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OVERVIEW AND SCRUTINY MANAGEMENT BOARD SUPPLEMENT

DATE: WEDNESDAY 27 OCTOBER 2010
TIME: 2 PM
PLACE: COUNCIL HOUSE (NEXT TO THE CIVIC CENTRE)

Committee Members –

Councillor James, Chair
Councillor Ball, Vice Chair
Councillors Browne, McDonald, Nicholson, Ricketts, Stevens, Thompson and Wildy.

Co-opted Representative –

Mr. D. Fletcher (Chamber of Commerce)
Mr. J. Paget (Young People)

*PLEASE FIND ATTACHED ADDITIONAL INFORMATION SUBMITTED IN
RESPECT OF AGENDA ITEM NOS. 9 AND 10B.*

BARRY KEEL
CHIEF EXECUTIVE

OVERVIEW AND SCRUTINY MANAGEMENT BOARD

4. CHAIR'S URGENT BUSINESS

To receive a verbal update in respect of the Budshead Trust Councillor Call for Action.

9. RECOMMENDATIONS

(Pages 1-2)

To receive and consider recommendations from Panels, Committees, Cabinet or Council.

10b WORK PROGRAMMES

(Pages 3 - 20)

To agree Project Initiation Documents / Task and Finish Groups

- Modernisation of Adult Social Care
- Review of Community Events and Road Closure Policy

OVERVIEW AND SCRUTINY MANAGEMENT BOARD - 27 OCTOBER, 2010

RECOMMENDATIONS

Date/min number	Resolution / Recommendation	Explanation / Minute	Response
Customers and Communities Overview and Scrutiny Panel			
18/10/10 Min. 38	<p>Three Year Review of the Licensing Act 2003 Statement of Licensing Policy including the Cumulative Impact Policy Recommended to the Overview and Scrutiny Management Board that –</p> <p>(1) the panel notes the results of the public consultation and officers' conclusions;</p> <p>(2) the panel requests Cabinet to recommend to the City Council –</p> <p>a. the adoption of the draft Licensing Statement of Policy 2011 – 2014 and in particular supports the proposals relating to the classification of films with tobacco imagery and the ratio of door supervisors required;</p> <p>b. that the special policy on Cumulative Impact that applies to Union Street (including Derry's Cross), the Barbican, North Hill, Mutley Plain and Stoke village remains in place;</p> <p>(3) the panel recommends to Cabinet that the Police are encouraged to provide evidence relating to off licenses with a view to assisting consideration of whether they should be included within the Cumulative Impact policy.</p>	The panel request the Overview and Scrutiny Management Board agree its recommendations for the three year review of the Licensing Act 2003 Statement of Licensing Policy including the Cumulative Impact Policy.	

Date/min number	Resolution / Recommendation	Explanation / Minute	Response
Growth and Prosperity Overview and Scrutiny Panel			
18/10/10 Min. 43	Community Events and Road Closure Policy Task and Finish Group Update <u>Recommended</u> that the list of recommendations as set out in the final task and finish group report be submitted to the Overview and Scrutiny Management Board.	The Community Events and Road Closure Policy Task and Finish Group report has been completed and therefore sent to the Overview and Scrutiny Management Board.	

Appendix 2

Task and Finish Group Modernisation of Adult Social Care**Summary of Consultation Results**

The consultation period for all proposals reviewed by the Task and Finish group ended on the 19 October 2010. The Task and Finish group received consultation information up to and including the 3 October 2010 with the intention of adding any further consultation data into the report when received at the Overview and Scrutiny Management Board. The information below is a summary of all consultation data received with regard to the proposals for the Modernisation of short break services for people with a learning disability, the Fairer Contributions Policy, charging within a personalised system and the Modernisation of older peoples' services.

Modernisation of short break services for people with a learning disability**Consultation Process**

- The consultation process began on the 26th July and ended 19th October.
- Three consultation events were held for family carers on the 5th & 10th August and the 7th September. During the consultation an independent person arranged by the council was present to ensure the process was carried out fairly and that people's views and opinions were recorded.
- Independent advocates attended the consultation events for example the Older Carers Advocacy Project.
- Letters were sent out to all family carers who had not attended the consultation sessions advising them of the last consultation date in September and offering them opportunity of other sessions or 1:1 appointments if this was not convenient.
- In order to ensure that service users were fully engaged in the process the Council commissioned a dedicated event which was held on the 9th August at the Plymouth Guildhall. The session was facilitated by a theatre group using the 'Play Back Theatre' model of consultation, proven to be highly effective in engaging people with learning disabilities to express their thoughts and views through the use of drama. 22 people with learning disabilities were successfully engaged and able to contribute during this consultation event. Total communication (using photographs, symbols and objects of reference to help people who cannot read) was also used to record people's views during the session.
- The 'Plymouth People First' Self-Advocacy Service have been involved in supporting people with learning disabilities speak up for themselves,

helping to interpret information and represent the views of people not able to attend sessions.

- The Learning Disability Partnership Board (which includes service user and family carer representation and a range of key stakeholders from the independent and statutory sector) received a presentation of the Short Breaks Cabinet paper on 21st July 2010. An update about the consultation process was presented on the 15th September 2010. It was agreed that a separate reference group of people with learning disabilities would look at the consultation process and confirm that it had been carried out properly.
- Following the consultation events the independent person has contacted/visited individual family carers at home where they have requested
- A PCC webpage link for comments has been available for stakeholders

Consultation Results

At the end of the consultation period 77 completed questionnaires had been received out of a total of 168 that were sent out. This was broken down into 59 responses from people with learning disabilities and 18 from family carers.

11 family carers that completed the forms stated that they did not like the ideas for modernisation. However within the forms returned from people with learning disabilities 20 indicated that they did not like the ideas proposed, a further 17 people had said that they did like the ideas.

Emerging themes from questionnaires

- I want Welby to stay open and it is a good place
- I like to see my friends
- I like the idea of the new flats
- I want more to do and to be able to stay up late
- I like the idea of staying with friendly families
- I would like more information about using vouchers

Emerging themes from family carers

Carers are very concerned about the effects of the proposed changes on their lives, including being able to work, anxiety around other providers not knowing how to care for their relative.

- Carers would want to be reassured that the quality and safety of alternative provision is guaranteed.
- The older carers who responded said that rely on a respite service and thought they may not be able to cope if it was not there.

Emerging themes from consultation sessions

We arranged 3 consultation sessions for family carers on the 5th & 10th August and the 7th September. 1 session took place for people with learning disabilities on the 9th August 2010.

Emerging themes from family carers

- Carers did not want Welby to close, improved services should continue on both sites.
- Carers need a range of flexible short breaks that they can rely on.
- Carers would like more information about self directed support and personalisation.
- Carers wanted to be reassured that there would be enough short break provision to cover both planned and emergency need.

1:1 visits or sessions with families

There are a number of planned 1:1 visits by the independent person before the end of the consultation period which will feed into the final report.

1:1 visits by a care manager

A social worker has been visiting families and service users who are using Welby to discuss personal budgets and self directed support. These visits have been positively received and some families and service users have shown interest in developing bespoke individualised care and support rather than continue with their current arrangements .These discussions are in the early stages and will inform the future commissioning plans.

Fairer contributions policy, charging within a personalised system**Consultation Process**

A 12-week consultation period was initiated following Cabinet's decision. The consultation period ended on 19th October 2010. The table below sets out the details of the process.

Method	Quantity	Response to date
Postal questionnaires and information pack for service users and carers	3123 questionnaires and information pack sent to service users currently in receipt of a social care community service	546
Telephone response line	Number given out in information pack	57 calls received and responded to
Dedicated consultation page on council website with facility for email responses	101 "hits" noted on website report	
Postal questionnaires and information pack for service providers, consumer interest groups and other stakeholders	40 questionnaires and information pack sent to service providers, consumer interest groups and other stakeholders	1
1:1 visits	Visits offered to individuals following calls to telephone line	4
Consultation events	Focus group sessions offered in information pack sent to service users who were invited to use telephone line to register interest	11

Consultation Results

The responses to date have been categorised into key themes as set out below:

General Issues in relation to Social Care Provision

- Social care should be free at the point of delivery as individuals had contributed to tax and National Insurance all their lives. They should not have to pay towards social care costs. This was an issue outside of the scope of the consultation.

- Importance of disability related benefits due to the increased cost of living for those with disabilities
- Concern that people with savings are penalised for being prudent by having assets taken into account in relation to charging

Specific Issues in response to the consultation questions

- The majority of responders (57%) felt the council should remove Disability Related Benefits/Disability Related Expenses from the financial assessment process.
- However there were significant views expressed by the majority that people with disabilities should have an extra allowance for the costs associated with disabilities and felt their expenses should be taken into account but their benefits not included as income (The council cannot do this under current DH rules)
- The majority of responders (37%) agreed that where people would afford to pay a contribution that this should be against 100% of the personal budget. However this was not the case for people with a Learning Disability (or their carers) with a majority of responders (61%) wanting the council to subsidise services for them irrespective of ability to pay. 31% of respondents disagreed that contributions are set against 100% of the personal budget and 32% of those who responded did not express a view.
- The majority of responders (48%) felt that the council should take a phased approach to increased charges for people who may have to contribute more for their care as a result of any changes to the contributions policy
- This policy area is particularly complex and considerable attention was taken in trying to simplify the questions and provide support to help people understand the implications. As a result we have recorded any comments that people made about accessibility of the issues. 5% of all responders reported some difficulty in understanding the questions. In the majority of cases contact was made with individuals to assist.

Modernisation of older peoples' services

Consultation process

At the start of the consultation process there were 8 permanent residents at Frank Cowl, 12 older people accessing short stay beds and 35 staff with a range of roles including domestic, kitchen care and management.

The following is a synopsis of the consultation:

- The consultation process started on the 26th July and will end 19th October in line with best practice guidelines.
- A series of three consultation events have been arranged at Welcome Hall Devonport to accommodate up to 25 people per event,
- A webpage link for comments has been set up
- Emails and letters have gone out to key external stakeholders such as older peoples groups, Age Concern, NHS Plymouth and LINKS.
- Letters explaining the consultation have been given to the current service users after telephone contact had been made to families to see if they wished to be present.
- In total 80 people received letters and questionnaires to include the 60 people that had used the service over the last 12 months.
- A further 30 questionnaires have been placed at Frank Cowl and approximately 10 taken down to the local Devonport Regeneration Company.
- Relatives of the permanent residents have been offered opportunities to express their views and those relatives who had not expressed any feedback and had permanent relatives at Frank Cowl were contacted during September again to make offers of one to one meetings.
- During the consultation an independent officer arranged by the Council was present to ensure the consultation process was carried out fairly and took opinions into account and 1:1 visits at the convenience of families have been offered.
- An advocate from Plymouth Highbury Trust has been to see all the Frank Cowl residents and recorded their views.
- During September letters and consultation questionnaires went to other key stakeholders including Devonport Regeneration Company to try to engage the wider community. During September a further letter will be

sent again to the relatives of the 8 permanent clients to offer further one to one meetings with the independent consultant and remind people of the end of the consultation period.

- A consultation room has been set up which shows the new Devonport Extra Care Scheme plans so that residents and staff are informed about the new development due to open in January 2011.
- Staff at Frank Cowl will be given the opportunity to visit an extra care scheme during September.
- Formal consultation with staff is not appropriate at this stage as no long-term decision has been made about the future of Frank Cowl House.

Consultation results

Written Questionnaires

To date we have received 8 completed questionnaires out of a possible 80. The returned forms indicate that people who have stayed at Frank Cowl House are generally happy with the service they received. Additional comments collated from the questionnaires include:

- 1 respondent felt that there should be an increase in short stay residential facilities where people can be supported to make a decision about their long term future when they are unable to stay in their own home.
- 1 respondent was unhappy about their stay because of the lack of privacy and outdated facilities.
- 1 respondent felt that there was not enough staff and that he felt his care was rushed.
- 1 respondent thought that there should be permanent places available for people to prevent loneliness and did not support the closure of Frank Cowl House.
- There was praise for the care provided by staff.
- More extra care schemes should be developed to give choice.
- There should be an increase in short stay availability on discharge from hospital to aid recuperation
- There should be an increase in choice of types of care provision, on returning home after hospital.

Consultation Events

Three events were arranged at a local venue on the 10th, 13th and 18th August. At the first event two residents were represented by their families. There was a mixed response from this event in that one family carer felt that the service at Frank Cowl House was not of a good standard and had mixed views about the time their husband stayed at the unit.

The second resident was represented by family who were very vocal about wanting their relative remaining at Frank Cowl House but acknowledged that Extra Care Housing would be a good alternative to residential care.

The final two events did not have any attendees.

1: 1 Advocacy

To ensure that we have captured all the views from both the long and short stay residents we commissioned an advocate from Plymouth Highbury Trust to visit and gather their wishes and views. These have been recorded on an individual basis.

Emerging themes from this piece of consultation include the following:

- Residents all wish to stay at Frank Cowl House.
- 2 people would consider option of extra care housing

1:1 visits to families

An independent officer has been commissioned to ensure that we approach the consultation in a fair and transparent way. Families and relatives who have been unable to attend the consultation sessions have been offered a visit at their convenience. To date we have offered this to all families and the officer has completed visits to 2 families to gather their response. Indications so far are that the 2 families contacted did not want a change to their current arrangements.

Visits to Extra Care Housing

To date all permanent residents have declined to visit extra care housing however staff visits had taken place in September.

Response from Age Concern and Senior Citizens Forum

" would be concerned about the potential loss of a local facility in particular the loss of local respite as Devonport is set to grow with more housing for older people" (*Chair of Senior Citizens Forum*)

"it would be a sad loss and a reduction in choice for older people, how easy would it be for people to find short term placements within the private sector as this is not always viable for private sector homes." (*Age Concern*)

**Overview and Scrutiny Management Board
Task and Finish Group
Scrutiny Review – Report
October 2010**



Review of Community Events and Road Closure Policy

Plymouth City Council

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1 Introduction

- 1.1 The Overview and Scrutiny Management Board approved in principle, on 28 July 2010, the establishment of a Task and Finish group to review the Community Events and Road Closure Policy with membership to be drawn from the Growth and Prosperity Overview and Scrutiny Panel. The Task and Finish Group will submit its findings for approval to the Overview and Scrutiny Management Board on 27 October 2010.

2 Executive Summary

- 2.1 The Growth and Prosperity Panel established a Task and Finish Group to review the Community Events and Road Closure Policy.
- 2.2 The Group received representations from Plymouth City Council Officers.
- 2.3 Key issues and findings included that –
- road closures for community events require traffic regulation orders; temporary traffic regulation orders (tTRO's) can be made by the council;
 - the authority dealt with 15-20 events throughout the year that require traffic regulation orders. It was considered that double the number of event requests made were not continued for various reasons, one being that the system was too bureaucratic;
 - there was a wide range of events – charitable, community, commercial and civic;
 - it was the duty of the council to co-ordinate its traffic regulation orders with the fire brigade and the police in the case of an emergency;
 - all scale events, ranging from two day events to 10 minute events, were required to follow the same process and administrative procedure;
 - officers were working on developing several marching and carnival routes to alleviate problems linked with road closures;
 - two elements were involved in processing temporary traffic regulation orders, administration costs and advertisement costs;
 - temporary traffic regulation orders had to be advertised in a local newspaper that covered a specific percentage of the city's residents;
 - the Council charged £1000 for a temporary traffic regulation order which would take into account administration and advertisement costs;

- in the past the Council had not charged for road closures for charitable events however this was down to the discretion of council officers;
- officers had looked at the current charging policy and decided there were three possible options for the future. The first option was to continue to charge £1000 – this meant that organisers would know in advance how much they would be required to pay however the Highways Department would absorb anything over and above £1000. The second option was to have a fixed charging scheme with a sliding scale – this would keep the costs down. The third option was to charge actual costs of the event to the organiser. This would be the most equitable approach however organisers would not know in advance the fee.
- there could be extra costs for some event organisers; for example if the desired event resulted in the closure of a road with a car park there would be loss of revenue – this would be at the discretion of the Park Manager;
- temporary traffic regulation orders were currently subsidised by the Highways Department – a sum of money was currently put aside to deal with events;
- an Events Safety Group was formed and held quarterly to discuss up and coming events;
- Eric Pickles, Secretary of State for Communities and Local Government, recently wrote a letter to local authorities encouraging them to make it easier for local residents and event organisers to hold local events without having to plough through mountains of forms and red tape;
- Street parties should be encouraged but the use of traffic sensitive roads or distributor roads should be discouraged

3 The Panel

3.1 The Task and Finish group had a cross party membership comprising the following Councillors -

- Councillor Nicholson (Chair)
- Councillor K Foster (Vice Chair)
- Councillor Berrow
- Councillor Wright

For the purposes of the review, the Task and Finish Group was supported by –

- Gill Peele, Business Manager for Development and Regeneration

- Ian Ellis, Assistant Network Manager
- Duncan Malloch, AMEY Network Manager
- Helen Rickman, Democratic Support Officer

4 Scrutiny Approach

4.1 The Task and Finish Group convened on two separate occasions to consider evidence and hear from witnesses -

- 26 August 2010
- 6 October 2010

4.2 Members of the Task and Finish Group aimed to examine and make recommendations on –

- the departments costs in the delivery of events management with the proposed charging policies.

The Work Programme Request (PID) is attached as Appendix 1.

4.3.1 At its meetings on 26 August 2010 and 6 October 2010 the Task and Finish Group considered evidence from Council Officers, raised questions and considered answers and recommendations relating to the Review of the Community Events and Road Closure Policy.

5 Witnesses

5.1 The Task and Finish Group heard representations from –

- Ian Ellis, Assistant Network Manager
- Duncan Malloch, AMEY Network Manager

6 Key Issues Arising from the Evidence

6.1 From the evidence provided at the Panel's two meetings, the following key themes emerged.

6.1.1 the current charging policy fees were arbitrary and unfair;

6.1.2 the current policy was too bureaucratic and complicated

6.1.3 the advertisement of temporary traffic regulation orders was an expensive part of the process because it restricted the advertisement of TTROs to local newspapers

6.1.4 the Transport and Highways Department budget was used for the majority of City Council events

7 Findings

- 7.1 Based on the evidence the Panel had received, it was considered the problems arising from the current Community Events and Road Closure Policy would be addressed if –
- an agreed charging policy that catered for different scale/types of events was formulated
 - advertisement costs could be reduced. These make up $\frac{3}{4}$ of the fees charged, and could be reduced by advertising on the Council's website, in shop windows, libraries and town halls other than the current requirement to publish in a local newspaper. However current government and Plymouth City Council legal advice does not support this;
 - smaller event organisers are encouraged to avoid road closures and specifically on major bus routes or traffic sensitive roads and thereby avoiding the need for Temporary Traffic Regulation Orders (TTROs), with reliance on the Town Police Clauses Act 1847 for smaller community based events

8 Recommendations

1. That representations be made to Central Government in relation to the medium used to advertise Temporary Traffic Regulation Orders e.g. Local Government Association, Department for Transport, Secretary of State for Communities and Local Government
2. That there be an approved list of events for which the Council will provide Temporary Traffic Regulation Orders (TTROs) free of charge and that this will be approved by the Cabinet Member for Transport. The list will include civic and other similar events that have been held across the city for at least the last 5 years. The list to be reviewed on an annual basis
3. That the department of the Council responsible for the decision to hold any event not included in the approved list, should provide the budget for the reimbursement of the cost of the Temporary Traffic Regulation Orders (TTROs) to Transport & Highways
4. That Temporary Traffic Regulation Orders (TTROs) continue to be advertised in the local newspaper for all events except those falling within the criteria for street parties and fetes (pending any Government response from the representation)
5. That a charging policy be implemented based on the proposed categories and charges, and be reviewed annually (or sooner if a change of law). Any changes to be approved by Cabinet member for Transport. The criteria are to be finalised by officers.

Category	Suggested criteria (still to be fully defined)	Charge
A	Require diversion of major Bus routes <ul style="list-style-type: none"> ▪ Close any traffic sensitive road (The list online www.plymouth.gov.uk/trafficsensitivestreets) ▪ Divert significant traffic onto any traffic sensitive road ▪ 1000 or over attendees/participants 	£3,000
B	<ul style="list-style-type: none"> ▪ Important route, but not traffic sensitive, e.g. distributor road ▪ Close less than 200m of road ▪ Close any road for less than 6 hours in total (including setting up and cleaning up) ▪ Divert traffic for less than 1km ▪ Less than 1000 attendees/participants 	£1,200
C	<ul style="list-style-type: none"> ▪ Street parties and fetes ▪ Non distributor roads eg residential ▪ Limited to a length of road not exceeding 200m ▪ No two adjacent roads closed on a single day 	£35

6. That officers be thanked for their efforts to recognise and support the organisers of smaller events

7. The panel also welcomes the investigation of parade and carnival routes and whether these can be standardised to simplify the TTRO process

Request for Scrutiny Work Programme Item

1	Title of Work Programme Item	Review of Community Events and Road Closure Policy.
2	Responsible Director (s)	Anthony Payne : Director for Development & Regeneration
3	Responsible Officer Tel No.	Tom White : Head of Network Management, Transport & Highways 01752 304256
4	Relevant Cabinet Member(s)	<i>Cabinet Member for Transport</i>
5	Aim	The scrutiny panel will review the departments costs in the delivery of events management with the proposed charging policies and make recommendations
6	Objectives	Scrutiny members will gain a better understanding of; <ul style="list-style-type: none"> • The Traffic Management Act 2004 • The new events management procedures • Costs being incurred by the Council for the management of events eg Road traffic orders, licences etc • Types of events eg community, charitable both small and large and associated traffic management requirements • Police presence • Benchmarking with other authorities
7	Benefits	The review will benefit the Council and Plymouth residents by ensuring a fair and equitable approach
8	Beneficiaries	Plymouth residents
9	Criteria for Choosing Topics	Concerns expressed by small community event organisers
10	Scope	Consider the financial impact of current or future subsidies Criteria for charging i.e. type of event

11	Exclusions	This review excludes the Events Strategy which is being formulated in parallel to the Visitors Strategy.		
12	Programme Dates	First meeting to receive a presentation from PCC Officers , second meeting to make decision and may involve witnesses		
	Timescales and Interdependences	Milestones	Target Date for Achievement	Responsible Officer
		Agree recommendations arising from scrutiny within 1 months of first meeting	Growth & Prosperity OSP 18th Oct 2010	Tom White
13	Links to other projects or initiatives / plans	CIP 11 /CIP 12		
14	Relevant Overview and Scrutiny Panel / Membership if Task and Finish Group	Growth & Prosperity		
15	Lead Officer for Panel	Gill Peele		
16	Reporting arrangements	To Overview and Scrutiny Management Board		
13	Resources	PCC staff resources		
14	Budget implications	Resources within existing budgets		
15	Risk analysis	n/a		
16	Project Plan / Actions	<i>Project plan to be prepared by Task and Finish Panel</i>		

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