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**Overview and Scrutiny Management Board – 26<sup>th</sup> March, 2015**

**Joint Report of the Strategic Director (Resources and Transformation) and the Lead Officer**

**Annual Report of the Overview and Scrutiny Management Board 2014/15**

**Purpose of Report**

1. To consider the annual report of the Overview and Scrutiny Management Board for 2014/15.

**Background**

2. The terms of reference of the Overview and Scrutiny Management Board, as set out in the Constitution, require an annual report to be submitted to the Council. It is a key function of the Board to make reports and recommendations to the Council and/or the Cabinet in connection with the discharge of overview and scrutiny functions.
3. Scrutiny Committees retain the flexibility to scrutinise any additional topics that might arise during the year. In carrying out their individual work programmes, Scrutiny Chairs and Vice Chairs have the freedom to adapt their approaches to carry out the scrutiny reviews allocated to them. Examples have been informal meetings, visits, working groups and 'virtual' meetings.
4. The Council has recognised the importance of retaining an annual review process. This should ensure that the arrangements continue to align themselves to the needs of the Council and that the scrutiny arrangements remain adaptable and flexible to changes in circumstances.

**Key Scrutiny Activities in 2014/15**

5. This report gives a brief overview of the key areas of business considered by Scrutiny Committees during the 2014/15 municipal year. In addition, all Scrutiny Committees were involved in budget scrutiny during the November, 2014 cycle of meetings.
6. The minutes of all formal Scrutiny Committee meetings are reported to full Council in the 'White Book' submitted to each Council meeting. In addition, the minutes and reports of Scrutiny Committees can be accessed online via the [Committee Management Information System](#) on the Council's website. The main items of business considered by Scrutiny Committees in 2014/15 are as follows:

### Urban Environment Scrutiny Committee

7. Chair – Councillor D Tyler; Vice Chair – Councillor A Finch; Lead Officer – Assistant Director of Adult, Community and Housing Services (Housing Strategy and Private Sector).
- Economic Development (including inward investment)
  - Environmental Management, Commercial Services

### Adult, Community and Housing Services Scrutiny Committee

8. Chair – Councillor M Hanif; Vice Chair – Councillor R James; Lead Officer – Chief Officer (Corporate and Customer Services)
- Housing Futures Board
  - Dudley MBC's readiness to implement the Care Bill (now Act) in April 2015

The Committee has considered specific items on the Borough's Housing Strategy; Right to Buy and Replacement New Build; sustainability modelling of the Council's housing stock, in particular determining remodelling/demolition options; Carers and the Care Act; the Homelessness Service and the Elphick-House Report and Lyons Review.

### Children's Services Scrutiny Committee

9. Chair – Councillor M Mottram; Vice Chair – Councillor I Cooper; Lead Officers – Assistant Director, Housing Services (Part) and Assistant Director – Housing Strategy and Private Sector (Part)
- Childhood Neglect
  - Early Help Offer
  - Special Educational Needs Reform

Given the wider remit of the Committee, the appropriateness of its co-opted Membership was reviewed by the Board in June, 2014. On the recommendation of the Board, the Council resolved that the co-opted representation comprise only the statutory co-optees and that a pool of specialist/key contacts be invited to attend meetings and give evidence, as appropriate. For the purposes of continuity the Children's Services Scrutiny Committee later agreed that the former non-statutory co-optees be able to continue to attend its meetings by invitation for the remainder of the current Municipal Year.

On the issues of safeguarding, child trafficking and sexual exploitation the Committee have received and examined the Annual report of the Dudley Safeguarding Board, were shown a film illustrating how children can be groomed and have carried out various initiatives to increase the awareness of all Members of the Council's responsibilities. Under the umbrella of children's services presentations on child sexual exploitation were given to other Members and Officers of the Council through the Leadership Forum and the Taxis Committee. The view was expressed that the Council's responsibilities on safeguarding should be included as part of the induction arrangements for new Members of the Council and also for Members of the Council who had not served on the Children's Services Scrutiny Committee.

The Committee also considered the annual reports of the Fostering and Adoption Services.

#### Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee

10. Chair – Councillor D Blood; Vice Chair – Councillor B Cotterill; Lead Officer – Assistant Director, Policy and Improvement.
- The Work and Priorities of the West Midlands Police and Crime Commissioner
  - Corporate use of Shared Services

During the course of the year the Committee also considered other items including an Update on Apprenticeships; Tourism Website; the Dudley Local Policing Unit and Police and Crime Broad – Priorities, Performance and Vision and have reviewed the regular Quarterly Corporate Performance Management reports.

#### Health Scrutiny Committee

11. Chair – Councillor C Hale; Vice Chair – Councillor N Barlow; Lead Officer – Assistant Director, Law and Governance.

In connection with its statutory role, the Committee has considered specific reports on the Dudley and Walsall Mental Health Partnership National Health Service (NHS) Trust – Care Quality Commission (CQC) assessment; Mental Health Services Care Quality Commission Inspection; the Dudley Group NHS Care Quality Commission Outcomes; Dudley Group of Hospitals Financial Strategy; NHS Quality accounts; the Better Care Fund; Clinical Commissioning Group, Black Country and Solihull Stroke Review – Programme Development; Dudley Group NHS Foundation Trust : Patient Experience; Winter Pressures; NHS Health Check implementation; delayed transfers of care and a report on NHS England Co-Commissioning and Primary Care intentions, together with regular updates on the Urgent Care Centre development.

With regard to the development of the Urgent Care Centre the Committee thoroughly scrutinised the proposals and have rigorously inspected the specification for the centre with a view to ensuring it was fit for purpose and that there was an appropriate composition of skilled staff. Arising from concerns and representations made by the Committee, particularly in relation to parking charges and inadequate parking, the Trust agreed put measures in place to alleviate problems. These included consulting with Centro with a view to consideration being given to improving public transport to the hospital, the maternity car park being freed up to create additional car parking spaces and a dedicated triaging telephone system would be put into place, and if needed, an appointment would be booked for patients should they need to attend the hospital, which would minimise relevant car parking charges.

The Committee also has the following items in the Annual Scrutiny Programme as part of their in-depth reviews:

- Tobacco Control Strategy -Update/Development
- Dudley Physical Activity and Sport Strategy

### **Work of the Overview and Scrutiny Management Board**

12. Chair – Councillor D Tyler; Vice Chair – Councillor A Finch; Lead Officer – Assistant Director (Housing Strategy and Private Sector)

The Overview and Scrutiny Management Board met on 29<sup>th</sup> April, 2014 to consider the development of the Annual Scrutiny Programme for 2014/15. It was considered that the Council's overview and scrutiny arrangements would continue to be the subject of an annual review process. A further meeting was held in June, 2014 to endorse the items in the annual programme and this included an additional item identified during the consultation process concerning corporate services provided by the Council that were shared between Directorates.

Details of the scrutiny topics were reported to the June/July cycle of Scrutiny Committees with a view to briefing Members of each Scrutiny Committee on the workload allocated to them.

### **Scrutiny of Budget Proposals**

13. In 2014/15 Scrutiny Committees focussed on the detailed scrutiny of individual Directorate budget proposals.

Following the programmed cycle of Scrutiny Committees in November, the Overview and Scrutiny Management Board met to scrutinise the overall budget proposals on a strategic basis. The Board noted that arising from comments made at Scrutiny Committees the Treasurer had given an undertaking to include further explanatory text in future budget reports.

Regarding budgetary proposals relating to home to school and college transport and arising from comments made that substantial savings and a better service could be achieved by changing the way the service was provided, the Board requested outcomes of the consultation to be reported to a future meeting.

### **Programming of Scrutiny Committee Meetings**

14. The calendar of meetings for 2015/16 will include programmed meetings of all Scrutiny Committees throughout the whole year in line with the established cycle of committees. This will give clear timelines for the production of reports and reduces the possibility of meetings clashing with other key meetings in the municipal calendar. Additional formal and/or informal meetings or working groups can be arranged as and when necessary. The programme of meetings will be formally approved at the Annual Meeting of the Council in May, 2015.

### Scrutiny Call-in

15. The Overview and Scrutiny Management Board has received the Forward Plan of Key Decisions for information at its programmed meetings during the year. It should be noted that, at the time of writing, there have been no formal scrutiny 'call-ins' referred to the Overview and Scrutiny Management Board during the 2014/15 municipal year.

### Other Issues

#### Better Care Fund

16. Arising from consideration of the Better Care Fund, the Board, at its meeting held on 16<sup>th</sup> October, 2014 recommended that the Cabinet Member for Human Resources, Legal, Property and Health ensures the inclusion of the Council's Housing Services with health care provision and the Better Care Fund. The Chair also suggested that all Members of the Council be fully briefed on the Fund.

#### Russells Hall Hospital Parking and Transport Issues

17. The Board, at its meeting held on 11<sup>th</sup> December, 2014 considered a report on ongoing parking and transport issues and Ms B Coombes (Area Manager – Centro) and Mr R Graves (Dudley Group of Hospitals) were in attendance to answer queries and concerns. Arising from consideration of the report, in particular, with regard to the plans for additional car parking spaces for the hospital, it was commented that certain Council processes potentially created barriers to developments. It was considered that the Council should take a pragmatic view in applying any local planning policies which were within the discretion of the Local Authority. In conclusion the Board recommended that Cabinet support proposals being developed by Dudley Group of Hospitals Trust to create additional staff car parking facilities on land adjacent to the hospital to benefit all users of the hospital and the wider community. This recommendation was reported to Cabinet on 11<sup>th</sup> February, 2015.

#### Structure of Scrutiny Committees for 2015/16

18. Discussions are ongoing with regard to the format of Scrutiny Committees for the ensuing Municipal Year and a report is being considered by the Overview and Scrutiny Management Board on 26<sup>th</sup> March, 2015 in this regard. Approval, in principle, has been given to establish a Scrutiny Committee structure for the 2015/16 Municipal Year which is aligned to the new Strategic Directorate structure. The Overview and Scrutiny Management Board will continue to co-ordinate corporate scrutiny activity and the Health Scrutiny Committee will continue with its current statutory role. Recommendations will be submitted to the Annual meeting of the Council in 2015. This will include necessary changes to the Council's constitution. Consideration is also being given to allocating Lead Officers for Scrutiny Committees.

#### Annual Scrutiny Programme 2015/16

19. Preliminary consideration is being given to the Annual Scrutiny Programme 2015/16. The development of the Annual Scrutiny Programme will continue to be a member-led process taking account of the views of Directorates, Scrutiny Chairs and others. Scrutiny Committees will retain some discretion over the number of

topics they wish to scrutinise, however, the workloads of Committees needs to remain manageable and focussed on strategic outcomes.

The Annual Scrutiny Programme for 2015/16 will be formally approved at the first meeting of the Overview and Scrutiny Management Board following the annual meeting of the Council in May, 2015.

In considering the ongoing Scrutiny arrangements Members are mindful of national issues particularly those relating to certain information contained in the Kerslake Review concerning the recommendation to reduce the number of Scrutiny Committees at Birmingham City Council from nine to no more than three and that Members roles need to be clearly defined and better supported to include appropriate training.

The Centre for Public Scrutiny (CfPS) has also submitted its evidence to the Communities and Local Government Select Committee (CLG) supporting calls for a national review of the effectiveness of local governance and scrutiny, and have made recommendations for the scope of such a review. The CfPS are mindful about the different ways in which party politics impacts on the effectiveness of and are requesting that the CLG gather evidence in this regard.

Members might also be aware of details contained in the Professor Alexis Jay publication on the Independent Inquiry into the history and exposure of child sexual exploitation in Rotherham together with the subsequent Louise Casey report on the inspection of the Council. Key issues contained within the Casey report relate to a lack of scrutiny over the police's actions; Members being overly-reliant on Officers; Members not challenging tenaciously enough to ensure improvements; officer reports not always presenting the facts in an easily accessible way. It was stated that sometimes officers painted too positive a picture of Council performance, or omitted important facts in their reports, that might have led to greater awareness and scrutiny by Members.

Members are also reminded about information contained in the Robert Francis report arising from an extensive inquiry into failings at Mid-Staffordshire NHS Foundation Trust which highlighted a whole system failure. The report contained numerous recommendations with major implications for all levels of the health service across England.

An informal meeting of the Overview and Scrutiny Management board will be held during April to reflect on the above issues and to consider these in the context of developing our future Annual Scrutiny Programme.

## **Finance**

20. The costs of operating the Council's scrutiny arrangements are being contained within existing budgetary allocations.

The ongoing budget reductions will undoubtedly have an impact on the levels of Directorate and Democratic Services support that is available for the scrutiny process. Moving forward into 2015/16, consideration has to be given to the availability of corporate and directorate resources to service and support working groups, meetings and various levels of scrutiny activity.

## **Law**

21. Scrutiny Committees are established in accordance with the provisions of the Local Government Act 1972 and the requirements of the Council's Constitution, which was adopted under the Local Government Act 2000, subsequent legislation and associated Regulations and Guidance.

Scrutiny powers relating to health are included in the Health and Social Care Acts 2001 and 2012, and associated Regulations and statutory guidance. The Police and Justice Act 2006 gives the Council powers to scrutinise the work of the Crime and Disorder Reduction Partnership, and the Local Government and Public Involvement in Health Act 2007 enables local authorities to scrutinise other partners. Much of this legislation has now been consolidated in the Localism Act 2011.

The Council's scrutiny arrangements are set out in Article 6 of the Constitution (Scrutiny Committees) and the associated Scrutiny Procedure Rules and Protocols.

## **Equality Impact**

22. Provision exists within the scrutiny arrangements for overview and scrutiny to be undertaken of the Council's policies on equality and diversity.

## **Recommendations**

23. That the annual report of the Overview and Scrutiny Management Board for 2014/15 be received and noted and referred to the Council at its meeting on 13<sup>th</sup> April, 2015.
24. That the Strategic Director (Resources and Transformation), following consultation with the Chair and Vice-Chair, be authorised to make any necessary amendments to update the annual report prior to its submission to the Council.



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**Strategic Director (Resources and Transformation)**



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## **List of Background Papers**

The Council's Constitution – Article 6, Scrutiny Procedure Rules and Protocols

Reports and Minutes of the Overview and Scrutiny Management Board

Minutes of Scrutiny Committees

Kerslake Review

<https://www.gov.uk/government/publications/birmingham-city-councils-governance-and-organisational-capabilities-an-independent-review>

Centre for Public Scrutiny (CfPS) Response to CLG Committee

<http://cfps.org.uk/publications?item=11699&offset=0>

Report of Inspection of Rotherham MBC – Louise Casey

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/401125/46966\\_Report\\_of\\_Inspection\\_of\\_Rotherham\\_WEB.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/401125/46966_Report_of_Inspection_of_Rotherham_WEB.pdf)

Alexis Jay Inquiry Report

[http://www.rotherham.gov.uk/downloads/download/139/independent\\_inquiry\\_into\\_child\\_sexual\\_exploitation\\_in\\_rotherham\\_1997\\_%E2%80%93\\_2013](http://www.rotherham.gov.uk/downloads/download/139/independent_inquiry_into_child_sexual_exploitation_in_rotherham_1997_%E2%80%93_2013)

Robert Francis Report

[http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_113018](http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_113018)