

Minutes of a meeting of the Scrutiny Commission held at County Hall, Glenfield on Monday, 10 June 2024.

PRESENT

Mr. M. T. Mullaney CC (in the Chair)

Dr. R. K. A. Feltham CC  
Mr. M. Frisby CC  
Mrs. H. J. Fryer CC  
Mr. J. Miah CC

Mr. J. Morgan CC  
Mrs. R. Page CC  
Mr J. Poland CC  
Mr. T. J. Richardson CC

1. Appointment of Chairman

RESOLVED:

That it be noted that Mr. T. Mullaney CC has been appointed Chairman of the Scrutiny Commission for the period ending with the Annual Meeting of the County Council in 2025 in accordance with Article 6.05 of the County Council's Constitution.

2. Appointment of Vice Chairman

RESOLVED:

That Mrs R. Page CC be elected Vice-Chairman of the Scrutiny Commission for the period ending with the date of the Annual Meeting of the Council in 2025.

3. Minutes.

The minutes of the meeting held on 26 January 2024 were taken as read, confirmed and signed.

4. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 34.

5. Questions asked by members under Standing Order 7(3) and 7(5).

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

6. Urgent items.

There were no urgent items for consideration.

7. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Mrs R. Page CC declared a Registerable Interest in Agenda Item 16 (East of Lutterworth Strategic Development Area) as a member of Harborough District Council.

8. Declarations of the Party Whip in accordance with Overview and Scrutiny Procedure Rule 16.

There were no declarations of the party whip.

9. Presentation of Petitions under Standing Order 35.

The Chief Executive reported that no petitions had been received under Standing Order 35.

10. Provisional Revenue and Capital Outturn 2023/24

The Commission considered a report of the Director of Corporate Resources, the purpose of which was to present the provisional revenue and capital outturn for 2023/24. A copy of the report marked 'Agenda Item 10' is filed with these minutes.

The Chairman welcomed Mr L. Breckon CC, Lead Member for Resources, to the meeting for this item. In introducing the item, Mr Breckon said that the Outturn position was to be welcomed. Before Christmas, it had been expected that the Council would need to use its reserves to balance the budget. Fortunately, however, due to steps taken this had not been necessary and he thanked officers for their hard work during this period. Mr Breckon highlighted that significant challenges still lay ahead as the Council continued to have a £33m funding gap in 2025/26 and there was much uncertainty regarding future Government funding.

Arising from discussion, the following points were made:

- (i) The additional income received matched exactly the Net Overspend. The income had come from a mixture of additional business rates and other government income. The Director confirmed that the income did not come the Council's reserves.
- (ii) A Member raised concern that the overspend in Childrens Social Care Services was a year-on-year occurrence. A Member highlighted that the number of children requiring a high level of care at a very high cost were few and resulted from them having very complex needs and therefore requiring 24-hour care. This was not reflective of the average cost of a SEND placement.
- (iii) The Council had been seeking for some time to build its own provision and to reduce reliance on the private sector. However, this took time and there were still issues around recruitment which were having an impact.
- (iv) As part of the budget process for 2024/25 a rigorous review of the Childrens Social Care Services budget has been undertaken to ensure demand pressures were captured and forecasted as accurately as possible. However, this was a difficult

process as demand related to not only the number of children requiring support, but also the level of support needed. There were also a number of factors outside the control of the Council.

- (v) A number of transformation workstreams were in progress within the Children and Family Services Department intended to manage demand pressures. These included the Transforming SEND in Leicestershire Programme, work around Commissioning and looking at how best to meet need (reducing reliance on private sector provision) through the Social Care Investment Programme. Members noted that progress in the delivery of these programmes was monitored regularly by the Children and Family Services Overview and Scrutiny Committee.
- (vi) A Member highlighted that the Council had statutory responsibilities to look after children and young people up to the age of 25. This responsibility was imposed without any additional funding being provided by the Government. The Department was also required to support an increased number of unaccompanied asylum seeking children, again with insufficient resources being provided by the Government to support this work.
- (vii) It was recognised that the pressures on SEND services was a national issue and a Member questioned if councils were seeking to join together to find a geographical solution. The Director confirmed that the Council engaged with neighbouring authorities regularly on a range of SEND matters, particularly as they were often competing for the same resources. Councils were also joining together to lobby the Government for legislative change and additional funding.
- (viii) The school meals service was expected to see a return to profitability next year. An action plan had been put in place which was in progress.
- (ix) It was questioned whether the Council had considered if there was potential to generate income from green waste disposal. The Director undertook to raise this with the Environment and Transport Department.

RESOLVED:

That the provisional revenue and capital outturn for 2023/24 be noted.

#### 11. Corporate Complaints and Compliments 2023/24

The Commission received a report of the Director of Corporate Resources, the purpose of which was to present the Corporate Complaints and Compliments Annual report, covering from 1 April 2023 to 31 March 2024. A copy of the report marked 'Agenda Item 11' is filed with these minutes.

Arising from discussion, the following points were made:

- (i) The Local Government Ombudsman had confirmed that like all local authorities it was seeing a spike in the number of complaints received. The Ombudsman had been focusing more on the severity of injustice to the complainant. However, even those which resulted in no action being taken featured in the report to provide a holistic view. Most complaints were closed after assessment as the Ombudsman was usually satisfied with the Authority's response.

- (ii) A Member commented that the 40% national increase in complaints regarding special education needs (SEN) was of great concern. It was noted that most complaints related to delays in the education and health care plan (EHCP) assessment process. Members noted that this was mainly due to a lack of educational psychologists nationally. Their input as part of the assessment process was a legal requirement and so the Council could not work around this. It was noted that the Council had sought to appoint an external provider to help address the back log, however, other authorities were also seeking the same added support.
- (iii) Complaints were distinguished between those that related to service failure and those that related to policy. Provided the Council followed its agreed policy, a complaint made purely on this basis would not be upheld but it would still be recorded as a complaint.
- (iv) A Member asked how the Council compared with other local authorities. The Director explained that the Council was benchmarked against statistically comparable authorities and this data was presented in an annual report to the Corporate Governance Committee as part of the Local Government and Social Care Ombudsmen Annual Review. However, as each authority had a different approach to complaints handling, it had not been possible to compare data at a local level. Members noted that this might be reconsidered as part of work being done to respond to the new Complaints Code of Practice.
- (v) The Authority sought to collect all customer compliments. However, a number were received informally, directly by staff and it was recognised that not all of these were passed on. Staff were encouraged to collect and share these wherever possible.
- (vi) As part of the annual report, the volume of in year complaints was analysed and compared against previous years. This enabled consideration to be given to whether any reoccurring issues were arising and what was being done to address these. Some were subject to departmental transformation programmes, the Transforming SEND in Leicestershire Programme being an example. However, some simply required additional training or guidance for staff.
- (vii) A Member queried how complaints had been received regarding grass cutting contractor performance when this had been a service brought in house some years ago. The Director undertook to seek further information from the Department and report back to Members after the meeting.

**RESOLVED:**

- (a) That the Corporate Complaints and Compliments Annual report, covering from 1 April 2023 to 31 March 2024 be noted;
- (b) That the Director provide more information regarding those complaints which related to grass cutting and the performance of external contractors.

12. Overview and Scrutiny Annual Report 2023-24

The Commission considered the draft Overview and Scrutiny Annual Report which summarised some of the key highlights of scrutiny work undertaken during 2023/24. A copy of the report marked 'Agenda Item 12' is filed with these minutes.

RESOLVED:

- (a) That the draft Overview and Scrutiny Committee Report for 2023/24 be approved for submission to the County Council in July 2024;
- (b) That, following its consideration by the full County Council in July, a copy of the Annual Report be provided to all Members for wider circulation.

13. Dates of future meetings.

RESOLVED:

That the following dates for meetings of the Scrutiny Commission in 2024/25 be approved:

Wednesday, 4 September 2024  
 Wednesday, 6 November 2024  
 Monday, 27 January 2025  
 Monday, 10 March 2025  
 Monday, 9 June 2025  
 Monday, 8 September 2025  
 Monday, 10 November 2025

14. Exclusion of the Press and Public

RESOLVED:

That under Section 100A of the Local Government Act 1972, the public be excluded for the remaining item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 3 and 10 of Part 1 of Schedule 12A of the Act and that, in all circumstances of the case, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

15. East of Lutterworth Strategic Development Area

The Commission considered an exempt Cabinet report of the Chief Executive and Director of Corporate Resources, the purpose of which was to advise of progress with the delivery of the East of Lutterworth Strategic Development Area (SDA) and to seek agreement on how to progress the scheme. A copy of the report marked 'Agenda Item 16' is filed with these minutes.

The report was not for publication as it contained information relating to the financial or business affairs of a particular person (including the authority holding that information).

Members raised questions regarding the options for delivery and in particular, delivery of the access road, the level of affordable housing and the potential for future Government grant funding.

RESOLVED:

That the recommendations as set out the exempt Cabinet report be supported.

10.00 - 11.48 am  
10 June 2024

CHAIRMAN