



Overview and Scrutiny Committee

Thu 4 Jul
2019
6.30 pm

Committee Room Two
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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**If you have any queries on this Agenda please contact
Jess Bayley, Louise Morris and Farzana Mughal**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 64252 (Ext. 3268) or 01527 881407
e.mail: jess.bayley@bromsgroveandredditch.gov.uk /
farzana.mughal@bromsgroveandredditch.gov.uk**



Overview and Scrutiny

Thursday, 4th July, 2019

6.30 pm

Committee Room 2 Town Hall

Committee

Agenda

Membership:

Cllrs:	Joe Baker (Chair)	Peter Fleming
	Debbie Chance (Vice-Chair)	Andrew Fry
	Salman Akbar	Mark Shurmer
	Joanne Beecham	Jennifer Wheeler
	Michael Chalk	

1. Apologies and named substitutes

2. Declarations of interest and of Party Whip

To invite Councillors to declare any Disclosable Pecuniary Interests and / or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests, and any Party Whip.

3. Minutes (Pages 1 - 10)

4. Public Speaking

To invite members of the public who have registered in advance of the meeting to speak to the Committee.

5. Pre-Decision Scrutiny - Tenancy Conditions for Council Housing Tenants and Tenants Handbook (to follow)

6. Pre-Decision Scrutiny - Housing / Housing Revenue Improvement Plan - Progress Report (to follow)

7. Overview and Scrutiny Select Committee Findings and new Governance Guidance - Presentation (Pages 11 - 46)

8. Overview and Scrutiny Training Event - Members to consider potential items to review (Pages 47 - 56)

9. Executive Committee Minutes and Scrutiny of the Executive Committee's Work Programme - Selecting Items for Scrutiny (Pages 57 - 68)

The next edition of the Executive Committee's Work Programme is due to be published on Monday 1st July 2019, after the publication of the agenda for this meeting of the Overview and Scrutiny Committee. Therefore the work programme will be printed in an additional papers pack for this meeting.

Overview and Scrutiny

Thursday, 4th July, 2019

10. Task Groups, Short Sharp Reviews and Working Groups - Update Reports

- a) Budget Scrutiny Working Group – Chair, Councillor Wheeler
- b) Parking Enforcement Task Group – Chair, Councillor Mark Shurmer
- c) Performance Scrutiny Working Group – Chair, Andrew Fry
- d) Suicide Prevention Scrutiny Task Group – Chair, Councillor Debbie Chance

11. External Scrutiny Bodies - Update Reports (Pages 69 - 86)

- a) West Midlands Combined Authority (WMCA) Overview and Scrutiny Committee – Council representative, Councillor Chalk; and
- b) Worcestershire Health Overview and Scrutiny Committee (HOSC) – Council representative, Councillor Chalk – verbal update

12. Overview and Scrutiny Work Programme (Pages 87 - 90)



Overview and Scrutiny Committee

Thursday, 6th June, 2019

MINUTES

Present:

Councillor Joe Baker (Chair), Councillor Debbie Chance (Vice-Chair) and Councillors Salman Akbar, Joanne Beecham, Michael Chalk, Peter Fleming, Andrew Fry, Mark Shurmer and Jennifer Wheeler

Officers:

Derek Allen, Sue Hanley and Steve Shammon

Democratic Services Officers:

J Bayley and F Mughal

1. APOLOGIES AND NAMED SUBSTITUTES

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST AND OF PARTY WHIP

There were no declarations of interest nor of any party whip.

3. MINUTES OF THE MEETING HELD ON 21 MARCH 2019

The minutes of the Overview and Scrutiny Committee meeting held on 21st March, 2019 were submitted for Members' consideration.

RESOLVED that

the minutes of the Overview and Scrutiny Committee meeting held on 21st March, 2019 be approved as a correct record and signed by the Chair.

4. PUBLIC SPEAKING

Members were reminded that at the last meeting of the Committee, Members had agreed that public speaking should be permitted. A

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Chair

Overview and Scrutiny Committee

Thursday, 6th June, 2019

maximum of 15 minutes had been allocated to public speaking and each resident would be permitted to speak for three minutes. Residents were required to register to speak by 12 noon on the day of the meeting.

Members noted that on this occasion there were no public speakers registered.

5. PRIVATE SECTOR HOME REPAIR ASSISTANCE POLICY - PRE-SCRUTINY

The Strategic Housing Manager and Private Sector Housing Team Leader presented the Private Sector Housing Assistance report for Members' consideration, which proposed an update of the current policy.

The Strategic Housing Manager informed Members that the policy had been updated in line with recommendations from an internal Audit that was conducted during 2017/2018; which highlighted that the existing policy needed to be updated in order to reflect changes around the loan limits, which was set at £10,000 per applicant, and local land charges to mitigate any risks.

The policy was aligned with Bromsgrove District Council's and Worcestershire County Council's policies. Although it was recognised that the Councils were not the same it was deemed to be best practise as a whole to adopt the same policy across local authorities in the same area.

Following the presentation of the report Members discussed the proposed changes to the policy in some detail and highlighted a number of points:

- The grant would potentially help those who needed adaptations to their homes to make it suitable for a disabled person.
- Members raised concerns about delays to work previously delivered in the Borough. The Private Sector Housing Team Leader explained that sometimes delays occurred when referrals were not submitted to the operational service in a timely manner. These issues had now been resolved nonetheless.
- Customers applying for minor adaptations could apply for the Discretionary Disabled Facilities Grant.

Overview and Scrutiny Committee

Thursday, 6th June, 2019

- The policy was not required to align with neighboring authorities, however, the government encouraged authorities to work in partnership.
- The policy was positive as this offered a wider range of assistance to people with disabilities and would potentially benefit the local community.
- Members noted the grant had been underspent in previous years and there was a possibility that people were not aware that this grant was available. Members were informed that there was better engagement with partner organisations, such as Fire Services and hospitals to make people aware of the grant.

Members welcomed the policy, recognising that better communication was needed in order to make the public aware that they could potentially apply for a Disability Facility Grant from the Council for adaptations in their homes.

RECOMMENDED that

Officers explore options to communicate the availability of Disabled Facility Grants to the public.

6. SCOPING DOCUMENT - REVIEW OF PARKING ENFORCEMENT CONTRACT

Members gave consideration to a scrutiny proposal form which proposed a review of the Council's parking enforcement contract. Members were asked to consider whether this would be a suitable topic for further scrutiny.

The suggestion to undertake this review had been put forward by Councillor Mark Shurmer. It was reported that during the Audit, Governance and Standards Committee meeting in April, 2019, Members had raised concerns with regards to the Council's parking enforcement arrangements, in particular, dangerous and illegal parking around schools and hospitals.

Furthermore, Members had suggested that it was not clear to the public which organisations had the power to deal with parking violations.

Members suggested that whilst undertaking the review it might be practical to look at the statistics of how many parking tickets were being issued, including any cancelled tickets.

Overview and Scrutiny Committee

Thursday, 6th June, 2019

The proposed review was welcomed by the Committee. Members noted that the focus of this investigation should be to try and understand the problems with regard to parking issues in Redditch and how to address these issues working together with partner agencies.

During consideration of this item the Committee was advised that relevant Officers had been consulted about the proposed review in line with standard practice. Officers had reported that should the review take place Members would need to engage with both Wychavon District Council, which provided a parking enforcement service on behalf of the Council, and Worcestershire County Council in respect of the legal agreement which shaped what the Council could do.

The Chair asked for expressions of interest from members to Chair the Task Group. It was agreed that Councillor Mark Shurmer be appointed as Chair of the task group.

RESOLVED that

- a) **the proposed Task Group in respect of Council's Parking Enforcement Contract be launched; and**
- b) **Councillor Mark Shurmer be appointed Chair of the Council's Parking Enforcement Contract Task Group.**

7. OVERVIEW AND SCRUTINY TRAINING EVENT - FEEDBACK

The Senior Democratic Services Officer (Redditch) provided an update in relation to the Overview and Scrutiny training which took place on 29th May, 2019. Members were informed that eight Members had attended the training.

The Committee considered the outcomes of the event and the potential items for scrutiny that had been identified during the training. In addition, Members had considered topics suggested by the Corporate Management Team (CMT) for potential reviews during the training.

The Chair suggested that Members should review the document and whether they felt the items that had been identified were suitable for scrutiny. Members agreed that any suggestions should be brought back to the next meeting of the Overview and Scrutiny Committee in July 2019 for consideration.

Overview and Scrutiny Committee

Thursday, 6th June, 2019

RESOLVED that

the outcomes of the Overview and Scrutiny training held on 29th May 2019 should be reconsidered at the meeting of the Committee due to be held on 4th July 2019.

8. **OVERVIEW AND SCRUTINY - SELECT COMMITTEE FINDINGS AND NEW GOVERNMENT GUIDANCE**

Members considered the Overview and Scrutiny Guidance published by the Ministry of Housing, Communities and Local Government in May 2019. The Senior Democratic Services Officer (Redditch) explained that this was statutory guidance. Whilst the guidance did not change the legal position in respect of Overview and Scrutiny and it was recognised that there needed to be flexibility to meet local needs, Councils had to give due regard to the content of the guidance.

Members were advised that many of the points raised in the guidance already featured as part of the overview and scrutiny arrangements in place in Redditch. However, there were some areas where the guidance differed from local practice. In particular the following points detailed in the guidance were highlighted for Members' consideration:

- The potential for the Chairs of Overview and Scrutiny Committees to be elected through a secret ballot of Members. In Redditch the Chair of the Overview and Scrutiny Committee could not be a member of the majority group and s/he was currently appointed at the annual meeting of Council.
- The suggestion that there needed to be early and regular engagement between Overview and Scrutiny and the Executive. The Chair of the Overview and Scrutiny Committee advised that he was in regular contact with the Leader of the Council on an informal basis about the work of Overview and Scrutiny Members and the implications for the Council. It was noted that at other Councils a more formal arrangement was in place, whereby meetings between the Leader and Chair of the Overview and Scrutiny Committee were built into the Council's constitution and this was something that Members could consider introducing in Redditch.
- Managing the potential for disagreement between the Executive and Overview and Scrutiny and the possibility of introducing an Executive-Scrutiny protocol to facilitate this process. Officers advised that the Council did not have this

Overview and Scrutiny Committee

Thursday, 6th June, 2019

type of protocol at present. Some concerns were raised that a protocol could make the working relationship between Overview and Scrutiny and Executive Committee members too formal and might undermine the potential for Members to work flexibly.

- Communicating the work of Overview and Scrutiny to the public. Members noted that there had been some challenges in terms of promoting the work of scrutiny Members to the public. The press no longer attended meetings of the Overview and Scrutiny Committee regularly and therefore alternative arrangements for communicating the Committee's work to the public needed to be explored. It was suggested that the Council's Communications Team might be able to provide helpful advice in respect of this matter.
- Addressing the potential for conflicts of interest to arise in terms of members of the Overview and Scrutiny Committee, including the Chair, scrutinising decisions by members of their family on the Executive Committee. The Committee was advised that the Council's constitution at present did not include any references to family links and requirements of Overview and Scrutiny Committee membership. The Council was relatively small, in terms of the number of Councillors, and it was important to note that decisions were taken by the Executive Committee collectively, rather than by individual Portfolio Holders.
- The Executive Committee's responsibility to inform Overview and Scrutiny Committees in writing when deciding to turn down a request from scrutiny Members for information. Officers advised that in general information was provided to scrutiny Members where requested for an investigation and there was not the problem reportedly in place at some other local authorities, whereby scrutiny requests for information were treated as a Freedom of Information request. However, it was noted that in exceptional circumstances the Executive Committee might feel that it was not possible to provide the information requested and members of the Executive Committee needed to be aware that they would have to set out in writing the reasons for turning down this request.

Members noted that in some cases changes to local practice in response to the guidance would require corresponding changes to the Council's constitution. It was therefore possible that the Overview and Scrutiny Committee would need to make recommendations on to the Constitutional Review Working Party (CRWP).

Overview and Scrutiny Committee

Thursday, 6th June, 2019

Due to the complexity of the subject, and to ensure that the appropriate approach to scrutiny was adopted for Redditch, Members requested that the guidance should be brought back to the next meeting of the Overview and Scrutiny Committee in July 2019, for further consideration. A request was made for the key areas where the guidance diverged from local practice to be highlighted in the report to Members.

RESOLVED that

the Overview and Scrutiny Guidance be considered at the next meeting of the Overview and Scrutiny Committee in July, 2019.

9. EXECUTIVE COMMITTEE MINUTES AND SCRUTINY OF THE EXECUTIVE COMMITTEE'S WORK PROGRAMME - SELECTING ITEMS FOR SCRUTINY

The Overview and Scrutiny Committee considered the minutes of the Executive Committee meeting held on 26th March, 2019 and the Executive Committee's Work Programme for the period 1st July to 31st October 2019.

During consideration of the latest edition of the Executive Committee's Work Programme, Members agreed to pre-scrutinise the following items:

- Disposal of HRA Asset at Green Lane, Studley;
- Redditch Council Plan;
- Homes England Asset Transfer; and
- National Waste Strategy, Implications for the Council.

Members were advised that all finance related matters would be considered by the Budget Scrutiny Working Group.

RESOLVED that

- 1) the minutes of the Executive Committee meeting held on 26th March, 2019 be noted;**
- 2) the Executive Committee's Work Programme from 1st July to 31st October, 2019, be noted; and**
- 3) the items detailed in the preamble above should be included on the Overview and Scrutiny Committee's Work Programme for pre-scrutiny.**

Overview and Scrutiny Committee

Thursday, 6th June, 2019

10. OVERVIEW AND SCRUTINY WORK PROGRAMME

The Senior Democratic Services Officer (Redditch) presented the Overview and Scrutiny Committee's Work Programme and in doing so informed the Committee that the additional items discussed earlier in the meeting would be incorporated to the work programme.

RESOLVED that

- a) **the Overview and Scrutiny Committee's Work Programme be noted; and**
- b) **the Overview and Scrutiny Committee's Work Programme be amended to include the additional items identified earlier in the meeting.**

11. TASK GROUPS, SHORT SHARP REVIEWS AND WORKING GROUPS - UPDATE

Budget Scrutiny Working Group – Chair, Councillor Wheeler

Councillor Wheeler advised the Committee that dates for meetings of this group had been identified, however, these had to be rearranged to take place in the evenings to ensure that all Members' of this group were available to attend.

Performance Scrutiny Working Group

Members agreed that Councillor Fry should Chair this group. Councillor Fry advised the Committee that the meetings of the Performance Scrutiny Working Group had already been booked until the end of year.

RESOLVED that

Councillor Andrew Fry be appointed Chair of the Performance Scrutiny Working Group for the ensuing municipal year.

12. EXTERNAL SCRUTINY BODIES - UPDATE

Councillor Chalk advised that there were no updates to be provided in respect of the West Midlands Combined Authority Overview and Scrutiny Committee and the Worcestershire Health Overview and Scrutiny Committee.

**Overview and
Scrutiny**
Committee

Thursday, 6th June, 2019

The Meeting commenced at 6.30 pm
and closed at 7.36 pm

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REDDITCH BOROUGH COUNCIL**Overview & Scrutiny Committee**4th July 2019**Overview and Scrutiny Statutory Guidance - Presentation**

Relevant Portfolio Holder	Cllr D Thain
Portfolio Holder Consulted	No
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 New statutory guidance for Overview and Scrutiny was published by the Ministry of Housing, Communities and Local Government in May 2019. This report sets out the key points arising from the new Overview and Scrutiny Guidance that differ from local practice in Redditch.
- 1.2 At a meeting of the Overview and Scrutiny Committee on 6th June 2019 Members considered the statutory guidance. Whilst the Council was found to be compliant with the majority of points raised in the guidance, Members requested a presentation at the July meeting of the Committee in respect of the points in the guidance that differed from local practice. This report sets out those areas in further detail.
- 1.3 Members are invited to consider the guidance and to determine whether any changes to the current scrutiny procedures are necessary.

2. RECOMMENDATIONS

Members are asked to note the attached summary of the guidance and if appropriate make any necessary recommendations.

3. KEY ISSUES**Financial Implications**

- 3.1 There are no direct financial implications in respect of this report

Legal Implications

- 3.2 This statutory guidance has been issued under Section 9Q of the Local Government Act 2000 and under paragraph 2 (9) of schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this Guidance.

REDDITCH BOROUGH COUNCIL**Overview & Scrutiny Committee**4th July 2019

- 3.3 The requirement to give due regard to the proposals means that the Council must demonstrate it has considered the guidance and where appropriate implemented changes at a local level.
- 3.4 The Guidance does recognise the need for flexibility to ensure that Overview and Scrutiny arrangements in place at a Council meet the needs of that local authority.

Service / Operational Implications

- 3.5 The Overview and Scrutiny Committee is invited to consider a report in respect of the guidance as it has clear implications for the ways in which scrutiny operates at the Council.
- 3.6 It should be noted that many of the key principles of Overview and Scrutiny set out in the Guidance are already complied with in Redditch. However, there are a small number of proposals that do require further consideration as these are not currently in place.

Customer / Equalities and Diversity Implications

- 3.7 There are no customer/equalities and diversity implications in relation to this report.

4. RISK MANAGEMENT

There is a risk that if the Overview and Scrutiny Committee does not consider this Guidance and whether to amend its practices in response, the Authority will not be demonstrating that it has given due regard to it.

5. APPENDICES

Appendix 1 - Overview of Areas Diverging from Local Practice
Appendix 2 – Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.

6. BACKGROUND PAPERS

Government Review – Overview and Scrutiny guidance Report – considered at the Overview and Scrutiny Committee meeting on 6th June 2019.

AUTHOR OF REPORT

Name: Jess Bayley, Senior Democratic Services Officer (Redditch)
email: jess.bayley@bromsgroveandredditch.gov.uk
Tel.: (01527) 64252 Ext: 3268

Overview and Scrutiny Statutory Guidance – Key Issues to Consider

Point 1: Ensuring Early and Regular Engagement between the Executive and Scrutiny (P 9 of the guidance)

Currently Portfolio Holders attend Overview and Scrutiny Committee meetings to help present reports within their remit as and when invited by the Committee to do so. The Chair of the Committee controls who is allowed to speak and when, including Portfolio Holders.

At other Councils there is a constitutional requirement for the Leader to meet with the Chair of the O&S Committee to discuss key scrutiny matters and the work programme. This is not currently in place in Redditch, though the Chair of the Committee is in regular informal contact with the Leader. Members may want to consider formalising this arrangement in the Council's constitution.

Point 2: Managing Disagreement, Including Considering Whether to Introduce an Executive-Scrutiny Protocol (and the need for Scrutiny and the Executive to work together to minimise the risk that the Executive will reject recommendations on politically contentious points). (Pp 9-10)

Members are always advised that O&S should be apolitical during training. Members are also always advised to base recommendations on the evidence that has been gathered and should be phrased in line with SMART principles.

The Council does not currently have an 'Executive–Scrutiny Protocol'. Members are invited to consider whether they would like to introduce such a protocol.

Point 3: Communicating Scrutiny's Role and Purpose to the Wider Authority (P 10)

Awareness of O&S is good amongst Members, who receiving training, and senior Officers. Information about the democratic process, including O&S, is in the process of being incorporated into the new induction programme for all staff. Members are invited to consider whether they feel any further action is required.

Point 4: Communicating Scrutiny's Role to the Public

Redditch Members consulted with the public in relation to budget scrutiny in 2019. The press used to regularly attend O&S meeting which helped to raise awareness of O&S activities, though attendance has declined in recent years.

The O&S Committee could consult with the Communications team about ways to better promote the scrutiny process to the public and other interested stakeholders.

Point 5: Conflicts of Interest, Including Familial Links

(P 15)

There is nothing specifically addressing familial links in relation to conflicts of interest involving scrutiny of Executive Members, though Members are required to abide by the Code of Conduct. To an extent at small authorities there is always likely to be the potential for there to be family links between members of the O&S committee and of the Executive Committee.

The Committee may wish to suggest that this could be reviewed further at a meeting of the Constitutional Review Working Party or may want to urge Members to remain mindful of the potential for conflicts to emerge when there are such family links.

Point 6: Selecting a Chair

(P 16)

Currently the Chair of the O&S Committee is nominated and agreed at the annual full Council meeting. The Chair and Vice Chair cannot be members of the controlling group.

Members may wish to consider whether they think a secret ballot to appoint the Chair of the O&S Committee would be appropriate.

Point 7: Access to Information, Including Exempt Information (The guidance suggests that where information cannot be provided the Executive should provide a written statement setting out the reasons for that decision).

(P 18)

Officers provide Members with information when requested, including exempt information. There is not the problem in Redditch, reportedly in place at other local authorities in the country, whereby information is only obtained as a result of a Freedom of Information request.

The Leader and Portfolio Holders may wish to consider how they report back to the O&S Committee when turning down a request for information.



Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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Ministry of Housing, Communities and Local Government
Fry Building
2 Marsham Street
London
SW1P 4DF
Telephone: 030 3444 0000

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May 2019

ISBN: 978-1-4098-5458-6

Contents

Ministerial Foreword	4
About this Guidance	5
1. Introduction and Context	7
2. Culture	8
3. Resourcing	13
4. Selecting Committee Members	15
5. Power to Access Information	18
6. Planning Work	21
7. Evidence Sessions	25
Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol	27
Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers	28
Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee	30

Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.



A handwritten signature in blue ink, appearing to read 'Rishi Sunak'.

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.¹

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

Expiry or review date

This guidance will be kept under review and updated as necessary.

¹ A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers² to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

² Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
 - rights of access to documents by the press, public and councillors;
 - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
 - delegated decisions by the Mayor;
 - whistleblowing protections for both staff and councillors; and
 - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,³ someone whose role is to:
 - promote the role of the authority's scrutiny committee;
 - provide support to the scrutiny committee and its members; and
 - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

³ Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:
- Committee – officers are drawn from specific policy or service areas;
 - Integrated – officers are drawn from the corporate centre and also service the executive; and
 - Specialist – officers are dedicated to scrutiny.
21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.
22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,⁴ the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny⁵.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.⁶ Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.⁷ This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

⁴ See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

⁵ See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

⁶ Section 9FA(3) of the Local Government Act 2000.

⁷ 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives⁸. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person⁹.

32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair¹⁰.

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

⁸ A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

⁹ See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

¹⁰ Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation¹¹. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

¹¹ Section 9FA(4) Local Government Act 2000

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information¹². In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision¹³. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

¹² Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹³ Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member¹⁴. When agreeing to such requests, authorities should:
- consider whether seeking clarification from the information requester could help better target the request; and
 - Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions¹⁵. It is the duty of members and officers to comply with such requests.¹⁶

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.
46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:
- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
 - b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

¹⁴ Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹⁵ Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

¹⁶ Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

Following ‘the Council Pound’

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
 - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
 - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
 - Voluntary sector partners;
 - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
 - In parished areas, town, community and parish councils;
 - Neighbouring principal councils (both in two-tier and unitary areas);
 - Cross-authority bodies and organisations, such as Local Enterprise Partnerships¹⁷; and
 - Others with a stake and interest in the local area – large local employers, for example.

- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

¹⁷ Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.
66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:
- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
 - ii. the development of those findings, which will set out some areas on which recommendations might be made; and
 - iii. the drafting of the full report.
67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.
68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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REDDITCH BOROUGH COUNCIL**OVERVIEW AND SCRUTINY
COMMITTEE**

4th July 2019

OVERVIEW AND SCRUTINY – WORK PROGRAMME PLANNING EVENT

Relevant Portfolio Holder	Councillor David Thain
Portfolio Holder Consulted	Councillor Thain was informed about the training session.
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services.
Ward(s) Affected	All wards.
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report provides Members with an opportunity to consider the outcomes of the Overview and Scrutiny Work Programme Planning Event, which was held on 29th May 2019. During the event Members explored a number of issues that might potentially be suitable for further scrutiny. The Overview and Scrutiny Committee is asked to consider whether to add any of these items to the Committee's work programme in 2019/20.
- 1.2 This report has been resubmitted for Members' consideration, as requested at the previous meeting of the Overview and Scrutiny Committee in June 2019. Members had asked to postpone consideration of this item to provide each councillor with an opportunity to consider which items they felt would be suitable for further scrutiny.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE to:

- 1) **identify items raised during the Overview and Scrutiny Work Programme Planning Event to add to the Overview and Scrutiny Committee's work programme; and**
- 2) **note the issues raised as potential items for scrutiny, including pre-scrutiny, in 2019/20 as detailed in Appendices 1 and 2 in the report.**

3. KEY ISSUES**Background**

- 3.1 The Overview and Scrutiny Work Programme Planning event was held on 29th May 2019. All non-executive Members were invited to attend. In the event a total of 8 Members participated in the session.

OVERVIEW AND SCRUTINY COMMITTEE

4th July 2019

- 3.2 During the event introductory training was provided in respect of the role of Overview and Scrutiny in the democratic process and the different types of scrutiny activity that can be undertaken.
- 3.3 Members were also invited to consider the different ways in which Overview and Scrutiny Members could investigate matters. This included:
- Receiving an overview of a subject at a meeting of the Committee. This could involve the presentation of a report to a single meeting of the Committee for information.
 - Undertaking Task Group or Short Sharp Reviews of a subject. This policy review work involves Members working in small groups to investigate a subject in detail over a period of month.
 - Pre-decision scrutiny, whereby Overview and Scrutiny Members investigate a matter in detail before the Executive Committee makes a decision on the subject. Where sufficient notice is provided in the work programme this may involve undertaking a Short Sharp Review.
 - Members carrying out independent research on behalf of the Committee and reporting back in respect of their findings.
- 3.4 Following an overview of the various approaches that could be adopted to scrutiny and where these might apply Members were invited to participate in two interactive sessions.
- 3.5 The first of these activities focused on doorstep issues that had been raised by residents with Members over the previous twelve months. Members were invited to match these issues to the Council's strategic purposes.
- 3.6 The second activity involved Members discussing within groups whether they felt that the issues would be suitable for further scrutiny. The outcomes of these discussions are detailed at Appendix 1 to this report.
- 3.7 During this session members also considered items that had been suggested as potentially suitable for further scrutiny by the Council's Corporate Management Team (CMT). Some of these subjects were similar to those that had been raised with Members by local residents. The full list can be viewed at Appendix 2 to this report.
- 3.8 The outcomes of the training were considered at a meeting of the Overview and Scrutiny Committee that was held on Thursday 6th June 2019. During this meeting Members noted that a lot of subjects had been suggested for scrutiny and there was general consensus that Members needed to spend time considering which of these items should be added to the Committee's work programme. For this reason Members agreed to reconsider the report at the following meeting of the Committee.

**OVERVIEW AND SCRUTINY
COMMITTEE**4th July 2019

Financial Implications

- 3.9 All scrutiny activities can have some financial implications, for example in respect of the costs of issuing paperwork for Committee meetings. It is therefore important to ensure that Members select subjects to scrutinise that will achieve best value for money for local residents.

Legal Implications

- 3.10 There are no specific legal implications.

Service / Operational Implications

- 3.11 Overview and Scrutiny is a Member-led process. Members determine which items are added to the Overview and Scrutiny Committee's work programme, what evidence is gathered during an investigation and which recommendations to make to the Executive Committee and / or Council. The Overview and Scrutiny Work Programme Planning event provided Members with an opportunity to propose items to add to the Committee's work programme.
- 3.12 Overview and Scrutiny activities should focus on strategic issues that matter to local residents. The event was designed to enable Members to identify issues that best match this aspiration.
- 3.13 There are currently two Task Groups, the Suicide Prevention Task Group, which is due to report back to the Committee November 2019, and the Car Parking Provision Task Group, which is due to report back in December 2019. There are also two permanent sub-groups of the Committee, the Budget Scrutiny Working Group and the Performance Scrutiny Working Group. There is no spare capacity to support any additional Task Groups at this stage, though further reviews could take place once these have been completed.
- 3.14 Members are asked to note that it is not intended that this event will provide the only opportunity for Members to suggest items for scrutiny. Members are encouraged to continue to suggest items for scrutiny, including pre-decision scrutiny, throughout the year as and when they feel that this would be appropriate.

Customer / Equalities and Diversity Implications

- 3.15 There are no specific customer or equalities and diversity implications.

**OVERVIEW AND SCRUTINY
COMMITTEE**4th July 2019

4. RISK MANAGEMENT

No specific risks have been identified.

5. APPENDICES

Appendix 1 – Door Step Issues – items identified as suitable for further scrutiny in 2019/20.

Appendix 2 – Potential Items for Scrutiny Suggested by the Corporate Management Team (CMT)

AUTHOR OF REPORT

Name: Jess Bayley, Senior Democratic Services Officer (Redditch)

Email: jess.bayley@bromsgroveandredditch.gov.uk

Tel.: (01527) 64252

APPENDIX 1: Overview and Scrutiny Training, Wednesday 29th May 2019
Outcome of the Exercises

During the Overview and Scrutiny training delivered on Wednesday 29th May 2019 Members participated in a number of group activities designed to enable them to suggest items for inclusion on the Overview and Scrutiny Work Programme in 2019/20. During these activities Members discussed the issues that had most frequently been raised with them over the last 12 months and their suitability for further scrutiny (new Members suggested the key issues that were raised whilst they were campaigning to be elected). This approach was adopted to enable Members to focus on issues of concern to the public, in line with best practice guidance for overview and scrutiny. Each of the issues raised by Members was considered alongside the Council's strategic purposes to enable Members to focus on matters in accordance with the Council's strategic vision.

All of the suggestions are listed below and have been listed in themes associated with the relevant strategic purpose. Where a number of Councillors raised the same issue the number of times that a topic was suggested has been highlighted and they have been grouped together to avoid duplication. To place this in context Members should note that eight Councillors representing Abbey, Batchley and Brockhill, Church Hill, Crabbs Cross, Greenlands and Winyates wards attended the training.

Keep My Place Safe and Looking Good

Topic 1: Anti-Social Behaviour (raised by 5 Councillors)

Additional details were provided by some Members regarding specific anti-social behaviour issues that had been raised by local residents. This included drug dealing, drug-taking, noise and bullying.

Topic 2: Parking (raised by 4 Councillors)

Additional details were provided by some Members regarding particular issues that had been reported in respect of parking including parking around the hospital, parking in the town centre, the availability of affordable parking in the town and at the hospital, the use of white lines and parking at Far Moor Lane, which was considered to be dangerous.

Topic 3: Local Environment (raised by 6 Councillors)

Particular issues highlighted by Members in respect of this matter included: overgrown shrubbery and trees, keeping places tidy, improving the condition of roads and footpaths, climate change and litter. Questions were raised about why the Council had to mow the wild flowers on the roundabouts and road verges in the Borough.

Scrutiny suggestion: Members suggested that it might be useful to launch a Task Group review focusing on the work of the Place Teams.

Topic 4: Speeding (raised by 1 Councillor)

No specific points were discussed in relation to this matter.

Topic 5: Pride in Their Area (raised by 1 Councillor)

No specific points were discussed in relation to this matter.

Help me be Financially Independent (Including Education and Skills)Topic 6: Poverty (suggested by 1 Councillor)

Members noted during the training that it had recently been reported that a third of children in Redditch are living in poverty. There are particular problems with child poverty in Central and Greenlands wards.

Scrutiny suggestion: Members agreed that this might be a suitable topic for further scrutiny as the subject of a Task Group exercise. The review would need to take into account the following:

- Historical data in respect of poverty, including child poverty, and the extent to which poverty levels have changed over time.
- Consideration of local demographics.
- Identifying where children in poverty are likely to go to school.
- Consultation with relevant Officers and teams.
- Identifying action that could be taken to address the problem.

Topic 7: Education (suggested by 1 Councillor)

The Councillor suggested that a particular emphasis needed to be placed on helping residents to develop their skills.

Topic 8: Work and Training Opportunities for People with Disabilities (suggested by 1 Councillor)

The Councillor suggested that it was important to explore options available to those who develop a disability during their lifetime and who may need or want to change careers. An investigation of this subject could focus on training opportunities available to people with disabilities.

Help me Find Somewhere to Live in my LocalityTopic 9: Quality of Housing (suggested by 2 Councillors)

Additional details were provided by some Members regarding particular issues that had been raised by local residents including damp conditions in flats and poor quality housing.

Topic 10: Space within Houses (suggested by 2 Councillors)

Additional details were provided by Members which in both cases related to the need for families to move into larger properties to accommodate an increasing number of children within the family.

Topic 11: Affordable Housing (suggested by 1 Councillor)

This Councillor placed a particular emphasis on the high charges in the private rented sector.

Topic 12: Housing Developers

Reference was made to a particular housing developer which has built homes in the Borough and problems raised about these homes by local residents.

Help me Run a Successful BusinessTopic 13: Town Centre Regeneration and the need for regeneration to take place (suggested by 2 Councillors)

Scrutiny suggestion: Members suggested that all reports coming forward over the next 18 months in respect of the ongoing redevelopment of Redditch town centre should be subject to pre-scrutiny.

Topic 14: Winyates Centre Redevelopment (suggested by 1 Councillor)

Scrutiny suggestion: Members suggested that all reports coming forward over the next 18 months in respect of the ongoing redevelopment of Winyates and Matchborough District Centres should be subject to pre-scrutiny.

Topic 15: Eastern Gateway (suggested by 1 Councillor)

Scrutiny Suggestion: Members discussed this idea and noted that on the one hand the Eastern Gateway development was not welcomed by some residents and causing some distress but on the other hand the development would support economic development in the area and provide job opportunities for Redditch residents. Concerns were raised that this subject could not be tackled alone by Redditch Borough Councillors as the development would also be taking place on land in Bromsgrove and Straford-on-Avon districts. It was similarly noted that planning permission had already been granted for the development which would make it difficult to halt progress with the development. However, Members suggested that Officers should be invited to attend a meeting of the Overview and Scrutiny Committee to explain the purpose of the Eastern Gateway and to justify the development.

Help me Live my Life Independently (Including Health and Activity)Topic 16: Health Services (suggested by 2 Councillors)

Particular issues highlighted by Members in respect of this matter included the reduction in services available to access at the Alexandra Hospital, the need to keep local services open and local GP surgeries.

Topic 17: Mental Health Services (Including loneliness) (suggested by 2 Councillors)

Scrutiny Suggestion: Members suggested that the subject of mental health services for adults and the impact that loneliness can have on a person's mental wellbeing should be the subject of a Task Group exercise. This would take into account:

- The impact on single parents, the elderly and disabled people.
- Actions that could be taken by the Council and partner organisations to address the problem.
- Options for community engagement and horticultural activities, to address the needs of adults struggling with mental ill health and / or loneliness.
- Members agreed that the review should not explore the needs of young people as this was the subject of a separate review completed in recent years.

Topic 18: Transport and Bus Services (suggested by 2 Councillors)

No specific points were discussed in relation to this matter.

APPENDIX 2:

Ideas Suggested by the Corporate Management Team – May 2019

Health inequalities

Skills in the local workforce

Digital Service Delivery Agenda

Town Centre Redevelopment

Mental Health and Well Being

Joint Scrutiny Opportunities

Council Plan / Strategic Purposes

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Executive

Committee

Tuesday, 11 June 2019

MINUTES

Present:

Councillor Matthew Dormer (Chair), Councillor David Thain (Vice-Chair) and Councillors Juliet Brunner, Greg Chance, Brandon Clayton, Julian Grubb, Bill Hartnett and Craig Warhurst

Officers:

Haroon Chaudhry, Mike Dunphy, Clare Flanagan, Rebecca Green, Sue Hanley and Jayne Pickering

Senior Democratic Services Officer:

Jess Bayley

1. APOLOGIES

An apology for absence was received on behalf of Councillor Mike Rouse.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. LEADER'S ANNOUNCEMENTS

The Chair circulated a list of announcements at the meeting.

During consideration of this item the Chair proposed that future meetings of the Executive Committee should start at 6.30pm. The same start time had been introduced the previous year for the Overview and Scrutiny Committee and had worked well. As Members confirmed they would be available at this time this proposal was agreed.

The Chair advised that the review of the Local Enterprise Partnerships (LEPs) was ongoing. Further information in respect of this matter would be available shortly.

4. MINUTES

.....
Chair

RESOLVED that

the minutes of the meeting of the Executive Committee held on 26th March 2019 be held as a correct record and signed by the Chair.

5. CIVIL PENALTY NOTICES POWERS - PRIVATE SECTOR HOUSING

The Environmental Health Practitioner for Private Sector Housing presented a report in respect of the proposal to introduce civil penalties for landlords who failed to comply with standards in the private rented sector. In the Housing and Planning Act 2016 the Government had introduced powers for local authorities to use financial penalties as an alternative to prosecution in cases where landlords did not comply with appropriate standards. The report detailed proposals in respect of how the powers in this legislation would be implemented and a financial penalty matrix had been developed in consultation with neighbouring local authorities to ensure there was consistency across the region.

The purpose of the civil penalty notices was to reduce the burden placed on local authorities when taking enforcement action against landlords. The alternative, prosecution through the courts, was time consuming and resource intensive. Civil penalty notices would only be issued in exceptional circumstances. Prior to issuing a civil penalty notice, Officers would present a letter of intent to the landlord which would provide landlords with notice that the Council would issue a civil penalty notice unless s/he took specific action. This action would only be taken by an officer following consultation with his/her manager. Once a civil penalty notice had been issued the landlord would be required to pay a fine. The maximum fine that could be paid would be £30,000, though the level of the fine would be determined on a case by case basis. The landlord would have the right to appeal, to The First Tier tribunal. Landlords would be required to pay the fine within a certain period of time and if they failed to do so the Council could take action to recover the debt, including placing a charge on the property and the enforced sale of the property, where the debt was significant.

Following the presentation of the report Members discussed a number of points in detail:

- The need for the Council to demonstrate that it was serious about taking enforcement action against landlords who did not comply with standards. Once a few civil penalty notices had been issued by the Council it was likely that this would raise the profile of the process with local landlords.

Executive Committee

Tuesday, 11 June 2019

- The number of properties in the private rented sector in the Borough of Redditch. Members were informed that there were 4,000 properties in the private rented sector.
- The extent to which civil penalty notices were likely to be issued in relation to local landlords. Members were advised that the majority of landlords in the private rented sector were fully compliant and it was likely that civil penalty notices would only need to be issued in relation to a small number of landlords.
- The number of landlords who had been prosecuted by the Council in the last year. Members were advised that two landlords had been prosecuted .
- The potential for enforcement action to be taken in respect of the standard of a property both inside and outside, as Members noted that sometimes when tenants left a property they left a lot of items behind outside their previous home, particularly with Houses of Multiple Occupation (HMOs).
- The length of time it had taken since the Housing and Planning Act 2016 to introduce civil penalty notices and the reasons for the delay. Members were advised that there had been a lot of consultation with other Councils in respect of the matrix for issuing fines as most authorities had recognised the need to adopt a consistent approach across the region.
- The amount of consultation that had been held with landlords in advance of the introduction of civil penalty notices. Members were advised that landlords had been informed about the introduction of civil penalty notices at meetings of the Landlords' Forum.
- The extent to which different Councils in the West Midlands would be adopting the same approach to issuing civil penalty notices. Members were advised that the matrix was the same so that landlords would encounter the same fine across the region. However, the policies varied to reflect local practice.
- The number of Councils that had already introduced civil penalty notices and the impact that these had had at a local level. The Committee was informed that civil penalty notices had been introduced by some Councils including Worcester City Council where a civil penalty notice had already been issued and paid.

RECOMMENDED that

- 1) power be delegated to the Head of Community Services to approve the use of Civil Penalties in appropriate housing related offences as an alternative to prosecution: and**
- 2) the financial penalty matrix be adopted.**

6. PRIVATE SECTOR HOME REPAIR ASSISTANCE POLICY UPDATE

The Housing Strategy Manager presented a report detailing proposed updates to the Private Sector Home Repairs Assistance Policy. Every year the Private Sector Housing Team was audited on its use of funding provided by the Government for Disabled Facilities Grants (DFGs) as this was always a significant amount of money. During the latest audit, changes had been suggested to the policy to ensure that it corresponded with working practices. The changes to the policy detailed within the report were fairly minor but they did require Members' agreement.

During consideration of this item Members noted that the Overview and Scrutiny Committee had pre-scrutinised the report at a meeting on 6th June 2019 and had recommended that action needed to be taken to promote the availability of DFGs to the public. The Committee discussed this recommendation and in doing so Members commented that every year only a proportion of the funding had been used. The budget for DFGs was ring-fenced and therefore the Council could not use this budget to support other Council services. There were likely to be a lot of residents who were eligible for DFG funding who were not aware of its existence or that they could access the funding. In this context Members agreed that the recommendation from the Overview and Scrutiny Committee should be approved.

Concerns were raised that the Private Sector Home Repair Assistance Policy was being updated in response to changes to working practices as ideally the changes should have occurred in the opposite order. However, as the proposed changes were minor there was general consensus that the updates to the policy should be approved.

RESOLVED that

- 1) **the Executive Committee notes the changes made to the Private Sector Housing Assistance Policy and approves its implementation; and**
- 2) **Officers explore options to communicate the availability of Disabled Facility Grants to the public.**

7. STATEMENT OF COMMON GROUND (SOCGS) APPROACH TO AGREEMENT WITH LOCAL AUTHORITIES

The Strategic Planning and Conservation Manager presented a report in respect of the Statement of Common Ground (SoCG) approach to agreement with other local authorities for Members'

consideration. Under the new revised national planning framework all Councils were required to have a SoCG which set out how the organisation would work with other local authorities in respect of their local plans. Redditch Borough Council was not in the process of reviewing the Local Plan, however, other Councils were reviewing their local plans and would be approaching the authority for a response. Officers were proposing that in cases where there were significant and potentially controversial implications arising from another Council's plans these should be presented for Members' consideration. Where there was no controversy it was suggested that Officers should have delegated authority to make a decision.

The proposals in respect of the SoCG had already been considered by Members at a meeting of the Planning Advisory Panel (PAP). During this meeting Members had been advised that there were very few examples of SoCGs in place at other local authorities. However, the SoCG had been introduced at this stage as it would help to provide transparency in respect of the Council's approach to working with other local authorities.

RESOLVED that

- 1) **Members note officer attendance is required at Duty to Co-operate /Statements of Common Ground meetings where cross boundary issues and draft Statements of Common Ground agreements are discussed and prepared;**
 - 2) **Council delegates to the Leader and Portfolio Holder for Planning, to sign off all relevant Statements of Common Ground where cross boundary growth is not included; and**
 - 3) **all Statements of Common Ground which include agreements on cross boundary housing, employment or other development needs or any other key planning issues are reported to Council for consideration prior to signing.**
8. **HIGH QUALITY DESIGN - SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

The Strategic Planning and Conservation Manager presented a proposed Supplementary Planning Document (SPD) in respect of high quality design. The SPD added further detail to the Council's Local Plan in respect of design quality. Requirements in respect of existing residential properties, new build housing, conversions, shop front signage and non-residential properties had been

included in the document. Officers anticipated that the document would help housing developers and architects through the Council's planning process.

The contents of the proposed SPD had already been considered by Members at a meeting of PAP. Members were advised that an updated version of this report would be presented for the consideration of Council on 24th June 2019. There would be no material changes to the document, though the presentation of the content would look different.

During consideration of this item Members noted that reference was made to provision of space in developments for cycle storage. The decision as to whether to incorporate cycle sheds and spaces into housing developments would be determined on a case by case basis and the SPD provided the authority with some flexibility in relation to this matter.

RESOLVED to note

- 1) **the 'Consultation Comments and Officer Responses' table made in response to consultation on the draft High Quality Design SPD, and the actions proposed by strategic planning officers to make subsequent revisions to the SPD;**
- 2) **the revised version of the High Quality Design SPD; and**

RECOMMENDED that

- 3) **the High Quality Design SPD be adopted at a meeting of Full Council.**

9. UPPER NORGROVE SITE, WEBHEATH - DEVELOPMENT OF LAND

The Principle Solicitor presented a report in respect of land located on the former Upper Norgrove House site in Webheath, which had been declared surplus some years previously. This was located at a strategic site for housing development, as detailed in the Council's Local Plan. The site was not large but it was important due to its location. There was the potential for the use of the site to contribute to meeting housing needs in the Borough but Officers were suggesting that flexibility was needed to explore all options further.

The Upper Norgrove House site was owned by the Council, with .82 acres held by the Housing Revenue Account (HRA) and 2.2 acres held by the General Fund. Officers were proposing that the costs

associated with further work in respect of this site should continue to be funded from both.

There had been a number of reports to Committee in respect of the site but the last one was over ten years ago. Members agreed that it was important to make progress in respect of developing the area. The Council needed the flexibility to respond quickly to any approach from the owners of the land adjoining the site and for this reason it would be helpful to delegate the Head of Legal, Equalities and Democratic Services with the power to enter into negotiations and collaboration agreement/s with them and other relevant organisations, regarding this site, rather than requiring all points to be referred back to Committee.

During consideration of this item Councillor Bill Hartnett proposed an amendment to the first recommendation detailed in the report. This amendment was seconded by Councillor Greg Chance.

The amendment proposed that the word “social” should be inserted into the recommendation so that it would read as follows:

“The Council-owned site at Upper Norgrove House be included in a scheme for the provision of social housing, in co-operation with adjoining landowners who wish to secure planning permission to develop their land in collaboration with the Council”.

In proposing the amendment Councillor Bill Hartnett noted that at paragraph 3.7 to the report it was recognised that the Council could explore options to use the site to increase the Council’s housing stock, but this was not then reflected in the wording of the recommendations. The insertion of “social” into the recommendation would help to ensure that the Council gave consideration to the development of social housing on the site.

In seconding the proposed amendment Councillor Greg Chance commented that it was important to ensure that funding from the HRA was invested in social housing wherever possible. The Council had previously committed to increasing the number of Council houses in the Borough through the Housing Growth Programme and this amendment would help to support that programme.

Members subsequently discussed the proposed amendment. Concerns were raised that this amendment could restrict the options available to the Council and create complications that would have an impact on the Council’s ability to negotiate a good deal with third parties. Should a housing development be agreed for the site this would be subject to the planning process and the Council’s expectations in terms of social housing in line with the Local Plan.

Members noted that it was important to achieve best value for the site and concerns were raised that the amendment could undermine this objective.

On being put to the vote the amendment was lost.

RESOLVED that

- 1) **the Council-owned site at Upper Norgrove House be included in a scheme for the provision of housing, in co-operation with adjoining land owners who wish to secure planning permission to develop their land in collaboration with the Council;**
- 2) **authority be delegated to the Head of Legal Equalities and Democratic Services and the Chief Executive, following consultation with the Leader, to negotiate and enter into collaboration agreements with those adjacent owners (and third parties identified as necessary), to deliver the proposal if approved;**
- 3) **the Head of Legal, Equalities and Democratic Services be delegated authority to agree the appointment of an external legal advisor as a member of the development group, and an independent legal advisor and other necessary professional support to advise the Council in relation to the implementation of the decision and the legal arrangements required to deliver it; and**

RECOMMENDED that

- 4) **the associated cost of £25k is funded from General Fund Balances (£17k) and HRA reserves (£8k).**

10. PERFORMANCE REPORT - HELP ME BE FINANCIALLY INDEPENDENT

The Executive Director of Finance and Corporate Resources presented the Performance Report focusing on the strategic purpose 'Help me be financially independent'. During the presentation of the report the following matters were highlighted for Members' consideration:

- The Financial Inclusion Team (FIT) had worked hard to resolve complex benefits cases and had dealt with 195 cases in recent months, half of which involved Council tenants.
- The majority of residents who had been provided with support by the FIT team were seeking help to manage debt and managing their household budgets.

- Every resident who was supported by the FIT team were asked for feedback when their case was resolved. Whilst not all responded 82 of those residents had reported that the support had helped to improve their circumstances.
- The Council had previously received £45,000 funding from the Department for Work and Pensions (DWP) to provide debt advice. This had subsequently been withdrawn and reallocated to the CAB. The Council worked closely with the CAB to ensure that the needs of local residents were met.
- The Council had been working with the DWP to reduce the amount of time that was taken by Officers to resolve benefits cases. The DWP's benchmark was 22 days and the Council had reduced its timeframes to 25 days, though further progress needed to be made.
- The structure of the Customer Service and Financial Support team was in the process of being review. There would be job opportunities for existing staff in the new structure.
- The Council continued to provide financial support to residents where needed from the Essential Living Fund (ELF). Generally this financial support was used to support residents whilst they waited for their first Universal Credit payment, though there were signs that the delays that had been experienced with Universal Credit initially were reducing.
- Whilst financial support was available to residents both face-to-face and by telephone the Council was exploring opportunities to automate responses to simpler enquiries.
- The Council had an Energy Efficiency Fund which was used to support people experiencing difficulties due to fuel poverty.
- Officers had been working with local high schools to help young people learn about financial management.

Members noted that many of the issues that had been raised in the report had also been discussed during a recent Member training session in respect of the dashboard. Whilst automated services could be useful in some areas, Members commented that it would be useful to retain face-to-face services wherever possible as there were some residents who did not have access to a computer.

RESOLVED that

the report be noted.

11. PERFORMANCE REPORT - HELP ME RUN A SUCCESSFUL BUSINESS

The Executive Director of Finance and Corporate Resources presented a performance report that focused on the strategic purpose 'Help me run a successful business'. During the

presentation of this report a number of points were highlighted for Members' consideration:

- The North Worcestershire Economic Development Unit (NWEDR) provided economic development and regeneration services on behalf of the Council.
- The NWEDR was working on plans to regenerate the four quarters of the town centre.
- The first of these, the railway and residential quarter, was progressing well. It was anticipated that there could be up to 600 residential units developed in this area and the Council was working in partnership with other organisations to progress the plans for this area.
- The second quarter, the enterprise area, was located close to HOW College and on the location of Redditch Police Station. Partners were exploring the potential for this to become a technology hub.
- The third quarter, the leisure and retail area, incorporated both the Kingfisher Shopping Centre and retail units located outside the centre. The proposals to introduce a Business Improvement District (BID) formed an integral part of the plans for this quarter.
- The final quarter, the community and public sector hub, was focused on the Town Hall. Redditch Borough Council, Worcestershire County Council, including the Library, and local health services had all expressed an interest in co-locating within a public sector hub.
- The redevelopment of Matchborough and Winyates District Centres continued to be reviewed. There were a range of regeneration options available, though the process was likely to be complex, particularly as there were a number of different landowners at both sites.
- The NWEDR team were promoting a number of business grants to local entrepreneurs and continued to provide business advice to local businesses.
- Sickness data for staff employed by the Council had also been included in this report. Training had been provided in respect of the Council's HR21 system, used to record sickness absence, and fourth-tier managers were considering return to work arrangements and how best to support staff who had been on long-term sick leave back into work.

Following the presentation of the report Members briefly discussed the regeneration of the town centre and noted that this project had been planned a few years previously and would take some time to deliver. Questions were raised about the stage that had been reached with the Redditch BID, which had been supported by the Council some time ago, and whether the ballot of local business

Executive Committee

Tuesday, 11 June 2019

had yet taken place. Officers agreed to provide further information in respect of this matter after the meeting.

RESOLVED that

the report be noted.

12. OVERVIEW AND SCRUTINY COMMITTEE

Members were advised that there were no outstanding recommendations from the Overview and Scrutiny Committee for consideration.

RESOLVED that

the minutes of the meeting of the Overview and Scrutiny Committee held on 21st March 2019 be noted.

13. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS ETC.

There were no additional referrals from the Overview and Scrutiny Committee or from any other Committees.

14. ADVISORY PANELS - UPDATE REPORT

The following updates were provided:

- a) Constitutional Review Working Party – Chair, Councillor Matthew Dormer

Councillor Dormer confirmed that the following meeting of the Constitutional Review Working Party would take place on 16th July 2019.

- b) Corporate Parenting Steering Board – Council Representative, Councillor Juliet Brunner

Councillor Brunner advised that there would be a meeting of the Corporate Parenting Steering Board on 13th June 2019.

- c) Member Support Steering Group – Chair, Councillor Matthew Dormer

Councillor Dormer advised that a meeting of the group was due to take place on Tuesday 18th June 2019. As agreed at the previous meeting of the group a survey had been circulated in respect of Members' requirements of Council IT equipment. Members were urged to complete the survey,

Executive Committee

Tuesday, 11 June 2019

copies of which had been circulated both electronically and in paper form, prior to the meeting.

d) Planning Advisory Panel – Chair, Councillor Matthew Dormer

Councillor Dormer explained that a meeting of the Planning Advisory Panel had taken place on 29th May. During this meeting Members had considered the Statement of Common Ground (SoCGs) Approach to Agreement with Local Authorities and the High Quality Design Supplementary Planning Document, which had also been considered at the Executive Committee meeting.

15. INVESTMENT OPPORTUNITY (REPORT TO FOLLOW)

The Executive Director of Finance and Corporate Resources explained that Officers had identified a potential investment opportunity for the Council. An offer had been made to purchase a particular asset from an external organisation. No decision had yet been taken on this offer and therefore there was no report available for consideration at the meeting. Should the offer be excepted Members would be invited to make a decision on the matter.

The Meeting commenced at 7.00 pm
and closed at 8.15 pm

This meeting was an opportunity to explain to new members how the WMCA operates. Following a video of the areas covered and another from the Mayor, the Chief Executive explained that the budget was £1.8 Billion plus extra investments. The Annual Plan would be presented to the Board at the end of June.

Then the Strategic Leadership team each reviewed the responsibilities of their sections.

Housing & regeneration: 14,500 houses built in 18/19 and work on construction skills

Strategy: Emphasised the state of the region, future of the economy and the impact of culture across the area.

Public Service: Working with people for example the Homeless task force and setting up the Youth WMCA. (*Could be a young person from Redditch.*) also 5G and violence prevention. There are other areas of responsibility for this team

Finance: Some £8 Billion to be spent over the area for the next 30 years.

Working to equate £1 from WMCA to equal £2 from the private sector and self-funding.

TfWM: Transport for the West Midlands : Working to generate an integrated transport system. Successes include the Smartcard 8 million journeys and 7 million on the Metro.

Productivity & Skills: Upskilling the population, some £26M on post 18 education. The development of high level skills ready for the future economy.

Communication: Mayors' events, media relations, the website and working with communities.

Governance: To achieve more than the individual authorities could on their own. Emphasised that WMCA could only be an addition to Local Government.

This meeting lasted over three hours so you can understand that this is only a brief summation of all that was said and what the WMCA expects to achieve.

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West Midlands Combined Authority Overview & Scrutiny Committee

Annual Report 2018/19



West Midlands
Combined Authority



Contents

Foreword - Councillor Peter Hughes - p1

Committee Members - p2

A year of Overview & Scrutiny in numbers - p3

Introduction - p4

Holding Decision Makers to Account - p5

Helping to Shape Policy - p6

Adding Value - p7

Working Groups - p8

Looking Forward - p12

Foreword

Chair - Councillor Peter Hughes



Welcome to the 2018/19 Annual Report of the Overview & Scrutiny Committee. I hope this report is able to capture a number of the highlights of the work carried out by the committee over the last year.

The committee has made good progress in developing and refining its work programme so as to provide a constructive challenge to the decision makers within the WMCA. This is work in progress and there is still much more to be done. I believe strongly that councillors have risen to the challenge of providing oversight of the expanding remit of the WMCA, with the committee focusing its attention on a number of key workstreams. This has enabled us to challenge preconceptions, test ideas and add rigour to the development and implementation of public policy as this fledgling Combined Authority starts to spread its wings.

Our committee has met seven times this year, in addition to a further two Q&A sessions focused on scrutinising the Mayor's policies and budget proposals. As Chair, I have been grateful for the support of the two Vice-Chairs, Councillor Ian Shires and Councillor Lisa Trickett, as well as those members who have taken champion roles in carrying out the committee's work. I very much appreciate the hard work and commitment shown by those elected members who have participated actively in the committee, made possible by the professional and dedicated input of the small team of officers supporting the scrutiny function

Putting aside our political differences for the common good, the committee has worked

together to look closely at areas of concern. I very much appreciate the willingness shown by members of the committee in balancing the significant commitment required of them, while also continuing with their own special responsibilities and other public duties within their own local authorities. I therefore wish to place on record my gratitude for the public service shown by the region's councillors in supporting this vital scrutiny process by holding the WMCA to account and questioning it. I also extend my thanks to all the officers of the Combined Authority who have contributed to, and helped us to deliver, our successful work programme.

It is as important as it has ever been that civic leadership within the region closely resembles the people who call the West Midlands home, which applies equally to those of us holding decision makers to account. Going forward, I am calling upon participating councils to better reflect the diversity of their areas in the appointments they make to the Overview & Scrutiny Committee, to ensure that talented and capable people from all backgrounds feel that they have a stake in the Combined Authority and the region's future. I look forward to the further evolution of overview and scrutiny within the WMCA in the coming years.

Committee Members

2018/19



**Councillor
Peter Hughes**

Sandwell
Metropolitan
Borough Council
Committee Chair
and Chair of Budget
Working Group



**Councillor
Cathy Bayton**

Dudley Metropolitan
Borough Council
Chair of Health
and Wellbeing
Working Group



**Councillor
Stephen Simkins**

City of
Wolverhampton
Council
Scrutiny Champion -
Environment



**Councillor
Lisa Trickett**

Birmingham City
Council
Vice-Chair and Chair
of Productivity, Skills
and Inclusive Growth
Working Group



Councillor Ian Shires

Walsall Metropolitan
Borough Council
Committee Vice-
Chair and Chair of
Housing and Land
Working Group



**Councillor
Mike Chalk**

Redditch Borough
Council
Scrutiny Champion -
Transport



Mike Lyons

Greater Birmingham
& Solihull Local
Enterprise Partnership



**Councillor
Angus Lees**

Dudley Metropolitan
Borough Council
Scrutiny Champion -
Transport



**Councillor
Vera Waters**

Walsall Metropolitan
Borough Council



Sarah Windrum

Coventry &
Warwickshire
Local Enterprise
Partnership



**Councillor
Stuart Davies**

Solihull Metropolitan
Borough Council



**Councillor
Peter Fowler**

Birmingham
City Council



**Councillor
Josh Jones**

Birmingham
City Council



**Councillor
Tariq Khan**

Coventry
City Council



**Councillor
Joe Tildesley**

Solihull Metropolitan
Borough Council



Paul Brown
Black Country Local
Enterprise Partnership



**Councillor
Dean Carroll**
Shropshire Council

A year of Overview & Scrutiny in Numbers

1 19 3

Overview & Scrutiny Committee

Members

Scrutiny Champions

5 3 2

Working Groups

Task & Finish Groups

Mayoral Q&A Sessions with Scrutiny

1 9 7

Call-In

Pre-Decision Scrutiny Sessions

Committee



Introduction

Overview & Scrutiny is a statutory requirement within the West Midlands Combined Authority. The committee has the responsibility to review the work of the Mayor and the WMCA and hold decision makers to account. It may make recommendations to the WMCA Board and its committees and call in decisions that have already been made for further scrutiny. The committee can act as an advocate for residents of the West Midlands by investigating issues that are important to them and by looking further into matters brought to its attention by the public. From improving the economy to tackling mental health inequality, from delivering new modes of public transport to enabling the construction of new housing, the Overview & Scrutiny Committee, comprising the region's local councillors, is the body that oversees how all this is done.

While the committee's membership includes local councillors nominated by the WMCA's 18 member councils, it also has three representatives from the region's local enterprise partnerships. This brings a private sector perspective to discussions and ensures that the views of the region's local industries are heard at the highest levels of decision making.

Overview & Scrutiny Committee

The committee has continued to build on the work of the previous year in developing a programme that gives a broad oversight to the policies of the WMCA and reviews the effectiveness of its key decisions.

Significantly, it has enhanced the breadth of the pre-decision scrutiny it has undertaken, thereby adding value at the developmental stage of key policies before they are considered by the WMCA Board.

In the last year the committee has considered a number of reports and has undertaken key pre-decision scrutiny work in respect of:

- Governance proposals relating to the Fire and Rescue Service and Police and Crime Commissioner
- The WMCA's 2019/20 budget
- The Local Industrial Strategy
- A common approach to cycling and walking in the region
- Park & Ride policies
- The establishment of a Youth Combined Authority
- Wednesbury to Brierley Hill Metro extension
- The principles and key features of the WMCA's Annual Plan 2019/20
- Measures aimed at targeting childhood obesity

Other reports that the committee have considered include a progress report on the West Midlands Low Emissions Strategy and Action Plan and the 'Leaders Like You' report published by the WMCA's Mayoral Leadership Commission.



Overview & Scrutiny Holding Decision Makers to Account

Andy Street, Mayor of the West Midlands

The committee has undertaken a number of public Mayoral Q&A sessions, where Andy Street has been questioned on the delivery and impact of WMCA policies in areas as varied as public transport, air quality, housing and Brexit. In December, the committee held its second Q&A with the Mayor and questioned him on issues relating to performance against the budget 2018/19; proposals for the 2019/20 budget; other strategic finance issues; and the decision not to set a Mayoral precept for 2019/20. The Mayor was also joined at the session by the Deputy Mayor, Councillor Bob Sleigh. We feel this is an important part of providing public accountability and transparency of decision making for the WMCA's only directly elected politician.

Scrutiny members have also established a number of working groups that have been able to give more focused attention into specific policy areas, holding to account portfolio lead members and lead directors/officers in workstreams such as health and wellbeing; finance; governance; inclusive growth, productivity and skills; and housing and land.

WMCA Portfolio Leads 2018/19

It is equally important that the WMCA programme areas that are led by the portfolio leads receive appropriate scrutiny. At each of the committee's meetings this year, it has received an update from a different portfolio lead member as follows:

- Andy Street [Mayor] - September and December
- Councillor Mike Bird [Housing and Land] - November and February
- Councillor Steve Eling [Cohesion and Integration and Public Service Reform] - September
- Councillor Izzi Seccombe [Wellbeing] - April
- Councillor Bob Sleigh [Finance and Investments] - December

At each meeting, committee members questioned the portfolio lead on the progress being made in their respective area.



Overview & Scrutiny Helping to Shape Policy

The committee has made a total of 37 recommendations to the WMCA Board and its committees, all of which were accepted without further amendment, in relation to:

- West Midlands Combined Authority policies
- West Midlands Combined Authority budget for 2019/20
- Bilston Road Metro track replacement work
- Measures aimed at tackling childhood obesity
- Town Centres programme
- WMCA Leaders Like You

The West Midlands Combined Authority will become responsible for the Adult Education Budget (AEB) within the region from 1 August 2019. The Overview & Scrutiny Committee therefore carried out a review of the devolution of this funding from the Department for Education. As a result of this review, the committee submitted eight recommendations to the WMCA Skills Advisory Board for its consideration.

The Chair of the Overview & Scrutiny Committee is a regular participant in the WMCA Board meetings and has the opportunity to present the findings and recommendations of the committee at those meetings.

Overview & Scrutiny

Adding Value

Case Study: Proposed Transfer of Police and Crime Commissioner Functions

The WMCA undertook a public consultation exercise regarding a proposal to transfer the powers of the West Midlands Police and Crime Commissioner to the Mayor of the West Midlands.

The proposal was part of the second devolution deal, which included a commitment from the WMCA and the Police and Crime Commissioner to work together to look at a detailed governance model and timetable for transferring the role and powers of the Police and Crime Commissioner to the elected Mayor.

The committee scrutinised the consultation process and invited the Police and Crime Commissioner and the Mayor to share their views and any input into the consultation.

The committee exerted influence in the wording of the final consultation documents used in the stage 1 consultation, resulting in sections being removed from both the introduction and one of the questions, to ensure the removal of any potential bias within the document. There was a wider recognition of the role the committee could play in scrutinising the Police and Crime Commissioner if the role was to be undertaken by the Mayor of the West Midlands.

Case Study: Forward Plans for the WMCA Board Committees and Boards

Overview & Scrutiny has strengthened the governance process by championing the need for each of the WMCA's committees to have introduced a forward plan that helps to give public awareness to its forthcoming decisions.

Case Study: Bilston Road - Metro Track Replacement Works

When approving the Midland Metro Construction: Proposed Business Support Package, the WMCA Board had asked the committee to investigate a number of specific issues that had arisen.

A task and finish group was established to undertake an investigation into the impact of the Bilston Road Metro track replacement works on nearby businesses and to evaluate the support received to mitigate this. The findings of the group were considered and its 12 recommendations adopted by the committee and WMCA Board.

Case Study: Women's Concessionary Travel Scheme Pass

During the Mayoral Q&A event on the proposed budget 2019/20, the committee challenged the Mayor to extend travel concessions to include women unfairly discriminated against in recent changes to pension eligibility ('WASPI women'), and ex-service personnel.

Following engagement with the constituent authority leader and the Overview & Scrutiny Committee, the WMCA Board agreed to establish a Women's Concessionary Travel Scheme from July 2019.

Case Study: WMCA Reports

The importance of committee decisions aligning with WMCA policies was recognised at an early stage, and all reports now contain specific implications for inclusive growth. The committee has also recommended that environmental, sustainability, social value, and health and wellbeing implications be included in all future Board reports.

Overview & Scrutiny Working Groups

During the year, the committee established five working groups to provide closer oversight of the following workstreams: budget; governance; health; inclusive growth, productivity and skills; and housing and land. The groups have examined policies and programmes and undertaken site visits and investigations.

Budget Working Group

2018/19 work programme:

- Budget proposals for 2019/20
- Brexit implications
- Regular monitoring of the Financial Monitoring Report
- Investigation into a major transport project

Case Study: Wednesbury to Brierley Hill Metro Extension

At the initial setting up of the Overview & Scrutiny Committee's Budget Working Group, members decided that, as part of its work, it would maintain overview of, and scrutinise, a major transport investment project from start to finish, using key milestones as the prompts for scrutiny.

As a key investment project for the WMCA, the Wednesbury to Brierley Hill Metro extension was selected. The findings of the working group were reported to the Investment Board, who factored them into their subsequent decisions regarding the project.

As a result of this involvement, our committee has now established an understanding that there will continue to be ongoing scrutiny of the project throughout its lifecycle.

Housing and Land Working Group

2018/19 work programme:

- Land Delivery Action Plan
- Methods of construction
- Partnership working with Sustainable Housing Action Partnership (SHAP)

Inclusive Growth, Productivity and Skills Working Group

2018/19 work programme:

- Local Industrial Strategy
- Devolution of the Adult Education Budget

Case Study: Devolution of the Adult Education Budget

The West Midlands Combined Authority will become responsible for the Adult Education Budget (AEB) for its residents from 1 August 2019. The devolved AEB will provide funding for adult skills delivery for residents aged 19 and over of the West Midlands' seven constituent areas (Birmingham, Coventry, Dudley, Sandwell, Solihull, Walsall and Wolverhampton). The Department for Education has confirmed the allocation to the WMCA for the 2019/20 academic year will be just under £126m.

We see the AEB as a significant enabler of inclusive growth through the improvement of the qualification levels and skills of our residents.

Scrutiny members held a meeting with each of the seven constituent local authorities' cabinet members for Education and Skills and undertook a deep dive into the work for each local authority area, the priorities and how the budget could be shaped going forward.

Health and Wellbeing Working Group

2018/19 work programme:

- Thrive into Work programme
- Tackling childhood obesity in the West Midlands
- Challenged the budget allocation for the Wellbeing workstream

Case Study: Reducing Childhood Obesity

The WMCA Wellbeing Board agreed to develop an approach to supporting system change to achieve healthy weight for more residents across the West Midlands.

Along with health and wellbeing partners across the region, the WMCA will work with partners to support the reduction in obesity across the West Midlands.

During 2018/19 the Health and Wellbeing Working Group contributed to the development of the Action Plan and made a number of recommendations for the endorsement by the Wellbeing Board. These were in relation to:

- Redistribution of surplus food
- Fast food outlets and planning rules
- Working with local schools and academies
- Membership of the Obesity Task Force reflecting the ethnicity and diversity of the region
- Links between obesity and mental health

Governance Working Group

2018/19 work programme:

- Contributions from the Centre for Public Scrutiny in relation to the work undertaken with combined authority scrutiny across the region
- Review of the statutory requirements of the governance model at the WMCA and delegated powers
- Established the principle that the Overview & Scrutiny Committee would have primary responsibility for scrutinising any future Mayoral powers relating to fire and rescue services
- Championed the representation of the Fire Brigades Union on the proposed Mayoral Fire Committee

Call-in

The committee has the power to call in decisions of the Mayor and the WMCA Board which have been made but not implemented.

A stop is placed on the implementation of the decision once it is under scrutiny.

There has been one call-in during the course of the year in relation to the Housing and Land Delivery Board - Town Centres programme.

Call-in: Town Centres Programme

The Town Centres programme will support local councils to accelerate their plans to regenerate and renew their town and district centres.

There was cross-party support for the call-in, based on the process in which the town centres were selected. The portfolio lead member for Housing and Land and the director of Housing and Regeneration attended the meeting to answer questions put to them by the committee.

Following its investigation, the committee agreed to take no further action, but made a number of recommendations which were agreed and have either been actioned or are in progress. These were in relation to:

- Clear and up-to-date forward plans for all boards and committees
- Pre-decision scrutiny to be embedded within the WMCA
- A review of the constitution and the call-in process
- Additional resources for the scrutiny function
- Future devolution deals and the engagement with the committee

Development of the WMCA Annual Plan 2019/20

The committee has engaged with the Chief Executive on the development of the Annual Plan for 2019/20 and has endorsed the principles and features used to develop the plan.

The working groups and scrutiny champions continue to work with the directors to help shape and develop the respective portfolio section of the Annual Plan prior to its consideration at the WMCA Board.

Embedded Pre-Decision Scrutiny into the WMCA

The committee has worked closely with the senior leadership team to develop a robust pre-decision scrutiny process. This continues to be developed, but significant progress has been made during 2018/19.



Looking Forward

As well as looking at its own in-house performance, the Overview & Scrutiny Committee has contributed to discussions aimed at developing the scrutiny role more widely within combined authorities across the country, which is recognised as still being in a developmental stage. The Committee has engaged the Local Government Association and the Centre for Public Scrutiny to provide an independent assessment of its scrutiny function and has also looked at how it may further develop its role, in the context of the evolving responsibilities of the WMCA.

For the forthcoming year, the committee would like to establish a closer working relationship with the portfolio lead members and the senior leadership team. Also, building on this, the committee would like to create and develop more effective links with the scrutiny boards at its constituent member authorities and the West Midlands Scrutiny Forum.

Public accessibility to meetings is an ongoing consideration, and it is intended to hold meetings across the region's towns and cities during 2019/20, rather than solely within Birmingham.



West Midlands
Combined Authority



Overview & Scrutiny

Committee

4th July 2019**WORK PROGRAMME 2019/20**

(Report of the Chief Executive)

Date of Meeting	Subject Matter	Officer(s) Responsible for report
ALL MEETINGS	REGULAR ITEMS	(CHIEF EXECUTIVE)
	Minutes of previous meeting	Chief Executive
	Consideration of the Executive Committee Work Programme	Chief Executive
	Call-ins (if any)	Chief Executive
	Pre-scrutiny (if any)	Chief Executive
	Task Groups / Short, Sharp Review Groups – feedback	Chair of Task Group / Short, Sharp Review
	Working Groups - feedback	Chair of Working Group
	Committee Work Programme	Chief Executive
	REGULAR ITEMS	
	Update on the work of the Crime and Disorder Scrutiny Panel	Chair of the Crime and Disorder Scrutiny Panel
	Tracker Report	Relevant Lead Head(s) of Service
	Updates on the work of the Worcestershire Health Overview and Scrutiny Committee	Redditch Borough Council representative on the Health Overview and Scrutiny Committee
	Annual Monitoring Report – Redditch Sustainable Community Strategy	Relevant Lead Head(s) of Service

Overview & Scrutiny

Committee

4th July 2019

MEETING DATE	ITEM TO BE CONSIDERED	RELEVANT LEAD
4 th July 2019	Pre-Decision Scrutiny – Housing / Housing Revenue Improvement Plan – Progress Report	Relevant Director
4 th July 2019	Pre-Decision Scrutiny - Tenancy Conditions for Council Housing Tenants and Tenants Handbook	Relevant Lead Head(s) of Service
4 th July 2019	Overview and Scrutiny Select Committee Findings and new Governance Guidance – Presentation	Relevant Lead Head(s) of Service
4 th July 2019	Overview and Scrutiny Training Event – Members to consider potential items to review	Relevant Lead Head(s) of Service
5 th Sept 2019	Pre-Decision Scrutiny – Homes England Asset Transfer	Relevant Lead Head(s) of Service
5 th Sept 2019	Pre-decision Scrutiny - Town Centre Regenerations (Community Hub and Railway Quarter)	Relevant Lead
5 th Sept 2019	Pre-Decision Scrutiny - Disposal of HRA Asset at Green Lane, Studley	Relevant Lead Head(s) of Service
5 th Sept 2019	Pre-Decision Scrutiny - Redditch Council Plan	Relevant Lead Head(s) of Service.
5 th Sept 2019	Pre-Decision Scrutiny - Service Delivery Options – HRA Gas Maintenance	Relevant Lead Head(s) of Service.

Overview & Scrutiny

Committee

4th July 2019

24th October 2019	Pre-Decision Scrutiny - New Cemetery Provision	Relevant Lead
24th October 2019	Waste Services - Presentation	Relevant Lead Head(s) of Service.
24th October 2019	Herefordshire and Worcestershire sustainability and Transformation Partnership - update	Relevant Lead Head(s) of Service
OTHER ITEMS – DATE NOT FIXED		
	Redditch Community Lottery – Six Months' Update	Relevant Lead
	Emergency Planning (Civil Contingencies) Update	Relevant Lead Head(s) of Service
OTHER POSSIBLE ITEMS FOR SCRUTINY – DATE NOT FIXED	<ul style="list-style-type: none"> • Eastern Gateway • Parking on roads inappropriately • Landscaping • Local Hospital Service Provision – outcome of Health Commission • Mental health services • Health services for young people • Cuts to school budgets and parental choice • Council owned shops and rateable values • The night time economy 	

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