

Overview and Scrutiny Management Board – 26th November 2013

Joint Report of the Director of Corporate Resources and the Lead Officer

Interim Position on the new Scrutiny Arrangements

Purpose of Report

1. The purpose of the report is to give an interim position on the new scrutiny arrangements since their start in June 2013.

Background

2. Before outlining the key themes of the report it must be stated from the outset that there does appear to be a general level of acceptance that the new Directorate aligned arrangements have built substantially on the position of the previous corporate themed based scrutiny arrangements (see Appendix 1 – Terms of Reference).
3. Whilst no specific consultation has yet been undertaken, and that maybe an option for the Board to consider for the annual review in February (eg: an invitation for all Members/Officers/Partners to submit comments), the general view appears to be that the focus on a small number of major issues; the alignment with Directorates; the revised reporting arrangements and the freedom for Chairs and Vice Chairs to adapt their approach to undertaking scrutiny reviews has been welcomed.
4. There is no room for complacency and it is important there is 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.
5. This interim report is divided into a number of sections:
 - (i) Constitutional and Governance arrangements (see Appendix 2).
 - (ii) Outline of key scrutiny themes for each Committee (see Appendix 3).
 - (iii) Comments in relation to individual Scrutiny Committees.
 - (iv) Issues for consideration by the Board.

Urban Environment Scrutiny Committee

6. Chair – Councillor Tyler; Vice Chair – Councillor Hale; Lead Officer – Assistant Director of Adult, Community & Housing Services (Housing Strategy and Private Sector).

7. The Urban Environment Scrutiny Committee is focussed on three key issues:
 - (a) The Parks, Nature Reserves and Open Spaces Strategy.
 - (b) Support for Local Business.
 - (c) Traffic Regulation Orders (TRO) Process.
8. In terms of the scrutiny process, the administrative support to the Committee has been effective, despite the fact that this Committee has departed from the traditional approach by having the Parks issue dealt with through the main Committee; the "Support for Local Business" through a working group and the TRO process through 'virtual' arrangements with proposals and discussion taking place electronically.
9. The main Committee, working groups and virtual process have been characterised by informed and constructive discussions. By way of external comment, positive feedback has been received from the Black Country Reinvestment Society concerning the level of understanding of the issues being considered.

Adult, Community and Housing Services Scrutiny Committee

10. Chair – Councillor Islam; Vice Chair – Councillor James; Lead Officer – Assistant Director Customer Services.
11. The meetings have largely followed the traditional committee format without separate working groups. There will be a programme of member visits to a number of "Making it Real" venues in the Borough. Witnesses will attend the Committee meeting in December. A short film of "Making it Real" activities has been shown. It has been particularly beneficial that a range of officers have attended the Scrutiny meetings. The Welfare Reform agenda has been of particular interest to members, with a good deal of insightful debate.
12. In terms of administration, issues about the electronic circulation of agenda and reports have now been resolved. There were also some issues relating to meetings clashing with others in the calendar and these have also been resolved.
13. It is acknowledged that the "Making it Real" agenda is a very complex issue and will take time to fully engage members in making tangible and sustainable suggestions. Good progress is being made with this engagement with site visits, seeking views of independent witnesses and developing effective working arrangements between the Chair, Vice-Chair, members and officers. Further development sessions for Members will be considered as the scrutiny arrangements move forward.

Children's Services Scrutiny Committee

14. Chair – Councillor Marrey; Vice Chair – Councillor Boleyn; Lead Officer – Assistant Director Housing Services.

15. This Committee has demonstrated examples of how a more “parliamentary style” of scrutiny should operate in the context of Dudley MBC. A range of scrutiny methods have been used, focussed around the main Committee. This has included visits to children’s centres, less formal development sessions and opportunities for members to attend the safeguarding board. There is a positive cross-party shaping group to assist in setting the agenda for the Committee. This has been demonstrated in the collection of evidence concerning Children’s Centres.
16. It is also noted that the Cabinet Member for Children’s Services and Lifelong Learning has attended meetings of the Scrutiny Committee (by invitation) to play a proactive role in responding to issues that are subject to scrutiny.

Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee

17. Chair – Councillor Blood; Vice Chair – Councillor A Ahmed; Lead Officer – Assistant Director, Policy & Improvement.
18. This Committee has given prominent attention to the scrutiny of the corporate performance management report. This has enabled a cross party group of members to challenge and examine aspects of performance more comprehensively than was previously the case. A view has been expressed that individual issues identified by the ‘corporate’ committee could be usefully scrutinised by the ‘service’ scrutiny committees.
19. Members have allocated around one and a half hours to the Performance Management report and have requested a representative from each directorate to attend to respond to potential issues.
20. Although it is still early in the development of the scrutiny arrangements, consideration needs to be given to the balance of considering individual scrutiny reviews and Performance Management reports in developing the future scrutiny programme. This will be monitored and included in the annual review when the Overview and Scrutiny Management Board considers the annual scrutiny programme next year.
21. The experience of the first scrutiny review – Council Tax Discretionary Relief (CTDR) combined both formal and informal settings. It appeared to be well regarded by members and support officers. A wide range of information was presented. The Cabinet Member addressed the Committee and evidence from elsewhere was presented for consideration.
22. In terms of resourcing this Committee, the work programme has been manageable (although the demands on time for the Performance Management report are significant). The Chair and Vice-Chair have been given regular briefings in between committee meetings on the progress of scrutiny work. This has enabled direction to be given on how the review work is conducted and presented to members.

Health Scrutiny Committee

23. Chair – Councillor Ridney; Vice Chair – Councillor Kettle; Lead Officer - Assistant Director Law and Governance.
24. The Health Scrutiny Committee has, in many ways, since its inception, had many of the features of the new scrutiny arrangements. It has in the past and continues to carry out major cross-cycle scrutiny issues; and lever improved health outcomes particularly through regular incisive scrutiny reviews and resultant recommendations across partnership arrangements – tracked to ensure long-term success. Through the involvement of key health, care and well-being bodies including the Health and Wellbeing Board, Clinical Commissioning Group, Social Care and NHS England, the Committee has a wide ready-made level of independent witness gathering and expert clinical and managerial input.
25. No major issues of concern have been raised and the work of the Committee continues to progress effectively. There is a view that the minutes of this Committee, and indeed all Scrutiny Committees, need to be more extensive records of the meeting than might be the case for other Council Committees. The view is that scrutiny meetings, by definition, need to record more detail and the essence of the debate. The level of detail to be included in minutes is always a difficult balance. ‘Verbatim’ minutes would be excessive and unnecessary whereas ‘bullet point’ action notes do not always record the full range of issues discussed. The Democratic Services Team have discussed the views expressed by Members and it is acknowledged that scrutiny committee minutes should be more detailed to record the essence and thread of the discussion, thus doing justice to the detailed scrutiny work being undertaken. Examples of other local authority minutes have been researched to draw on good practice from elsewhere.

Issues to be considered by the Board

26. At this stage of the municipal year, the scrutiny committees are only mid way through the workload allocated to them for 2013/14. The key role of the Board at this stage is to reflect on the progress and issues raised to date with a view to informing the review to be undertaken later in the municipal year. The Board will also need to reflect on any learning points and ongoing corporate issues in developing the annual scrutiny programme for 2014/15.
27. There is a view that for the next municipal year, meetings of all Scrutiny Committees need to be programmed throughout the whole year in line with the established cycle of committees. This gives clear timelines for the production of reports and reduces the possibility of meetings clashing with other key meetings in the municipal calendar.
28. The Board may also wish to reflect on the number of topics selected for the annual scrutiny plan in the context of the Council’s budgetary situation, corporate priorities and organisational capacity. Members may also draw and build upon learning points during the year as to how individual reviews have been undertaken, particularly the use of different working methods such as informal working groups and ‘virtual’ scrutiny meetings.

Finance

29. The costs of operating the revised scrutiny arrangements are being contained within existing budgetary allocations.
30. 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 2014/15, 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

31. 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.
32. 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.

Equality Impact

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

Recommendations

34. That the Overview and Scrutiny Management Board consider the issues in this interim report and identify any additional issues to be included in the annual review of scrutiny arrangements.
35. That the Lead Officer and the Director of Corporate Resources submit a further report to the Board in February, 2014 to enable any recommendations on the future operation of the scrutiny arrangements to be submitted to the Council in advance of the 2014/15 municipal year.



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Philip Tart
Director of Corporate Resources



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Ron Sims
Lead Officer

Contact Officers:

Ron Sims
Telephone: 01384 815005
Email: ron.sims@dudley.gov.uk

Philip Tart/Steve Griffiths
Telephone: 01384 815300/ 5235
Email: philip.tart@dudley.gov.uk / steve.griffiths@dudley.gov.uk

List of Background Papers

Appendix 1 - Terms of Reference
Appendix 2 - Background to revised scrutiny arrangements
Appendix 3 - Annual Scrutiny Programme 2013/14

Terms of Reference

Overview and Scrutiny Management Board

To oversee and co-ordinate the Council's Overview and Scrutiny functions under the Local Government Act 2000, any subsequent legislation, regulations or statutory guidance.

To approve and monitor the Annual Scrutiny Programme setting out the reviews to be undertaken by individual Scrutiny Committees and to make any necessary amendments to reflect changes in circumstances that arise during the year.

To oversee the scrutiny of any decisions or actions taken in connection with the discharge of the Council's executive functions; to undertake scrutiny reviews or refer any matters to individual Scrutiny Committees as appropriate.

To oversee and co-ordinate the activities of Scrutiny Committees to avoid duplication and ensure liaison on cross-cutting issues.

To consider and determine items that are called in for scrutiny in respect of decisions made by the Cabinet, Cabinet Members, the Chief Executive or Directors/Chief Officers in accordance with the Overview and Scrutiny Procedure Rules and associated protocols.

To engage with the Leader/Deputy Leader, the Cabinet and other Members as necessary with a view to achieving common aims and continuous improvement and to raise issues with the Cabinet as necessary.

To receive the Forward Plan of Key Decisions to be taken by the Council, the Cabinet, Cabinet Members or Directors/Chief Officers over a four-month period.

To co-ordinate the Council's involvement in scrutiny arrangements at local and regional levels.

To encourage effective partnership working and community involvement in the Overview and Scrutiny functions of the Council.

To make reports and recommendations to the Council and/or the Cabinet in connection with the discharge of Overview and Scrutiny Functions.

To submit an annual report to the Council on the work of the Overview and Scrutiny Management Board.

To receive recommendations, as appropriate, from individual Scrutiny Committees.

Corporate Performance Management, Efficiency and Effectiveness Scrutiny Committee

To scrutinise the Quarterly Corporate Performance Management Report and to make any associated recommendations to the Cabinet, Cabinet Members, the Chief Executive, Directors and Chief Officers.

To undertake scrutiny functions associated with the strategic Crime and Disorder Reduction Partnership (Safe and Sound).

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme approved by the Overview and Scrutiny Management Board:-

- (a) To undertake in-depth scrutiny investigations/inquiries in respect of specific issues assigned to the Committee within its terms of reference.
- (b) To contribute to policy development by carrying out the scrutiny of matters falling within the functions of the Chief Executive's Directorate, the Directorate of Corporate Resources and the Cabinet portfolios of the Leader, the Cabinet Member for Finance and the Cabinet Member for Human Resources, Legal and Property.

To submit reports and recommendations to the Cabinet and/or the Council on the outcomes of scrutiny investigations, inquiries and reviews.

To make recommendations to the Overview and Scrutiny Management Board on any proposed amendments to the Annual Scrutiny Programme.

Adult, Community and Housing Services Scrutiny Committee

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme approved by the Overview and Scrutiny Management Board:-

- (a) To undertake in-depth scrutiny investigations/inquiries in accordance with the Annual Scrutiny Programme;
- (b) To contribute to policy development by carrying out the scrutiny of matters falling within the functions of the Directorate of Adult, Community and Housing Services and the portfolios of the Cabinet Members for Adult and Community Services and Housing and Community Safety (with the exception of the scrutiny of matters relating to the strategic Crime and Disorder Reduction Partnership – Safe and Sound).

To submit reports and recommendations to the Cabinet and/or the Council on the outcomes of scrutiny investigations, inquiries and reviews.

To make recommendations to the Overview and Scrutiny Management Board on any proposed amendments to the Annual Scrutiny Programme.

Children's Services Scrutiny Committee

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme approved by the Overview and Scrutiny Management Board:-

- (a) To undertake in-depth scrutiny investigations, inquiries and reviews in accordance with the Annual Scrutiny Programme;
- (b) To contribute to policy development by carrying out the scrutiny of matters falling within the functions of the Directorate of Children's Services and the portfolio of the Cabinet Member for Children, Libraries and Lifelong Learning.

To submit reports and recommendations to the Cabinet and/or the Council on the outcomes of scrutiny investigations, inquiries and reviews.

To make recommendations to the Overview and Scrutiny Management Board on any proposed amendments to the Annual Scrutiny Programme.

Urban Environment Scrutiny Committee

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme approved by the Overview and Scrutiny Management Board:-

- (a) To undertake in-depth scrutiny investigations, inquiries and reviews in accordance with the Annual Scrutiny Programme;
- (b) To contribute to policy development by carrying out the scrutiny of matters falling within the functions of the Directorate of the Urban Environment and the portfolios of the Cabinet Members for Environment and Culture, Regeneration and Transportation.

To submit reports and recommendations to the Cabinet and/or the Council on the outcomes of scrutiny investigations, inquiries and reviews.

To make recommendations to the Overview and Scrutiny Management Board on any proposed amendments to the Annual Scrutiny Programme.

Health Scrutiny Committee

To fulfil all of the overview and scrutiny functions of a Scrutiny Committee as they relate to the improvement of local health and associated services, as a contribution to the Council's community leadership role, in accordance with relevant legislation, regulations and associated guidance.

To make reports and recommendations to local National Health Service (NHS) bodies and to the Council on any matter reviewed or scrutinised which will explain the matter reviewed, summarise the evidence considered, provide a list of participants in the scrutiny exercise, and make any recommendations on the matter reviewed as appropriate.

To proactively receive information within given timescales, with some exceptions as per Government Guidance, requested from local NHS bodies.

To be consulted by and respond to (as appropriate) NHS bodies in connection with the rationale behind any proposal and options for change to local health services made by the NHS.

To ensure the involvement of local stakeholders in the work of the Committee.

To take referrals from local Patients' Forums.

To act in accordance with Government Guidance relating to Health and Scrutiny functions.

In accordance with any relevant statutory requirements and the Annual Scrutiny Programme approved by the Overview and Scrutiny Management Board:-

- (a) To undertake in-depth scrutiny investigations, inquiries and reviews in accordance with the Annual Scrutiny Programme;
- (b) To contribute to policy development by carrying out the scrutiny of all health related functions and matters falling within the portfolio of the Cabinet Member for Health and Wellbeing (including the Office of Public Health).

To submit reports and recommendations to the Cabinet and/or the Council on the outcomes of scrutiny investigations, inquiries and reviews.

To make recommendations to the Overview and Scrutiny Management Board on any proposed amendments to the Annual Scrutiny Programme.

Background to revised scrutiny arrangements

On 25th April, 2013, the Cabinet received a report on a review of the Council's scrutiny arrangements. The report presented the outcomes of a review undertaken by Scrutiny Chairs. The principles of the review were to strengthen the Council's overview and scrutiny arrangements; to ensure proper democratic accountability and to promote confidence in the conduct of the Council's business. The review also took account of the context of the significant financial pressures faced by the Council and the need to focus limited resources in the most effective way.

The recommendations of the Cabinet and Scrutiny Chairs were endorsed at the annual meeting of the Council on 16th May, 2013 as follows (*with updates in italics*):-

- That an Overview and Scrutiny Management Board be established with 11 elected members, comprising the Chairs/Vice-Chairs of the five Scrutiny Committees and one additional Member to comply with overall political proportionality requirements.

NB: The Board has held two meetings during this municipal year. There have been no scrutiny call-ins to date requiring referral to the Board.

- That the revised structure of overview and scrutiny committees, be approved and adopted and that each Scrutiny Committee comprise 11 elected members (with co-opted members in the case of Children's Services and the possible future appointment of a co-opted member on the Health Scrutiny Committee).

NB: Provision is being made to appoint a co-opted Member representing Dudley Healthwatch on the Health Scrutiny Committee.

- That the future role of Scrutiny Committees be developed on the agreed basis (including the development of an Annual Scrutiny Plan), to be considered at the first meeting of the Overview and Scrutiny Management Board in the municipal year.

NB: The Overview and Scrutiny Management Board approved the Annual Scrutiny Plan at its meeting on 29th May, 2013 (see Appendix 3). The development of the Plan was a Member-led process taking account of the views of Directorates, Scrutiny Chairs and other Members.

- That the terms of reference of the Overview and Scrutiny Management Board and the five Scrutiny Committees be as set out in Appendix 1 and that all Scrutiny Committees retain the discretion to include a "Public Forum" on their agenda.

NB: The terms of reference have now been incorporated in the Constitution. All Committees have considered the inclusion of the public forum item.

- That the proposed servicing arrangements be noted and that the Director of Corporate Resources confirm the nomination of lead officers for the Scrutiny Committees along with the ongoing Democratic Services support.

NB: Lead Officers have been appointed for all five Scrutiny Committees (at Assistant Director level). The Scrutiny Committees continue to receive support from Democratic Services and other Directorate support officers within the constraints of available resources.

- That the Director of Corporate Resources consider the nomination of a lead officer in respect of the Overview and Scrutiny Management Board to replace the former statutory role of Scrutiny Officer and that the level and quality of support to the Scrutiny Committees be considered as an ongoing issue as part of the implementation of the revised structures.

NB: The Assistant Director of Adult, Community and Housing Services (Housing Strategy & Private Sector), Dr Ron Sims continues to carry out the 'scrutiny officer' function.

- That the scrutiny of the Council's revenue budget proposals continue on the basis of reports to the individual Scrutiny Committees.

NB: This is taking place through the November cycle of Committees.

- That development sessions be held for members and officers to discuss the revised overview and scrutiny arrangements.

NB: Development sessions took place after the first cycle of Scrutiny Committees in this municipal year (June/July 2013). Further development sessions will be considered moving forward into 2014 and beyond.

- That the Director of Corporate Resources undertake a review of Article 6 of the Constitution (Scrutiny Committees) and the Scrutiny Procedure Rules and Protocols to give effect to the changes.

NB: This review was undertaken and the Constitution has been updated to reflect the new scrutiny structures.

The Council agreed that the revised scrutiny arrangements would be subject to ongoing review and further consideration by the Overview and Scrutiny Management Board in November, 2013. This report identifies issues for consideration by Members and Officers as we continue to develop the Council's scrutiny functions over the next 6 months up to the Annual Council in June, 2014.

Annual Scrutiny Programme 2013/14

Scrutiny Committee	Areas for Scrutiny
Corporate Performance Management, Effectiveness and Efficiency Scrutiny Committee	<ul style="list-style-type: none">• Local Council Tax Reduction Scheme (Year 2)• Apprenticeships and Work Experience• Corporate Complaints System
Adult, Community and Housing Services Scrutiny Committee	<ul style="list-style-type: none">• The Impacts and Outcomes of the Making it Real Agenda – What Does Personalisation Mean for the People in Dudley• Welfare Reforms and Housing – The Dudley Response
Children’s Services Scrutiny Committee	<ul style="list-style-type: none">• Safeguarding Standards within the Borough and Children’s Services Contribution• Looked After Children – Provision and Outcomes• Early Intervention Strategy for the Borough
Urban Environment Scrutiny Committee	<ul style="list-style-type: none">• Parks, Nature Reserves and Open Spaces Strategy• Support to Local Businesses• Traffic Regulation Orders – the process
Health Scrutiny Committee	<ul style="list-style-type: none">• Tobacco Control Strategy - Update/Development• Elements of Patient Experience in Acute Care