

Agenda for a meeting of the Health and Social Care Overview and Scrutiny Committee to be held on Thursday, 23 March 2017 at 4.30 pm in Committee Room 1 - City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Carmody Gibbons	Greenwood A Ahmed Duffy Mullaney Sharp	N Pollard

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Barker Poulsen	Berry S Hussain T Hussain H Khan	Griffiths

NON VOTING CO-OPTED MEMBERS

Susan Crowe	Strategic Disability Partnership
Trevor Ramsay	Strategic Disability Partnership
G Sam Samociuk	Former Mental Health Nursing Lecturer
Jenny Scott	Older People's Partnership

Notes:

- This agenda can be made available in Braille, easy read, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **INTERESTED PARTIES ARE ASKED TO NOTE THAT ITEM 8 (CALL-IN DECISION OF THE EXECUTIVE HELD ON 7 MARCH 2017) WILL NOT BE CONSIDERED BEFORE 6PM**

From:

Parveen Akhtar
City Solicitor

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To:



A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

Notes:

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

That the minutes of the meeting held on 8 December 2016 be signed as a correct record (previously circulated).

(Claire Tomenson – 01274 432457)



4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic Director or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Claire Tomenson - 01274 432457)

5. REFERRALS TO THE OVERVIEW AND SCRUTINY COMMITTEE

Any referrals that have been made to this Committee up to and including the date of publication of this agenda will be reported at the meeting.

B. OVERVIEW AND SCRUTINY ACTIVITIES

6. CARE QUALITY COMMISSION UPDATE

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The report of the Care Quality Commission (**Document “AH”**) provides an update from each of the inspection directorates.

Recommended –

That the report be noted.

(Sarah Drew – 0300 0616161)

7. HEALTH AND SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME 2016/17

55 - 60

The City Solicitor will submit **Document “AI”** which presents the work programme 2016/17.

Recommended –

That the information in Appendix 1 and 2 of Document “AI” be noted.

(Caroline Coombes – 01274 432313)



Interested parties are asked to note that the following item will not be considered before 18.00

8. **CALLED-IN DECISION - REVIEW OF THE OPERATION AND EFFECTIVENESS OF THE 12 MONTH TRIAL BAN OF PAVEMENT OBSTRUCTIONS**

61 - 102

At its meeting on 7 March 2017 the Executive received a report of the Strategic Director, Place (**Executive Document "BM"**) and additional information that was tabled at the meeting (**Addendum to Executive Document "BM"**) which updated the Executive on the effectiveness and practicality issues of the 12 month trial ban on pavement obstructions in Bradford City Centre, Saltaire, Ilkley and on A647 Leeds Road between Thornbury Gyratory and Bradford City Centre.

On the basis of the trial's findings a number of potential options for the continuation, revocation or amendment of the policy related to pavement obstructions in the future were presented for the Executive's consideration and determination.

Executive resolved –

That the retention of the pavement obstruction ban be approved with the following modifications:

- a) **The current trial zone ban areas be retained;**
- b) **Arrangements to allow licensing of pavement obstructions be incorporated into the Council's approach.**
- c) **That the development of details of the licensing arrangements including the approval of policy for determining locations suitable for placement of obstructions and levels of license fee to be charged be delegated to the Strategic Director: Place in consultation with the Portfolio Holder.**

ACTION: Strategic Director, Place

The decision of the Executive has been called in by Councillors Dale Smith and Sharp

(i) **The reasons for Cllr Dale Smith requesting the call-in are:**

The proposals give scant regard to the Equality Impact Assessment and subsequently do not sufficiently ameliorate the disadvantage those most affected particularly those with Visual Impairment or the need to use wheelchairs etc.



The evidence presented and upon which the decision was partially based, regarding the charge for a Licence is unrealistic, containing conflicting figures and presented alongside unconvincing evidence submitted by businesses regarding their claimed financial losses due to the removal of A-Boards, with the latter having been given too much emphasis.

A letter from the Ilkley Chamber of Trade was tabled but not circulated to members of the public and thus could not be challenged.

The loss of the Mobility and Inclusion Officer reduced the Council's contact with service users, with the result that awareness of the decision to be taken at the Executive meeting was poorly advertised, thus reducing the opportunity of those whose mobility is to be most affected, to get quick access to the report in an appropriate format and have their voices heard.

The costing information provided for both the trial and the proposals are inadequate.

The absence of adequate, detailed information detailing which other Local Authorities were implementing an A-Board ban or making a charge for any Licence, along with the outcomes, undermines the validity of the report upon which the decision was based, as this information would provide a much clearer picture of what to expect.

The absence of criteria for identifying areas where A-Boards can and cannot be placed undermines the validity of the decision taken, as this information would again provide the Executive and the vulnerable citizens who should benefit from any new policy.

The report did not adequately address the recommendations from the Health and Social Care O&S meeting.

(ii) The reason for Cllr Sharp requesting the call-in are:

I wish to call in the Executive decision of 7th March 2017, Review of the Operation and Effectiveness of the 12 Month Trial Ban of Pavement obstructions (Document BM) to Health and Social care Overview and Scrutiny Committee.

The reasons for the call in are:

- 1. The Executive document contains information not made available to the Health and Social Care O & S Committee when we carried out an extensive review of the trial ban in meetings last year so this new information needs to be considered by the Committee.*



2. *The executive report itself does not reflect views of the O & S Committee for proper consideration by the Executive. In part this is demonstrated by the scarcity of the views expressed by disability organisations (2 paragraphs only) in the Executive report.*
3. *The long term operational costs of either scheme are not clearly evidenced in the Executive report.*
4. *The call in needs to happen to allow O & S Committee to consider the differences between the report we received and the report submitted to Exec to allow the committee to make an informed choice as to whether we maintain our decision of December last year or accept the decision made by the Executive.*

In response to the Call-In, the Strategic Director, Place will submit Document "AJ".

In accordance with Paragraph 8.6.9 of Part 3E of the Constitution Members of the Overview and Scrutiny Committee can, following consideration of the matter, resolve to:

- (1) Release the decision for implementation.**
- (2) Refer all or part of the decision back to the Executive to reconsider it in the light of any representations the Committee may make. The decision may not be implemented until the Executive has met to reconsider its earlier decision.**
- (3) Refer the decision to full Council for consideration, in which case the decision may not be implemented until the Council has met to consider the matter.**

If the Committee makes no resolution, in accordance with paragraph 8.6.9 of the Constitution, the decision may be implemented.

(Richard Gelder – 01274 436703)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

