

WIRRAL COUNCIL

SCRUTINY PROGRAMME BOARD

28 FEBRUARY 2012

SUBJECT:	<i>ROLE OF THE SCRUTINY PROGRAMME BOARD</i>
WARD/S AFFECTED:	<i>ALL</i>
REPORT OF:	DIRECTOR OF LAW, HR AND ASSET MANAGEMENT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

- 1.1 At the previous meeting of the Scrutiny Programme Board, held on 4th January 2012, Members requested a report on the role of the Board. This report provides a brief history of Scrutiny Programme Board and a description of the Terms of Reference for the Board, as specified in the Council's Constitution.
- 1.2 For each of the Terms of Reference, the report gives examples of the type of work that the Board has either already undertaken or could undertake in the future.

2.0 RECOMMENDATION/S

- 2.1 Members are requested to note the report and review the work programme of the Scrutiny Programme Board accordingly.

3.0 REASON/S FOR RECOMMENDATION/S

- 3.1 To enable members to make their views known regarding the remit of the Scrutiny Programme Board.

4.0 BACKGROUND AND KEY ISSUES

- 4.1 At the Scrutiny Programme Board meeting held on 4th January 2012, members resolved: "That a report be presented to the next meeting upon the role of the Scrutiny Programme Board" (Minute 25). Therefore, this report gives a brief history of the Scrutiny Programme Board and describes the Terms of Reference for the Board.
- 4.2 Prior to May 2009, for a number of years, there had been ten Overview and Scrutiny Committees, each responsible for scrutinising one of the ten Cabinet portfolios. Within those arrangements, the ten chairs of the Overview and Scrutiny Committees met informally once per cycle to provide a forum for the cross-fertilisation of ideas across the different Scrutiny Committees. In March 2009, Cabinet proposed that the role of the Scrutiny Chairs' Group should be formalised and extended by the introduction of the Scrutiny Programme Board.
- 4.3 The Annual Council meeting, held on 18th May 2009, approved the constitutional amendments which included the creation of the Scrutiny Programme Board as well as the five themed Overview and Scrutiny Committees which are currently in existence.

4.4 In addition to the roles and functions which apply to all Overview and Scrutiny Committees (see Appendix 1 for full details), the following Terms of Reference, as specified in the Constitution, currently apply specifically to the Scrutiny Programme Board:

(i) To approve and co-ordinate the work programme for the five themed overview and scrutiny committees including resolving any conflict between such committees.

It was intended that the Scrutiny Programme Board should monitor the work programmes of the other scrutiny committees in order to highlight and avoid any areas of duplication. The updated work programmes of each of the five themed Overview and Scrutiny Committees are reported to each meeting of the Scrutiny Programme Board.

In order to strengthen the links between the Scrutiny Programme Board and the other five Overview and Scrutiny Committees, it was the original intention that the chairs of the five themed Scrutiny Committees would all also be members of the Scrutiny Programme Board. Although this happened in the first municipal year of operation (2009/10), this principle has declined until this year (2011/12) there is only one of the five Scrutiny Chairs on the Scrutiny Programme Board.

(ii) To allocate work to (or remove work from) any of the five overview and scrutiny Committees'.

It was intended that the Scrutiny Programme Board, as part of its monitoring and coordinating role, would be best placed to refer issues to the other Overview and Scrutiny Committees.

(iii) To review or scrutinise decisions made or other actions taken in relation to any executive functions, particularly (but not exclusively) in relation to cross-cutting issues or matters not within the terms of reference of any of the five themed overview and scrutiny committees.

The Scrutiny Programme Board has not scrutinised any specific Cabinet decisions since 2009 (other than in its role of allocating Call-In notices, as described below).

(iv) To consider call-in notices in relation to any executive functions and determine such notices only if it has not been possible for the Chief Executive or Director of Law, HR and Asset Management, in consultation with the Chair and Party Spokespersons of the Board, to agree to allocate Call-in notices to the appropriate overview and scrutiny committee, or to the Board for consideration;

From May 2009, the Scrutiny Programme Board was responsible for allocating Call-In notices to the most appropriate Overview and Scrutiny Committee. As a result, there were a number of instances where a meeting of the Scrutiny Programme Board has been called, often at short notice, in order to allocate a

Call-In notice to another Overview and Scrutiny Committee. As a result, members of the Scrutiny Programme Board, on 8th September 2011, resolved:

- (1) That the Scrutiny Programme Board notes the bureaucratic and cumbersome way current Call-In requests are allocated, with the associated costs in officers' time.
- (2) Therefore, the Scrutiny Programme Board recommends that the Council's Constitution and processes be amended to allow the Chief Executive or the Director of Law, HR and Asset Management, in consultation with the Chair and spokespersons of the Scrutiny Programme Board to allocate the Call-In notice to the appropriate Overview and Scrutiny Committee, or to the Board, for consideration.
- (3) That, if it is not possible for agreement to be reached by the group spokespersons, the Call-In notice be referred to the Scrutiny Programme Board for a decision on allocation.

Subsequently, Council approved this constitutional amendment on 17th October 2011. There have been no Call-In notices since that time.

(v) To be responsible for the development and monitoring of an annual scrutiny work programme.

The updated work programmes of each of the five themed Overview and Scrutiny Committees are reported to each meeting of the Scrutiny Programme Board. In addition, the Scrutiny Programme Board is encouraged to develop and monitor its own work programme to ensure that work relevant to the Board's remit is carried out.

(vi) To undertake scrutiny in its own right with regard to cross-cutting or strategic issues not covered by other overview and scrutiny committees.

This Term of Reference enables members to undertake scrutiny on a wide range of issues and will allow members to scrutinise a variety of cross-cutting and strategic issues. To date, the major piece of scrutiny work undertaken by the Scrutiny Programme Board has been the Alcohol scrutiny review which took place during 2010. Members agreed that this scrutiny review should be led by the Scrutiny Programme Board because of the cross-cutting nature of the issue, having links with health, children's services, community safety, licensing, and so on. The work was undertaken by an all-party working group, comprising four members of the Scrutiny Programme Board. The final report was approved by the Scrutiny Programme Board in January 2011 and the recommendations supported by Cabinet in March 2011. A report to review progress since that time is due to be reported to the Board.

Some work was also undertaken during 2010 to assess the use of the Forward Plan in highlighting future issues to scrutiny members.

(vii) To identify and share good scrutiny practice across all overview and scrutiny committees.

A variety of activities have been undertaken to share good practice with members and also to make members aware of changing national legislation and practices. These activities include:

- A feedback report resulting from a scrutiny member's visit to Warrington.
- Feedback reports based on the annual survey of scrutiny undertaken by the Centre for Public Scrutiny.
- Members' surveys undertaken and summary reports produced regarding scrutiny in Wirral.
- Scrutiny training requirements debated with members.
- Reports produced based on the Annual Scrutiny Awards undertaken on an annual basis by the Centre for Public Scrutiny. The reports highlighted examples of good practice in public scrutiny.
- Updates provided regarding new legislation, which directly affect the scrutiny function.
- A scrutiny workshop was held in autumn 2010 to enable members to give direction to the future of scrutiny activities.

5.0 RELEVANT RISKS

5.1 There are none arising directly from this report.

6.0 OTHER OPTIONS CONSIDERED

6.1 The Localism Act, which received Royal Assent in November 2011, will allow Councils greater freedom to devise their own democratic governance arrangements. The Democracy Working Party, with a representation of 2:2:2 across the three political groups, is currently meeting on a regular basis. This Working Party is investigating the future options for democratic governance arrangements in Wirral, including the current Strong Leader model, a Committee system model or a hybrid model. Consequently, the future role of the Scrutiny Programme Board will be resolved as part of that process.

7.0 CONSULTATION

7.1 There has been no specific consultation in relation to this report.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 There are no implications arising directly from this report.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 There are no resource implications arising directly from this report.

10.0 LEGAL IMPLICATIONS

10.1 There are no implications arising directly from this report.

11.0 EQUALITIES IMPLICATIONS

11.1 There are no implications arising directly from this report

11.2 Equality Impact Assessment (EIA)

(a) Is an EIA required? No

12.0 CARBON REDUCTION IMPLICATIONS

12.1 There are no implications arising directly from this report.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are no implications arising directly from this report.

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APPENDICES

Appendix 1 – Full Terms of Reference for the Scrutiny Programme Board

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Scrutiny Programme Board	4 January 2012

FULL TERMS OF REFERENCE
FOR THE SCRUTINY PROGRAMME BOARD

6.1 Terms of Reference

The Council will appoint six Overview and Scrutiny Committees to discharge the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000. Each overview and scrutiny committee will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of the Council's functions;
- (ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive; and within the following terms of the Cabinet portfolio(s) indicated:

(Note; For clarity, the Terms of Reference for the remaining five Overview and Scrutiny Committees have been removed at this point).

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- (i) To approve and co-ordinate the work programme for the five themed overview and scrutiny committees including resolving any conflict between such committees;
- (ii) To allocate work to (or remove work from) any of the five overview and scrutiny Committees';
- (iii) To review or scrutinise decisions made or other actions taken in relation to any executive functions, particularly (but not exclusively) in relation to crosscutting issues or matters not within the terms of reference of any of the five themed overview and scrutiny committees;
- (iv) To consider call-in notices in relation to any executive functions and determine such notices only if it has not been possible for the Chief Executive or Director of Law, HR and Asset Management, in consultation with the Chair and Party Spokespersons of the Board to agree to allocate Call-in notices to the appropriate overview and scrutiny committee, or to the Board for consideration;
- (v) To be responsible for the development and monitoring of an annual scrutiny work programme;
- (vi) To undertake scrutiny in its own right with regard to cross-cutting or strategic issues not covered by other overview and scrutiny committees;
- (vii) To identify and share good scrutiny practice across all overview and scrutiny committees.

6.2 General role

Within their terms of reference, Overview and Scrutiny Committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area committee in connection with any policy or the discharge of any functions;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive. Decisions may be called in only once.

6.3 Specific functions

(a) **Policy development and review** –Overview and Scrutiny Committees may:

- (i) assist the Council and the Cabinet in the development of the budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) question members of the Cabinet and committees and chief officers about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny** –Overview and Scrutiny Committees may:

- (i) review and scrutinise the decisions made by and performance of the Cabinet and committees and Council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question members of the Cabinet and committees and chief officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (iv) make recommendations to the Cabinet or appropriate committees or the Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny committee and local people about their activities and performances; and
- (vi) question and gather evidence from any person (with their consent).

(c) **Best Value** –Overview and Scrutiny Committees will:

- (i) recommend the terms of reference for best value reviews to the Cabinet;

- (ii) receive progress reports on best value reviews;
- (iii) recommend the final report and improvement plans to the Cabinet.

(d) **Finance** –Overview and Scrutiny Committees may exercise overall responsibility for any finance made available to them.

(e) **Annual Report** –Overview and Scrutiny Committees may report annually to the Council on their workings and make recommendations for future work programmes and amend working methods if appropriate.

(f) **Officers** –Overview and Scrutiny Committees may exercise overall responsibility for the work programme of any officers employed to support their work.