

SCRUTINY LEADERSHIP BOARD

Minutes of a meeting of the Scrutiny Leadership Board held on Tuesday, 23rd June, 2009 in the Scrutiny Meeting Room, Civic Offices, Telford

PRESENT: Councillors D.R.W. White (Chairman), R. Aveley, J.A. Francis, A.A. Mackenzie, A.A. Meredith and H.J. Williams

ALSO PRESENT: Councillor S.P. Burrell (for Minute No. SLB-46), Julia Almond (Corporate Director: Children & Young People), Laura Johnston (Head of Locality Services for Children & Families), Helen Ward (Customer Services Manager), Alison Smith (Scrutiny Manager) and Stephanie Jones (Scrutiny Officer)

SLB-43 MINUTES

RESOLVED – that the minutes of the meeting of the Scrutiny Leadership Board held on the 12th May, 2009 be confirmed and signed by the Chairman.

SLB-44 APOLGIES FOR ABSENCE

None.

SLB-45 DECLARATIONS OF INTEREST AND PARTY WHIP

None.

SLB-46 CHANGE TO REVIEW ORDER FOR CHILDREN AND YOUNG PEOPLE

The Scrutiny Manager referred to the Scrutiny Review Group, which had now scoped its work on Child Protection and Child Protection Plans. However, concurrent to this work, the Children & Young People's Portfolio had commissioned an internal review of these services which crossed over with the terms of reference of the Scrutiny Review. Councillor J.A. Francis, the Lead Scrutiny Member for Children & Young People, had indicated her agreement that the Scrutiny Review should, therefore, be postponed but this decision needed to be ratified by the Board.

The Board had received a copy of the 'Proposal for a Programme of Practice Research and Organizational Analysis for Telford & Wrekin's Children's Services – Children and Young People's Portfolio' and before making a decision on the postponement of the Scrutiny Review, Councillor Stephen Burrell, Cabinet Member: Children & Young People and senior officers from the Portfolio were asked to provide background information for the Board.

Councillor Burrell referred to the ongoing changes in safeguarding services following the Laming Reviews and the 2007 Joint Area Review, as a result of which the internal review had been planned for some time. Given the

potential impact of the recommendations on the configuration of the services that Scrutiny would be reviewing, he requested that the Scrutiny Review be postponed until the outcome of that review was known.

Julia Almond, Corporate Director: Children & Young People informed the Board that the internal review would be undertaken by academics, Professor David Thorpe and Dr. Suzanne Regan, who were nationally renowned and who had carried out a number of similar reviews in other areas and for other local authorities. A review of this nature would give an additional perspective on Telford & Wrekin's work and provide an opportunity to compare our approach to that of other authorities and to introduce improved ways of working. Implementation of the findings of the review would provide a way forward, at which point it would be helpful for the Scrutiny Review Group to undertake its review.

Laura Johnston, Head of Locality Services for Children & Families, explained that although the review focuses on the 'Front Door' services, the recommendations will have an impact on how services are delivered across all partners throughout the case pathway from the referral stage to the issuing of Child Protection Plans and therefore cuts across the Scrutiny Terms of Reference.

On the basis of the information received, the Board agreed to postpone the Scrutiny Review on Child Protection until the Children & Young People's internal review had been completed.

**SLB-47 FEEDBACK FROM THE SCRUTINY ASSEMBLY HELD ON
19TH MAY, 2009**

Stephanie Jones, Scrutiny Officer, informed the Board that positive comments had been received from those Members attending the Assembly. Further to the meeting, the Head of Audit and Scrutiny, the Scrutiny Manager and Scrutiny Officer had met to discuss what could be improved for the next meeting. Members were asked to consider the following suggestions:

- That the Chairman of the Scrutiny Leadership Board should include in his introduction details of how the session would run and these could be permanently projected onto a screen for reference purposes.
- It was useful for the Leader/Deputy Leader to emphasise the importance of Scrutiny and that the Cabinet members are at this event to listen to Scrutiny
- The Quiz had proved to be very useful and engaging although the noise level was high and at the next one the seating could be arranged in 'theatre style' to reduce this.
- It was not clear from the seating arrangements to whom those Members wishing to ask questions on portfolio performance should address their comments and at the next Assembly the Cabinet Members should sit in a row at the front of the meeting.

- Members had commented that the Portfolio Priority Plans had not been easy to work with given their length and the language was often inaccessible. In addition, the Plans did not follow a common format and standardisation would be useful.
- In practice it had not been possible to deal with two topics in the time available and at the next Assembly meeting only one topic would be dealt with in each session.
- More attention should be given to the paperwork prepared for the next Assembly to ensure it was concise and standardised and this should be prepared by Scrutiny.
- Performance Score Cards had not proved to be very useful.

Overall, the meeting had encouraged Members to engage with the issues under discussion and it had been well attended with positive feedback having been received.

In addition, the Chairman made the following comments:

- He considered a meeting with the Leader and Chief Executive to ask questions about performance and priority setting would be useful and this is in the Scrutiny Work Programme for the October session of the Scrutiny Assembly.
- Cabinet Members did not appear in some instances to have been fully briefed by relevant officers on the topics for discussion and a briefing meeting with the Cabinet Member and lead Scrutiny Member should be held in advance of the session.
- The information provided should be structured to direct the debate
- There was insufficient time to cover two priorities in one session.

Board Members agreed with the comments made and emphasised the need for both Cabinet Members and Lead Scrutiny Members to be fully briefed in future. In addition, debate should be structured and kept to the topics on the agenda to ensure clarity. A number of Members considered that a pre-meeting with their appropriate Cabinet Member would have been useful, and that the scribe should take detailed notes of the discussion.

SLB-48 PROPOSAL FOR INTRODUCTION OF COUNCILLOR CALL FOR ACTION

The report of the Head of Finance & Audit summarised the changes that would be required to the Council's Scrutiny arrangements relating to 'Councillor Call for Action' as a result of the Local Government and Public Involvement in Health Act 2007, which came into effect on 1st April 2009, and the Police & Justice Act 2006, which came into effect on 30th April 2009, including agreement of a process for recording and managing 'Councillor Calls for Action' at Telford & Wrekin Council.

Councillor Calls for Action (CCfA) would allow individual ward councillors to secure action from the Council or, in particular circumstances its partners, if

they had been unable to address a particularly persistent problem in their area. If convinced of the merit of a 'Councillor Call for Action', the ward member would refer the issue to the Scrutiny Leadership Board for review. The Scrutiny Leadership Board would have a duty to gather evidence and decide whether the issue was one which required resolution and then to make recommendations for action to the Council's Cabinet or, in particular circumstances, to the Safer & Stronger Communities Partnership. These bodies would then have a duty to respond.

The essential principle of a CCfA was that all cases should be resolved at the earliest possible stage in the process and it was expected that the vast majority of cases would not reach the Scrutiny Leadership Board, as the expectation was that the ward member would be resolving them before they reached that point. The CCfA was designed to complement existing methods of complaint and service enquiry and not to replace them.

Successful 'Councillor Call for Action' would rely upon:

- Transparency in decision making and the involvement of scrutiny in the decision making process at some level;
- a willingness to identify mistakes and shortcomings and recognition of the need to resolve problems through discussion;
- an understanding among senior officers and Cabinet members that scrutiny could help to improve Council services;
- an understanding and a wish to bolster and support the role that local councillors played as champions and leaders of their communities.

The statutory Regulations allowed some matters to be excluded from Councillor 'Call for Action' i.e.

- Any matter relating to an individual complaint, although Scrutiny could play a role where it was felt that a series of complaints demonstrated a "systematic failure" in a particular service area;
- Any matter relating to a planning or licensing appeal, and all other areas where a person had an alternative avenue to resolve an issue;
- Any matter which was vexatious. It was suggested that the guidance used for the Freedom of Information Act should be referred to in this instance and the report set out the circumstances in which this would apply.

Attached to the report, as appendices A and B, was proposed guidance on how a 'Councillor Call for Action' would work in practice, a draft pro-forma for ward members to complete to initiate the process and a flow diagram summarising the proposed process. The Scrutiny Leadership Board would act as 'gatekeeper' to the process with the Chairman making the final decision to refer a CCfA to the Board for its consideration. Once an issue was referred to the Board it would act as a facilitation mechanism to bring together all the

appropriate agencies to resolve it at a local level. In order to prevent the CCfA process being used incorrectly, the Council's Customer Services Manager had worked closely with Scrutiny to ensure that the correct balance was struck between legitimate issues and a mechanism to self-filter CCfAs.

The Board was in agreement with the proposed Guidance, and agreed that it should be referred to Group Leaders and to the Council Constitution Committee to recommend the necessary changes to the Council's Constitution.

The Chairman welcome the introduction of the CCfA as a means of resolving issues but emphasised that it should only be used in appropriate circumstances.

SLB-49 AMENDMENT TO TERMS OF REFERENCE FOR STANDING SUB-GROUPS

The Scrutiny Officer referred Members to the amended Terms of Reference for the standing sub-groups of the Scrutiny Leadership Board, namely the Campus Telford & Wrekin Scrutiny Monitoring Group, the Corporate Parenting Scrutiny Monitoring Group and the Value for Money Scrutiny Monitoring Group, attached as Appendix D of the agenda.

The Campus Telford & Wrekin Scrutiny Monitoring Group would be increased from seven to eight members and would now be able to invite other people to take part in its meetings, but not to vote, and the Corporate Parenting Scrutiny Monitoring Group would be increased from six to eight members. With regard to the Value for Money Scrutiny Monitoring Group, the Board was informed that the current membership of eight would be increased to nine following the merging of the Independent and Liberal Democrat parties. It was, therefore, proposed that the membership would allow a maximum representation of two members from each political group; two Conservative, two Labour, two TAWPA and two Independent/Liberal Democrat members, together with one co-optee. It was considered necessary that all parties had an equal representation on this Group given its role in monitoring the Council's budget.

SLB-50 TO CONSIDER CO-OPTION TO THE SCRUTINY LEADERSHIP BOARD FROM THE WEST MERCIA POLICE AUTHORITY FOR SCRUTINY OF CRIME & DISORDER REDUCTION PARTNER ISSUES

The Board was referred to the letter from the West Mercia Police Authority which, in line with the recently published Home Office guidance for the scrutiny of crime and disorder matters, requested that one member of the West Mercia Police Authority should be a member of the Council's Crime and Disorder Scrutiny Committee, responsibility for which lay with the Scrutiny Leadership Board. Details of the three options available for such co-option under the Local Government Act 2000 was appended for Members' information.

It was considered that options 1 and 2 were not appropriate for Telford & Wrekin and that option 3, whereby a police authority member should be co-opted onto the committee when policing matters were being considered with it being for the police authority to decide the most appropriate member to appoint, should be followed.

SLB-51 CHAIRMAN'S UPDATE

Urgent Decisions

The Chairman informed the Board of the three instances on which, in line with the Council's Constitution, he had given his approval, as Chairman of the Scrutiny Leadership Board, for an urgent decision to be taken by the Cabinet or under delegated authority.

These were in respect of the Telford Town Centre (Cabinet of 9 March, 2009) a Request to Formally Tender for Taxi Service Provision for Education and Social Care Service Users (Cabinet of 23 June, 2009) and Telford & Wrekin Primary Care Trust Funding (delegated authority).

Scrutiny and the Media

The Chairman commented on the fact that the press did not always report the Council's achievements and major initiatives, such as child care. He further noted his disappointment that the photographs taken on the 19 May 2009 of the group of disabled people who had provided the refreshments for the Scrutiny Assembly meeting had not yet been published.

As a means of securing more press coverage for Scrutiny activities and meetings he suggested that additional press releases should be made available to the media. It was also agreed that a representative of the Public Relations Unit be invited to attend the meeting of the Board on 16 September, 2009.

SLB-52 FORWARD PLAN – AGENDA ITEMS 2009-10

The Board noted the Scrutiny Forward Plan items with the addition of a representative of the Public Relations Unit to attend the meeting on 16 September, 2009.

SLB-53 COUNCIL'S FORWARD PLAN – JUNE 2009 TO SEPTEMBER 2009

Edition 93 of the Council's Forward Plan was noted. Members commented on the format of this document and it was agreed that officers in Democratic Services and Scrutiny Services look at ways of improving the presentation and information content, and that a report would be brought back to Scrutiny Leadership Board with proposals for improvement.

The meeting ended at 5.15 p.m.

Chairman:

Signed:

TELFORD & WREKIN COUNCIL

SCRUTINY LEADERSHIP BOARD – 9TH JULY 2009

UPDATE ON NEW LEGISLATION FOR INFORMATION

REPORT OF THE HEAD OF FINANCE & AUDIT

1.0 PURPOSE

1.1 The purpose of the report is to summarise the progress of new legislation that will affect scrutiny, for member's information.

2.0 RECOMMENDATIONS

2.1 **Members note the progress of the following legislation, that will affect the remit of Scrutiny:**

- **The Local Government and Public Involvement in Health Act 2007;**
- **The Police & Justice Act 2006;**
- **The Local Democracy, Economic Development and Construction Bill 2008-09.**

2.2 **Members note the progress of the Department of Health review of Health Scrutiny.**

3.0 PREVIOUS MINUTES

3.1 Not applicable.

4.0 INFORMATION

4.1 There are currently three pieces of legislation that will affect the way that scrutiny is approached in the future. These are:

- The Local Government and Public Involvement in Health Act 2007 which came into effect on 1st April 2009;
- The Police & Justice Act 2006 which came into effect on 30th April 2009;
- The Local Democracy, Economic Development and Construction Bill 2008-09.

The Department of Health is also reviewing Health Scrutiny.

4.2 The Local Government and Public Involvement in Health Act 2007

The Act enables scrutiny committees to scrutinise the actions of certain public service providers in relation to the delivery of Local Area Agreement targets for that area. It also enables scrutiny committees to require a response from the executive/council and partner authorities will have to have regard to reports and recommendations from scrutiny.

Following enactment of the Act on 1st April 2009, draft regulations have now been issued for comment and they implement provisions of the 2007 Act relating to overview and scrutiny committees which broaden their role in respect of scrutiny of Local Area Agreements (LAA). A copy of the draft regulations are attached as Appendix A. It provides overview and scrutiny committees with enhanced powers enabling them to review the actions of service providers and key public bodies operating in the local area. In particular they:

- give district councils the power to allow their overview and scrutiny committees the ability to effectively scrutinise the operation of the LAA (Part 2) by requiring the county council to respond to, and its partner authorities to have regard to, reports and recommendations of the committees;
- set out what information overview and scrutiny committees can obtain from certain other public bodies that are their partners or associates in the Local Area Agreement (Part 3);
- provide that when executives of local authorities publish their responses to reports and recommendations of overview and scrutiny committees, the same rules regarding exempt and confidential information apply as when the report or recommendations, are published (Part 4).

4.3 The Police & Justice Act 2006

The Police & Justice Act 2006 was enacted on 30th April 2009, and since then regulations and guidance have been issued on scrutiny of local Crime & Disorder Reduction Partnerships, (the Safer and Stronger Communities Partnership in Telford & Wrekin). A copy of the guidance is attached as Appendix B.

The main objective of this legislation is to enable Scrutiny to scrutinise its local Safer & Stronger Communities Partnership:

- The Council is required to have a Crime & Disorder Scrutiny Committee; in Telford & Wrekin the Scrutiny Leadership Board has been designated to deal with Crime & Disorder Scrutiny;
- It will be for the Scrutiny Leadership Board to scrutinise the Safer & Stronger Communities Partnership and the partners who comprise it, insofar as their activities relate to the partnership itself;
- The Scrutiny Leadership Board can decide if they wish to undertake Crime & Disorder Scrutiny through the committee itself or to establish a Review group/Spotlight reviews or Special Interest Meetings;

- The regulations leave the frequency of meetings to local discretion, subject to the minimum requirement of once a year;
- The regulations allow co-option and the Scrutiny Leadership Board at its last meeting on 23rd June agreed to co-opt a member of the West Mercia Police Authority when policing matters are being considered;
- The Safer & Stronger Communities Partnership will be under an obligation to provide information requested by scrutiny in a reasonable timeframe and to respond to recommendations within 28 days of the report being submitted;
- A more detailed report on how scrutiny of the Safer & Stronger Communities Partnership could potentially operate will be brought to Scrutiny Leadership Board in September for consideration.

4.4 The Local Democracy, Economic Development and Construction Bill 2008 - 09

The Bill seeks to create greater opportunities for community and individual involvement in local decision making. The main issues for scrutiny in the Bill are:

- Introducing a requirement that local authorities with lead responsibility for the Local Area Agreement must designate one of their officers as a "Scrutiny Officer", which recognises the inconsistent availability of dedicated scrutiny officer support across the country and that scrutiny works best with dedicated officer support;
- Widening the opportunities for more than two scrutiny committees to undertake Joint scrutiny in addition to Joint Scrutiny Committees introduced in the Local Government and Public Involvement in Health Act 2007 for Local Area Agreement scrutiny;
- Introducing a duty on the Council to respond to local petitions and with this giving the organiser of a petition to appeal to Scrutiny Leadership Board if they are not satisfied with the response to a petition. It is also proposing a new right for petitions to call senior officers to attend a Scrutiny Leadership Board meeting and give evidence.

The Bill is currently in Committee Stage, but the Department for Communities and Local Government, (CLG) hope that it will receive Royal Assent before summer recess of Parliament on 21st July. They foresee at the moment that for the statutory scrutiny officer and Joint Scrutiny parts of the Bill the power would come into effect in September with guidance following shortly after. The petitions part of the Bill is not likely to come into force until April 2010.

4.5 Review of Health Scrutiny by the Department of Health

The Department of Health (DoH) is undertaking a review of Health Scrutiny, which it began by running a number of listening events in the autumn of 2008. The two drivers for the review are:

- a) Lord Darzi's review of the NHS and the reconfiguration of health services prompted the DoH to look at whether timescales should be introduced for the determination of substantial variations by Health Scrutiny and the process for referral to the Secretary of State by scrutiny of NHS consultations;
- b) The legislation on Health Scrutiny was introduced 6 years ago and the structure of the NHS has changed significantly with the introduction of Foundation Trusts, and the developing role of PCT's through commissioning.

The DoH's current position is that there is no case for the introduction of timescales in relation to determining substantial variation and that these should continue to be worked out locally by Health Scrutiny members and local NHS partners. There are no plans to reduce the remit of Health Scrutiny to determine substantial variation of services. The DoH has also highlighted concerns around the interaction of Health Scrutiny and Foundation Trusts from the listening exercises which it wants to address.

The DoH will be running two further listening events on 13th and 27th July, which will be facilitated by the Centre for Public Scrutiny, with a view to sharing draft guidance in the Autumn 2009.

Briefing paper prepared by Alison Smith (Scrutiny Manager), Tel: (01952) 383113

TELFORD & WREKIN COUNCIL

SCRUTINY LEADERSHIP BOARD – 9TH JULY 2009

APPOINTMENTS TO A JOINT HEALTH SCRUTINY COMMITTEE WITH STAFFORDSHIRE, SHROPSHIRE AND STOKE-ON-TRENT COUNCILS

REPORT OF THE HEAD OF FINANCE & AUDIT

1.0 PURPOSE

- 1.1 The purpose of the report is to inform Scrutiny Leadership Board Members of the need for appointments from the Scrutiny Health Monitoring Sub Group to a Joint Health Scrutiny Committee with Staffordshire, Shropshire and Stoke-on-Trent Councils to consider whether the proposal by the Specialist Commissioning Team for the West Midlands to develop Primary Angioplasty (PPCI) is a substantial variation in service that would require public consultation.

2.0 RECOMMENDATIONS

- 2.1 **Members note the requirement for a Joint Health Scrutiny Committee with Staffordshire, Shropshire and Stoke-on-Trent Councils to consider whether the introduction of PPCI is a substantial variation in service and requires public consultation;**
- 2.2 **Members nominate three members of the Health Scrutiny Monitoring group to sit on the Joint Health Committee;**
- 2.3 **Members agree to waive political proportionality for this Joint Health Scrutiny Committee.**

3.0 PREVIOUS MINUTES

- 3.1 Not applicable.

4.0 INFORMATION

- 4.1 The Chairman of the Health Scrutiny Monitoring Sub Group has been approached by the Specialist Commissioning Team for the West Midlands with regard to a development they wish to make to specialist heart treatment for a small number of patients in Shropshire and Staffordshire. The Specialist Commissioning Team is unsure whether this development would constitute a substantial variation or

development in service, and would therefore require a 3 month public consultation.

- 4.2 This Joint Committee would be convened under direction from the Secretary of State about Joint Committees issued in July 2003 which relates to consultations by NHS bodies under the Health and Social Care Act 2001 where people from more than one local authority area may be affected by proposed variations or developments to NHS services. In these circumstances, all health scrutiny committees consulted must decide whether they consider the proposals to be “substantial”. Those health scrutiny committees that do consider them to be substantial must form a joint health scrutiny committee to deal with the consultation and to respond on behalf of their communities.
- 4.3 In consultation with Staffordshire, Shropshire and Stoke-on-Trent Scrutiny functions, the Chairman of the Health Scrutiny Monitoring group, Cllr. Derek White has agreed that a Joint Committee should be convened to discuss and decide whether there is a need for a three month public consultation for this particular service proposal. It has been agreed by the other authorities that for this Joint Committee, political proportionality is waived by those local authorities taking part.
- 4.4 It has also been agreed that 3 Health Scrutiny Members will be nominated by each Local Authority taking part. It is proposed that the following members of the Health Scrutiny Monitoring Group be nominated as Telford & Wrekin representatives on the Joint health Scrutiny Committee with Shropshire, Staffordshire and Stoke-on-Trent Councils:

Cllr. Derek White (Chairman)
Cllr. Angela McClements
Ms Dilys Davis (Co-optee)

Briefing paper prepared by Alison Smith (Scrutiny Manager), Tel: (01952) 383113

Scrutiny Leadership Board – Forward Plan 2009-10

Date of meeting	Agenda items
12 th May 2009	<ul style="list-style-type: none"> • Scrutiny Assembly 19th May • Chairman's update: <ul style="list-style-type: none"> ○ Away day ○ Chairing arrangements for subgroups
Additional meeting 23 rd June 2009	<ul style="list-style-type: none"> • Change to review order for Children & Young people • Feedback from the Scrutiny Assembly on 19th May • Proposal for Introduction of Councillor Call for Action • Amendments to terms of reference for standing sub groups • To consider the options for co-opting from West Mercia police Authority onto SLB for scrutiny of crime & disorder items • Chairman's update: <ul style="list-style-type: none"> Scrutiny and the media Report on urgent decisions by the Chairman
9 th July 2009	<ul style="list-style-type: none"> • Consideration of further information on scrutiny suggestions from 12 May 2009 meeting • New legislation update • Appointment of members to the Joint health Scrutiny Committee with Shropshire, Staffordshire and Stoke • 6 Monthly review of new scrutiny arrangements
16 th Sep 2009	<ul style="list-style-type: none"> • Preparation for Scrutiny Assembly meeting in October • Annual draft Scrutiny Annual Report for full council • Update on First Point recommendations • CDRP scrutiny • Update on implementation of past recommendations • Scrutiny and the media • Report on the Council's Forward Plan • Scrutiny Review Reports
24 th September 2009 – additional meeting	<ul style="list-style-type: none"> • To receive presentation on employee survey results
19 th Nov 2009	<ul style="list-style-type: none"> • Plan for Work Programme session in January • Update on implementation of past recommendations • Scrutiny Lead member appraisals
14 Jan 2010	<ul style="list-style-type: none"> • Work Programme decisions following Scrutiny Assembly • To receive update on actions to address issues from employee survey
25 th Mar 2010	<ul style="list-style-type: none"> • Preparation for Scrutiny Assembly performance meeting • CDRP scrutiny
13 th May 2010	

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Standing Items

- Chairman's Update
- Scrutiny Suggestions
- SLB Forward Plan
- Council Forward Plan
- Progress on reviews
- Recommendations from scrutiny reviews/sub-groups etc.