Councillor Smith referred to staff vacancies and the fact that less staff meant that less work could be done on achieving the aims set out in the action plans.
- Councillor Smith asked that the Treasury Management Team be thanked for their hard work and achievements over the past year.
- Councillor Smith referred to the 10 point saving strategy and stated that the savings would get to a point where they would reach the maximum they could. Councillor Smith asked how close the Council was to not being able to provide services.

Steve Kenyon explained that Bury Council was in no worse situation than any other council but the test was to look at where to prioritise the money.

Councillor O'Brien explained that it was also necessary to inform the public and partners where the priorities were and what they should expect.

- Councillor Hankey referred to the Council's portfolio of investments and the properties that had been invested in and the shortfall that was being recorded in relation to this. He asked what the reason behind this was.

Steve explained that the Council had 4 properties that were purely for investment and there was a good yield being received from these. The Council also had operational properties across the borough that weren't achieving their full potential.

- Councillor Hankey asked for further information in relation to the investment properties.

Steve stated that he would provide this information to Councillor Hankey.

- Councillor Caserta referred to the shortfall in relation to the adolescent support unit and asked how this issue was progressing.

Steve stated that he would request more information on this issue from Children's Services.

- Councillor Caserta stated that a company had met with parents of children requiring home to school transport and discussed the use of mobility budgets to fund this service. Councillor Caserta asked how this issue was progressing.

Councillor O'Brien explained that there had been a change in the way that the service was delivered but the issue wasn't about money, it was about the number requiring the service.

- Councillor Caserta referred to business rate retention and asked what measures were in place to attract new business to the borough.

It was explained that work was being done in relation to Treasury Management, investments including the Manchester Airport Group, Increasing the number of businesses, access to sites, skill improvement, regeneration of brownfield sites and regeneration of other town centres across the borough.

- Councillor Caserta reported that Rochdale Council had a link to a dedicated website offering businesses incentives, the website and asked what Bury Council were doing.

Councillor O'Brien explained that Bury offered the same business friendly policies and incentives as Rochdale and he would ask that the information available on the Council website was reviewed to ensure that it was as informative and attractive as possible.

- Councillor FitzGerald referred to the projected £3.5m overspend and stated that if this stayed the same it could add up to a £12m overspend once everything was added up. Councillor FitzGerald asked if it would be possible to see how this bridge was to be gapped in relation to transformation money, business rates etc.

Steve stated that he would provide this information to Councillor FitzGerald.

**It was agreed:**

That the contents of the report be noted.

**OSC.263 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN COMPLAINTS AND OMBUDSMAN'S ANNUAL REVIEW LETTER 2016/17**

Jayne Hammond, Assistant Director - Legal and Democratic Services presented a report setting out the findings and recommendations of the Local Government and Social Care Ombudsman.

It was explained that the Council receives an Annual Report summarising all complaints dealt with by the Local Government and Social Care Ombudsman.

The number of complaints received for the last two years was reported as: 2015/2016 – 53, 2016/2017 – 57

These were broken down into services:

	2015/2016	2016/2017
Adult Care Services	12	13
Corporate & Other Services	1	1
Education & Children's	9	11
Environmental	11	13
Highways & Transport	9	5
Planning & Development	5	3
Housing	2	2
Benefits & Tax	8	5
Other	0	0

These were then broken down into decisions:

	2015/2016	2016/2017
Investigated – Upheld	6	5
Investigated – Not Upheld	8	10
Advice given	1	1
Closed after initial enquiries	15	12
Incomplete/invalid	1	1
Referred back for local resolution	29	25

Appended to the report were the Ombudsman's Annual Review letter 2017 and details of the upheld decisions and the actions required to remedy these.

Members were given the opportunity to ask questions and make comments and the following points were raised:

- Councillor Smith asked whether any complainants who are advised by the Ombudsman to complain to the Council don't.

It was stated that this was a possibility but the figures would be unknown.

- It was asked whether Councillors received information regarding ombudsman cases relating to their wards.

It was explained that the Standards Committee had recommended that councillors be advised of any issues relating to their wards that have been referred back by the ombudsman.

**It was agreed:**

That contents of the report be noted.

**OSC.264 HIGHWAY MAINTENANCE**

Councillor Quinn, Cabinet Member for Environment attended the meeting along with Neil Long, Assistant Director (Operations) and Peter Stokes, Group Engineer – Highways Maintenance.

It was explained that Highways Operations is the in-house team responsible for reactive highway maintenance, highway weed control, road markings, highway drainage, highway safety inspections, highway related customer enquiries, street works inspections and highway enforcement.

The key highway assets maintained by the team were set out:

Roads – 660km  
Footways – 1200km  
Road Gullies – 42,000 no.  
Road Signs – 15,000 no.  
Guardrail – 15km

The key statistics relating to highways operations were also set out:

Completed over 13,00m<sup>2</sup> of carriageway and footway repairs in 2016/2017.  
Completed 5,516km of walked Highway Safety Inspection per annum.  
Resolved 7,235 customer enquiries in 2016/2017.

It was reported that all road markings, highway drainage repairs and highway weed control works are carried out by external contractors, this equates to approximately 40% of the highway maintenance revenue budget for works.

It was explained that the Highway Operations revenue budgets for carriageway and footway maintenance have reduced by approximately 66% since 2009.

The total carriageway and footway revenue budget for 2017/2018 was reported as being £493,000 (based on a network length of 660km. The 2016/2017 greater Manchester average carriageway and footway revenue budget was approximately £726,000 for a 660km network length.

It was explained that Highways Operations employ a number of innovative systems and techniques including:

Handheld GPS technology to record inspections, instruct works and record defects/completed works;  
CAT planing machines which reduce exposure to hand arm vibration;

Spray injection patching machines, and;  
Highway inspection repairs.

It was reported that there remains a disparity between capacity and demand and it was projected that approximately 1500 highway safety repair jobs will not be completed in 2017/2018.

Those present were given the opportunity to ask questions and make comments and the following points were raised;

- Councillor Steve Wright referred to the £10m investment that had recently been announced and the fact that only £1.5m had been allocated for work in the November action plan. Councillor Wright asked why more actions hadn't been included with regard to the investment money.

Neil explained that that the remaining £8.5m would be invested long term.

The £1.5 would be drawn down in three tranches of £500k for carriageway patch and footway lengths resurfacing and would focus on meeting reactive targets.

Neil reported that where planned utility work was due to be carried out maintenance would not take place. When companies such as Virgin Media indicate that they are carrying out a schedule of work Highways Operations will wait until that work has been carried out and then inspect.

It was also explained that there was a formula that was used to work out which roads were in most need of repair and this included the state and usage of the road insurance claims and public complaints.

- Councillor J Walker explained that work was currently being undertaken by a private company on some of the footpaths within his ward. Some of the reinstatement after completion looked quite messy and Councillor Walker asked what could be done to rectify this.

It was explained that the New Roads and Street Works Act included the standards and specification required for the reinstatement of openings in highways and footpaths. This allowed the Council to inspect works carried out to ensure that they have been completed to a satisfactory standard.

- Councillor Harris referred to weed spraying across the borough and the fact that there had only been 1 spray carried out.

Neil explained that there had been issues with the contract in relation to weed spraying and problems with the timing of when the spraying had been done. The concerns had been evaluated and the spraying would revert back to twice a year from now on.

- Councillor Wright asked whether the £10m in the budget would be financed long term by a decline in insurance claims.

Neil explained that there wouldn't be such a reduction in claims that this would be possible. £8.5m will be used on early intervention work and resurfacing which would reduce claims.

Councillor Quinn explained that the Confirm System allows for residents to go online and report issues such as potholes. As soon as the system receives the information it is automatically entered onto the system. It was anticipated that system would be updated to include a maps function which will help with tracking individual cases.

Neil explained that the aim was to have all issues reported online which will allow for easier tracking. It will also mean that residents can see if an issue has already been reported.

- Councillor Caserta asked whether there were any opportunities for the Highway Operations to generate income.

Peter explained that there were already a couple of services that the Council charged for carrying out such as dropped curbs. The Council would continue to look for income generating opportunities.

**It was agreed:**

1. That the contents of the report be noted
2. That Councillor Quinn, Neil Long and Peter Stokes be thanked for their report.

**OSC.265 ENVIRONMENTAL QUALITY AND FLY TIPPING**

Councillor Quinn, Cabinet Member for Environment attended the meeting along with Neil Long, Assistant Director (Operations) and Lorraine Chamberlin Head of Health and Environmental Protection.

It was explained that there was a small cross departmental group of Council Officers called the Environmental Quality and Fly Tipping Task Group who were working to improve the Council's response to increasing levels of fly tipping in the borough.

The group have identified hotspots which are targeted by fly-tippers on a sporadic basis. From this work they have been able to identify sites that are targeted more regularly and where a range of interventions such as signage, enforcement, targeted community action and deployment of CCTV may assist with catching offenders and act as a deterrent.

The group had been allocated a one off budget of £100k to tackle problems in the following ways:

Common Management Information System - £5,000  
Targeted Neighbourhood Action - £30,000  
CCTV Surveillance - £15,000

Replace Damaged and Missing Bins - £35,000

Replace Fly Tipping and Dog Fouling Signage - £5,000

Fly Tipping Clearance in Back Streets and Private Land Hot Spots - £10,000

It was reported that during 2017 there had been 4 prosecutions and 2 simple cautions for fly tipping and duty of care offences and these had been publicised through social media and the press.

It was also reported that the Council had been working with residents and local businesses to encourage the upkeep of unadopted back streets.

Work was ongoing in relation to public rights of way and sometimes attract fly tippers due to their ease of access and not being in view of the public. Barriers had been erected at some sites to prevent vehicular access and the areas which were considered hotspots were being evaluated for signage and CCTV coverage.

It was explained that there had been a recent community tidy up which had been carried out in one area of the borough. It had involved neighbourhood working with the community and had been a successful exercise. The area was being monitored following the tidy up and was staying relatively clear.

Those present were given the opportunity to ask questions and make comments and the following points were raised:

- Councillor Walker asked if Councillors could be given information which would enable them to help with future tidy up schemes and arrange their own.

It was explained that the pilot that had been carried out would be assessed and it was planned to produce a toolkit which could then be rolled out to all neighbourhoods.

- Councillor Smith referred to the use of CCTV and asked what legal restrictions there were relating to this.

Neil explained that the use of CCTV would be used as a deterrent so would be signed in the areas in which it was installed, mainly small patches of land that were frequently being used for dumping.

**It was agreed:**

1. That the contents of the report be noted.
2. That Councillor Quinn, Neil Long and Lorraine Chamberlin be thanked for their report.

**OSC.266 CHILDREN'S SOCIAL CARE SERVICES ANNUAL COMPLAINTS REPORT - APRIL 2016 - MARCH 2017**

The Annual Complaints Report was submitted for information.

**COUNCILLOR R CASERTA**  
**Chair**

**(Note: The meeting started at 7.00 pm and ended at 9.00 pm)**