

## Minutes of Overview and Scrutiny Committee

Meeting Date: Tuesday, 30 November 2010, starting at 6.30pm  
Present: Councillor J S Sutcliffe (Chairman)

Councillors:

D Berryman	B Jones
R Hargreaves	C Ross
J Hill	I Sayers
T Hill	N Walsh

In attendance: Director of Community Services, Principal Policy and Performance Officer.

Also in attendance: Councillor B Hilton for agenda item 6.

### 548 APOLOGIES

Apologies for absence from the meeting were submitted on behalf of Councillors G Geldard, A Gridley, M Thomas and J White.

### 549 MINUTES

The minutes of the meeting held on 14 September 2010 were approved as a correct, subject to the addition of Councillor Gridley to the attendance list for that meeting and then signed by the Chairman.

### 550 DECLARATIONS OF INTEREST

There were no declarations of interest at the meeting.

### 551 PUBLIC PARTICIPATION

There was no public participation.

### 552 REPORTS FROM REPRESENTATIVES ON OUTSIDE BODIES

Councillor Hilton reported on four health service issues:

1. Lancashire County Council Adult Health and Social Care Overview and Scrutiny Committee – Now Called The Health Scrutiny Committee

This Committee had met recently to discuss the proposed closure of the Children's ward at Burnley General Hospital. This had been a high profile meeting with many senior health officials, GPs, MPs and local Councillors and had attracted much media interest.

The Decision of the Committee after a lengthy meeting was that they found that the case for closure was not proven and the application was

therefore referred back to the Secretary of State for Health for his final decision.

2. North West Forum for Older People's Champions

Councillor Hilton had been invited to be this Council's representative on this Committee which had met twice, the most recent meeting had dealt with the issue of grandparents as carers for young children.

3. The Future of Clitheroe Community Hospital

An options paper had been prepared by the PCT, outlining four options for the future of the Clitheroe Community Hospital. Three that have been shared are:

- i) sell the adjacent land and invest in improvements to the hospital;
- ii) sell Clitheroe Health Centre and move the centre en block to the hospital site; and
- iii) enter into a contract with a private health care provider to bring extra funding into the project.

There had been a recent public meeting where a number of suggestions had been made for a reconfigured hospital including in-patient facility, palliative care, dementia services, diagnostic testing and x-ray facilities.

She added that the Health and Housing Committee had invited the Chairman and Chief Executive of East Lancashire PCT back to that Committee for an update on the project.

4. Public Health White Paper

Councillor Hilton reported that this had been published on the day of the meeting and it was now fairly certain that the public health function from Primary Care Trusts would transfer to top tier local authorities from 2012.

RESOLVED: That Councillor Hilton be thanked for her report.

553 COMPLAINTS PROCEDURE REVISIONS

Committee received a report which sought to make amendments to the Council's Complaints Procedure.

The Director of Community Services presented this report on behalf of the Director of Development Services and reminded Committee that the Council's complaints system had two distinct stages, the second of which was a review by an independent panel of three Councillors of the decision of the Complaints Officer which was dealt with at stage 1.

Recently there had been a number of Complaint Panels which had met and a number of issues had arisen as a result of those hearings.

Since the present process was introduced the Local Government Ombudsman had changed its procedure, such that a complaint must have completed all the stages of the local Council's process before being taken on. This requirement could only be overridden by the Chief Executive.

He pointed out that the current system was highly resource inefficient if the complainant had made it clear that they would be satisfied with nothing other than an independent investigation by the Ombudsman.

A number of matters had arisen as a result of recent hearings which are detailed as follows:

- Whether the panel stage added any value to the process.
- The connections between the decisions of the panel and the committee of this Council relating to the area of complaint.
- The awareness of the procedure amongst all other officers of the Council.
- The quality of the guidance explaining the process to the public.
- The focus of the panel on the actual complaint made.
- Adequacy of pre-hearing briefings for Councillors.
- The role of this Committee in the process.
- The adequacy of the initial investigation prior to the panel stage.

He pointed out that there were now two basic options open to Committee if they accepted that some change was required. In order to address the issues already listed a number of amendments to the process were suggested. The identification of a pool of Councillors to be available for selection to serve on the complaints panel and it may be felt that the membership of this Committee could perform that role. There is also need for adequate training and adequate and comprehensive pre-hearing briefings for the panel. There was also a need for update training on handling complaints for appropriate officers and the need to clarify that the decisions of the Complaints Appeal Panel could not necessarily commit the relevant service committee to expenditure or service provision revisions. It was essential that officers adhere closely to the adopted process whereby the questions posed on the complaints form were clearly addressed and answered.

Recent cases had seen the nature of the complaint changed mid appeal, this did not allow adequate response from officers nor was it something that would have been considered at an earlier stage of the process. If the complaints appeal stage was to be withdrawn it would mean a complaint that had been initially considered by the officer most directly concerned, and then investigated by an independent complaints officer reporting to the relevant Director, could then be referred directly to the Ombudsman. Alternatively a full revision of the present system could be introduced whereby the current role of the Director was taken by the relevant Head of Service and Complaints Appeal Panel would be retained but Corporate Management Team would become that panel.

Members then discussed the report in some detail. There was a reticence from Councillors to come away from the Councillor Complaints Appeal Panel as it was felt that this was perceived by complainants to be independent of any officer investigations. Councillors also felt that the panel should not be restricted to Members of this Committee but should be drawn from a wider pool of Councillors. It was agreed that training and pre-hearing briefings were also recognised as important for the smooth operation of the process. Finally it was felt that Ward Councillors, whilst clearly not expected to serve on a panel for a complaint emanating from their area should nevertheless be notified of any complaints from their constituents.

RESOLVED: That Committee

1. reject the idea of doing away with the Complaints Appeal Panel and instead offer the complainant the option of either going to Corporate Management Team or to a panel of Councillors;
2. agree to develop a pool of Councillors drawn from all Members of the Council by invitation;
3. will endeavour to ensure that adequate training is given to all pool members and a comprehensive briefing is undertaken for all panel members;
4. agree that necessary training with relevant complaints officers be updated;
5. ask officers to look at the authority of the panel and clarify the latitude that complaints appeal panel has in relation to service committee and service provisions; and
6. ensure that relevant Ward Members are made aware of any complaints.

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#### QUARTER 1 PERFORMANCE INDICATORS

The Principal Policy and Performance Officer presented her second report of 2010/11 which detailed the Council's performance against national and local performance indicators. The report comprised two sets of information - the Council's national indicators by exception for each of the quarters of 2009/10 and a summary of the Council's local performance indicators for the same period.

She also reminded Members of the decision to hold a performance clinic which would be reported later in the meeting.

Finally she reported that the Council had received a letter from the Department of Communities and Local Government outlining changes to local authority performance arrangements:

- Local Area Agreements (LAA's) – Control of these had been handed over to local authorities and targets would no longer be monitored by Government. The impact of this for Ribble Valley Borough Council was

that we would no longer have to submit to Lancashire County Council quarterly data on a handful of indicators;

- The National Indicator Set – This would be replaced by a single comprehensive list of the data that Government expects Local Government to provide. However until we were notified which of the national indicators were to be deleted we would still need to collect and monitor them all.

Members then discussed a number of the performance indicators and asked questions of the Principal Policy and Performance Officer.

RESOLVED: That the report be noted.

#### 555 FEEDBACK FROM PERFORMANCE CLINIC ON LPI HS1

The Principal Policy and Performance Officer referred to Minute 291 of Committee dated 14 September 2010 and reported that a performance clinic on LPI HS1 had been held on the 9 November 2010. The group decided that there was still some merit in continuing to collect and monitor LPI HS1 however they agreed that a more appropriate indicator should be devised and monitored. A report would be presented to the next Health and Housing Committee outlining the new proposed local indicator.

RESOLVED: That the report be noted.

#### 556 REPORT OF WORKING GROUPS

##### (a) Member Development

There was no update report on this item.

##### (b) Energy Efficiency in Council Owned Buildings

Councillor Berryman circulated a brief update report on investigations which he had been undertaking in relation to energy efficiency in Council owned buildings. He highlighted three areas in particular:

- Ribblesdale Pool;
- Council Offices; and
- the market entrance and CCTV centre.

which he was investigating in depth. Councillor Sayers also commented on a recent conference which he had attended at Manchester City Football Ground in relation to the wider aspects of energy efficiency.

RESOLVED: That the report be noted at this stage.

The meeting closed at 8.25pm.

If you have any queries on these minutes please contact John Heap (414461).