

# SCRUTINY PROGRAMME BOARD

Thursday, 4 March 2010

Present: Councillor D Mitchell (Chair)

Councillors J Hale D Knowles  
C Meaden AER Jones  
S Clarke H Smith  
J Keeley P Southwood

Deputies: Councillors R Wilkins (In place of A Bridson)

## 40 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST/PARTY WHIP

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were.

Members were reminded that they should also declare, pursuant to paragraph 18 of the Overview and Scrutiny Procedure Rules, whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

No such declarations were made.

## 41 MINUTES

**Resolved – That the minutes of the meeting held on 14 January 2010 be approved.**

## 42 ALLOCATION OF CALL-IN NOTICES

Further to minute 30 (14 January 2010), the Director of Law, HR and Asset Management apologised to the Committee for not circulating a briefing note to Members in advance of the Committee, as had been requested. He referred to the Terms of Reference for the Scrutiny Programme Board and, in particular, to part (iv), which covered the allocation of Call-in Notices. He confirmed that the original Terms of Reference remained unchanged, as a proposed amendment to them, having been considered by the Cabinet (minute 163 (15 October 2009) refers), had not been approved by the Council. Nevertheless, the Director commented that the Terms of Reference allowed the Board itself to hear call-ins which affected more than one Committee and, furthermore, they did not preclude hearings by more than one Committee, where the Board considered it to be appropriate.

However, there was a practical consideration in relation to the time limits specified by Standing Order 35 (Calling in of Decisions) and set out within the Overview and Scrutiny (O&S) Procedure Rules. He proposed that a pragmatic approach for dealing with a call-in which fell within the remit of more than one O&S Committee would be for the Chair and spokespersons to initially consider the most appropriate Committee for it to be referred to and for a meeting of that Committee to be arranged, so as to

be convened to follow the formal allocation of the call-in by the Scrutiny Programme Board.

A Member expressed the view that it would be more appropriate for the most relevant themed O&S Committee to hear call-in notices, rather than the Scrutiny Programme Board, as the Members of the themed Committee would likely be more familiar with the issues contained within the call-in. Alternatively, a special meeting could be called of the appropriate themed overview and scrutiny Committee.

Having regard to the need for legal advice at Committees, the Chair sought the views of Members as to whether they wished for a solicitor to be in attendance at future meetings of the Board. Members commented that any contentious or legal issues would normally be identified prior to meetings and it could usually be determined in advance whether a solicitor would be required.

**Resolved –**

- (1) That the guidance of the Director of Law, HR and Asset Management in relation to the allocation of call-in notices be endorsed.**
- (2) That a briefing note be circulated to Members as previously requested.**
- (3) That the Director of Law, HR and Asset Management be requested to ensure that a solicitor will be available to attend future meetings of the Board, if required to give legal advice to Members.**

43 **EQUALITY AND DIVERSITY - COUNCIL PROGRESS**

The Deputy Chief Executive/Director of Corporate Services provided an overview of the Council's achievements, which led to the award, in November 2009, of Level 3 of the Equality Standard for Local Government. He commented that achieving Level 3 was a major milestone for the Council and he indicated that the Improvement and Development Agency assessors stated it to be a 'good and solid level 3'. He provided details of a number of appointments, which had significantly improved the Council's capacity to provide the necessary leadership and expertise to ensure that equality and diversity issues were embedded across the organisation and he set out examples of the ways in which the Council had led the way in Wirral in relation to the equality agenda.

The Director reported also that the Improvement and Development Agency (IDeA) had developed a new Equality Framework for Local Government, which had now replaced the original Equality Standard. Instead of reaching Levels 1 to 5, Councils would now work towards three levels:

- Developing
- Achieving
- Excellent

The Council had automatically migrated to 'Achieving' status of the new Framework and would need to be assessed for 'Excellent' status by November 2011 or risk having 'Achieving' status removed. Therefore, an action plan for reaching 'Excellent' status was currently being developed by the Corporate Equality and Diversity team. He set out also a number of areas, highlighted by the new Equality Framework for

Local Government, as being in need of effective scrutiny in order for the Council to reach 'Excellent' status by November 2011.

The Chair of the Council Excellence Overview and Scrutiny Committee indicated that Equality and Diversity had been a major focus of that Committee and she referred to the work that had been undertaken to achieve Level 3 of the original Equality Standard.

**Resolved –**

- (1) That the progress made to date be noted.**
- (2) That the Council Excellence Overview and Scrutiny Committee be requested to further develop the scrutiny function to incorporate the criteria of the Equality Framework for Local Government.**
- (3) That the thanks of the Board be accorded to the Equality and Diversity Co-ordinator and her team for their work in securing Level 3 status and for ongoing work to achieve 'Excellent' status by November 2011.**

#### **44 'ONE COUNCIL' SCRUTINY REVIEW - PROGRESS REPORT**

The Chair presented the report of the 'One Council' Members' Working Group, which provided an update on progress for the 'One Council' Scrutiny Review, following a scoping meeting held on 12 February 2010. He outlined the scope of the review, and referred specifically a previous investigation into the operation of the Call Centre, identified at section 10 of the draft Scope document. Although some work in this area had already been undertaken by the former Community and Customer Engagement O&S Committee during 2007/2008, it was proposed by the Working Group that the Call Centre and One Stop Shops would form the basis of the initial 'One Council' review.

**Resolved –**

- (1) That the the Scope for the 'One Council' Scrutiny Review, as detailed in Appendix 1 to the report now submitted, be approved.**
- (2) That the plans for the 'One Council' Scrutiny review be considered further at the first meeting of the Board in the 2010/2011 municipal year.**

#### **45 MEMBERS TRAINING AND DEVELOPMENT**

Further to minute 31 (14 January 2010), the Director of Law, HR and Asset Management provided an update in relation to matters discussed at meetings of the Member Training Steering Group held on 8 February and 1 March 2010. The Group had reached agreement on the way forward in relation to training requests and had also agreed a number of revisions to its terms of reference.

**Resolved – That the update be noted.**

#### **46 SCRUTINY LEAFLET**

Further to minute 32 (14 January 2010), the Director of Law, HR and Asset Management presented for Members consideration a draft Scrutiny Leaflet – 'A

Guide for Wirral Residents'. The leaflet was intended to provide information on the scrutiny function and invite comments from members of the public on which aspects of Council business they believed should be reviewed. It was proposed that the leaflet would be made available in One Stop Shops, libraries etc. and Members were invited to comment upon it or to suggest changes prior to its distribution.

A Member indicated that suggestions for review should 'not normally' be issues that had been considered by an overview and scrutiny committee during the last 12 months and he requested that the leaflet be amended accordingly. Members also requested that versions be made available in larger print and in different languages and that it be reviewed to ensure its compatibility for use by disability groups.

**Resolved – That, subject to the incorporation of those amendments now proposed and to subsequent suggested improvements, the draft Scrutiny Leaflet be approved.**

#### 47 **WORK PROGRAMMES OF OVERVIEW AND SCRUTINY COMMITTEES**

Members received reports outlining the work programmes of the following overview and scrutiny committees, which included indications of how each scrutiny topic was being dealt with, comments on progress and estimated timescales for work to be completed. –

- (a) Children and Young People
- (b) Council Excellence
- (c) Economy and Regeneration
- (d) Health and Well Being
- (e) Sustainable Communities

**Resolved – That the reports be noted.**

#### 48 **REVIEW OF SCRUTINY WORK PROGRAMME**

The Chair presented an updated Monitoring Report on the Committees Work Programme, in order to give Members the opportunity to review it and to ask for new items to be added.

**Resolved – That the report be noted.**

#### 49 **THE FORWARD PLAN AND THE SCRUTINY FUNCTION**

The Director of Law, HR and Asset Management reported that at its meeting on 4 February 2010 (minute 298 refers), the Cabinet considered the referral from the last meeting of the Board (minute 37 (14 January 2010) refers) in relation to the operation of the Forward Plan, which requested the Cabinet to agree to the following –

- (a) That officers include within the Forward Plan a more informative narrative of the key decisions to be taken, together with more accurate timescales.
- (b) That, for a short trial period, Chief Officers be required to submit to the next appropriate Overview and Scrutiny Committee a brief explanation of new items included in the Forward Plan.

He reported that the Cabinet (minute 298) resolved –

- (1) That officers include within the Forward Plan a more informative narrative of the key decisions to be taken, together with more accurate timescales.
- (2) Cabinet notes that Overview and Scrutiny Committees set their own agenda and can call on officers to present additional reports to meet their requirements.

For information, the Director presented a list of new items that had been included in the Forward Plan for the period 1 April to 31 July 2010.

**Resolved –**

- (1) **That the decision of the Cabinet be noted.**
- (2) **That Chief Officers ensure that all new items to be included within the Forward Plan include an informative narrative of the key decisions to be taken, together with more accurate timescales for decisions to be taken.**

50 **DRAFT PROTOCOL - SCRUTINY OF THE CRIME AND DISORDER REDUCTION PARTNERSHIP**

The Director of Law, HR and Asset Management reported that provisions contained within sections 19 – 21 of the Police and Justice Act 2006 extended the remit of local authorities to scrutinise the functioning of the local Crime and Disorder Reduction Partnership (CDRP). The requirements were enacted by the Crime and Disorder (Overview and Scrutiny) Regulations 2009 that came into force for local authorities in England on 30 April 2009 and their implementation was covered by Home Office Guidance for the Scrutiny of Crime and Disorder Matters – England.

The Director reported that, in Wirral, the scrutiny of the CDRP was to be undertaken by the Sustainable Communities Overview and Scrutiny Committee, which had been designated the “Crime and Disorder Committee” under Paragraph 1, Section 19 of Part 3 of the Act. The members of CDRPs were required to take part in scrutiny locally and this included the main partners (‘responsible authorities’): local authorities, fire and rescue authorities, police authorities, the police, primary care trusts in England; plus the ‘co-operating bodies’: probation, NHS trusts, proprietors of independent schools and further education institutions.

The new powers of the Sustainable Communities Overview and Scrutiny Committee, arising from The Police and Justice Act (2006) were to:

- (a) review or scrutinise the decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; and
- (b) make reports or recommendations to the local authority with respect to the discharge of those functions.

The Director presented for consideration a draft protocol to define the manner in which the Sustainable Communities O&S Committee may scrutinise the CDRP and he indicated that it was intended to set out the mutual expectations of both scrutiny members and CDRP partners to ensure that scrutiny was constructive and that the power was used effectively alongside the other powers of Council overview and scrutiny.

He proposed that the Protocol would be considered by the CDRP and by the Sustainable Communities O&S Committee, prior to its consideration/adoption by the Cabinet/Council. The Chair of the Children and Young People O&S Committee requested that the protocol be referred also to that Committee for consideration.

**Resolved –**

- (1) That the draft Scrutiny Protocol for the scrutiny of the Crime and Disorder Reduction Partnership (CDRP) be endorsed and referred to the Sustainable Communities Overview and Scrutiny Committee, the CDRP, the Children and Young People Overview and Scrutiny Committee and the Cabinet for consideration.**
- (2) That subject to the Protocol being revised in the light of any comments received, it be presented to the Council for adoption as a clarification of Scrutiny's relationship with the CDRP.**

**51 ANNUAL SCRUTINY QUESTIONNAIRE**

The Director of Law, HR and Asset Management presented for consideration the second annual Members' Overview and Scrutiny Survey which, he intended would be sent out to all Members in order to assess the continuous improvement of the scrutiny process. Its aim was to assess perceptions about the effectiveness, added value and achievements of Overview and Scrutiny and identify where improvements could be made.

It was also proposed to send the questionnaire to co-opted members and to Directors whose service area was subject to scrutiny. The findings of the survey and any emerging trends from its analysis would form the basis of a report to a future meeting of the Board.

**Resolved –**

- (1) That, subject to minor amendment in relation to the standardisation of response choices, the Annual Overview and Scrutiny Survey 2010, be approved.**
  - (2) That a report and analysis of the findings of the Survey be presented to a future meeting of the Board.**
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