

SCRUTINY PROGRAMME BOARD

Tuesday, 28 February 2012

Present:

Councillor S Mountney (Chair)

Councillors	P Glasman	T Smith
	A Bridson	A Sykes
	C Blakeley	KJ Williams
	P Hackett	

Deputies:

Councillors B Mooney (In place of RL Abbey)
C Povall (In place of A Hodson)

27 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST/PARTY WHIP**

No declarations of interest were received.

28 **MINUTES**

RESOLVED:

That the Minutes of the meeting of the Scrutiny Programme Board held on 4 January 2012 be confirmed as a correct record.

29 **COMPLAINTS MADE UNDER THE MEMBERS' CODE OF CONDUCT**

The Scrutiny Programme Board considered an updated summary of complaints made against Wirral Councillors where it had been alleged that the Council Members' Code of Conduct had been breached. Members noted the detail of these complaints. Some complaints were still in the process of being dealt with and Members received a progress report on each of them.

RESOLVED:

That the updated summary of standards complaints and progress being made be noted.

30 **ROLE OF THE SCRUTINY PROGRAMME BOARD**

The Scrutiny Programme Board considered a report by the Director of Law, HR and Asset Management on its role which it had requested at its last meeting on 4 January 2012. The report set out a brief history of the Scrutiny

Programme Board and described its Terms of Reference as specified in the Council's Constitution.

For each of the Terms of Reference, the report provided examples of the type of work that the Board had either already undertaken or could undertake in the future.

Members found the content of the report very useful and proposed that it be given to newly elected Members as part of the Members' Induction Programme.

Members considered the make up of the Board and were of the view that all five Overview and Scrutiny Chairs should be selected to sit on the Board, supported by other Members and that it should be Chaired by a senior Member of the Council. Members also agreed that it may be useful for the Board to co-opt Members (without voting rights) from time to time to assist with its work.

The Board discussed Members' scrutiny training requirements and the detail of a visit to Warrington Borough Council to see how its scrutiny function operated was recounted.

RESOLVED: That

- (1) the content of the report be noted and Alan Veitch, Scrutiny Support Officer be thanked for his significant contribution to it;**
- (2) newly elected Members be given a copy of the report for information;**
- (3) the report be referred to the Democracy Working Party and it be informed of the Scrutiny Programme Board's view on its future make up and Membership; and**
- (4) the Member Training Steering Group be recommended to focus on newly elected Members, initially, and ensure that scrutiny training is provided for all of them, following the Local Government Elections in May 2012.**

31 NEW LEGISLATIVE FRAMEWORK SUMMARY

Further to Minute No. 23 of the last meeting of the Scrutiny Programme Board, Members considered a report by the Director of Law, HR and Asset Management that included a summary of the document produced by the Centre for Public Scrutiny, putting the proposed legislative changes into a Wirral context. The report examined the provisions of the Localism Act, the Police Reform and Social Responsibility Act and the Health and Social Care

Bill and drew conclusions from the new legislation about the future of scrutiny. It was noted that the report discussed only the implications on scrutiny. It did not cover some of the wider implications of the legislation.

The Board discussed the report at length and paid particular attention to the Police Reform and raised concerns about the dispersal of funds by the Police and Crime Commissioner and the possible resulting impact on anti social behaviour. It also made reference to the Family Safety Unit which was substantially funded by the Wirral Community Safety Partnership. It was proposed that the Board could look at the funding of these services on Wirral as this was a period of time when there would be significant change.

RESOLVED: That

- (1) the content of the report be noted;**
- (2) all Members of the Council be sent a copy of the report to raise their awareness of the implications of the legislation;**
- (3) the report be referred to the Democracy Working Party for consideration; and**
- (4) the dispersal of funds by the Police Crime Commissioner and the funding of the Family Safety Unit be considered further when the Board reviews its Work Programme later on the agenda (Minute No. 36 refers).**

32 POLICE AND CRIME PANELS AND COMMISSIONER ELECTIONS

A report by the Director of Law, HR and Asset Management reviewed progress to date and next steps regarding the election of Police and Crime Commissioners (PCCs) and the setting up of Police and Crime Panels in both a national and local context.

The Police Reform and Social Responsibility Act 2011 provided for the establishment of a new post of PCC. This post would replace the existing Merseyside Police Authority structure.

The Board considered a Briefing Paper at Appendix 1 to the report noting that a public election would take place on 15 November 2012 for the first PCC. Elections after 2012 would be held on the same day as local elections. The PCC would take office on 22 November 2012 and would remain in post for four years until May 2017. The PCC would have responsibility for:

- Appointing the Chief Constable (CC) and holding them to account for the running of their force.

- Setting out a 5 year Police and Crime Plan to be published by March 2013 (in consultation with the CC) determining local policing priorities.
- Setting the annual local precept and annual force budget.
- Making community safety grants to other organisations aside from the CC (including but not limited to Community Safety Partnerships).

Members were informed that The Home Office (regional briefing 25 January 2012) believed that Local Authorities should offer Commissioners their existing community engagement networks (rather than re-invent the wheel) – the resourcing of this was presently unknown.

The Briefing Paper informed that Police and Crime Panels (PCP) would be created as a formally constituted joint committee of all the authorities in the Police Force area. The Home Office had stressed (regional briefing 25 January 2012) that the PCP would support the PCC and act as a critical friend and challenge. The committee would be bound by Schedule 12A of the Local Government Act 1972 (Access to Information: Exempt Information)

According to the Home Office the PCP would be a “lightweight” scrutiny body. It would exist to scrutinise the PCC, to promote openness in the transaction of police business and also to support the PCC in the effective exercise of their functions, the PCP would specifically scrutinise:

- Police and crime plan
- Council Tax precept
- Chief Constables appointment
- Annual report

The PCP would have the power of veto over the PCC decisions with a two-thirds majority vote on issues of:

- Precept
- Selection/removal of the Chief Constable.

The Board noted that the PCC would not be elected to balance their actions/decisions against the wider community needs but only those of crime and disorder. With the PCC’s right to precept on local government and bearing in mind the PCC’s single responsibility, the decision on how much taxation should be used for this single responsibility would be made without the need to consider other local government expenditure.

The Police Force’s budget must include an element of the ‘strategic policing requirement’, the activities each force was duty-bound to undertake to preserve national security but other than that the PCC could set the force budget in any way they choose. It was worth noting that one of the two members of staff a PCC has to employ by law was a chief finance officer.

The PCP would not have veto over the force budget.

There was an expectation that PCPs should/would be set up following the May 2012 elections and start to meet in shadow form in September/October. There was currently (although further discussions would be held) no funding to cover the PCP shadow period.

Unlike Police Authorities, PCCs would not be 'responsible authorities' under the Crime and Disorder Act 1998, and hence would not be members of Community Safety Partnerships (CSP). However, provisions in the Police Reform and Social Responsibility Act placed a mutual duty on PCCs and responsible authorities in CSPs to co-operate to reduce crime, disorder and re-offending. There was also a similar reciprocal duty on the PCC and criminal justice bodies to co-operate.

The Board considered the Community Safety Co-ordinator's note at Appendix 2 to the report which outlined a proposed process that would enable the priorities of Wirral CSP to be presented to the PCC for "possible" inclusion within the five year Police and Crime Plan.

RESOLVED: That

- (1) the contents of the report be noted; and**
- (2) the report be referred to the Democracy Working Party for consideration.**

33 EQUALITY IMPACT ASSESSMENTS

A report by the Director of Law, HR and Asset Management was presented at the request of Members, at the last Scrutiny Programme Board meeting held on 4 January 2012. The report summarised the Centre for Public Scrutiny's Policy Briefing 'Equality Impact Assessments'.

The Director's report informed that as part of the Equality Duty 2010 and further The Public Sector Equality Duty which came into full force in April 2011, the Council had a legal requirement to give due regard to the impact of its policies and decisions on people who shared protected characteristics (race, gender, disability, sexual orientation, age, religion/belief, gender re-assignment, marriage/civil partnership, pregnancy/maternity).

As part of the Independent Corporate Governance Review report, Anna Klonowski had highlighted 'shortfalls in the way the Council evaluated the impact of its policies both prior to execution and in response to evidence about the impact'. Subsequently the report had identified 'Equalities' as an area for improvement.

Appendix 1 to the Director's report informed that The Equalities Act 2010 ("The Act") has two main purposes:

- to harmonise discrimination law, and
- to strengthen the law to support progress on equality.

The Public Sector Equality Duty (PSED) (section 149 of The Act) came into force on 5 April 2011 and applied to public bodies and others carrying out public functions. It supported good decision-making by ensuring public bodies considered how different people would be affected by their activities, helping them to deliver policies and services which were efficient and effective; accessible to all and which met different people's needs.

The PSED was supported by specific duties, as set out in the Statutory Code of Practice, which came into force on 10 September 2011. Members were informed that the specific duties required public bodies:

- to publish relevant, proportionate information demonstrating their compliance with the PSED; and
- to set themselves specific and measurable equality objectives.

Section 31 and 32 of the Equality Act gave the Equalities and Human Rights Commission (EHRC) the power to issue "a compliance notice" if these duties were not being carried out. Individuals disadvantaged by public sector decisions could still bring an action under the Human Rights Act 1998.

The Board noted that all Council officers, from recycling officers to transport planners to social workers to librarians, had a duty to consider access to the services they provided and the implications of the policies they developed for all groups in the local community: It was not only the responsibility of the equalities officer or diversity champion. Likewise, consideration of equalities issues was important to scrutiny committees, whether they were carrying out a review of the council's recycling policy, monitoring children's social services or challenging the development of the library plan.

It was noted that a robust methodology in the completion of EIAs would allow the Council to affirm that it had made a policy decision in a logical way, and that no assumptions had been made about the impact of a certain section of the community.

As it was important to consider the broad policy impacts of decisions, the effective production of EIAs relied on the principles of equality being "mainstreamed" within the wider decision making process. It was difficult to think of any policy change that the Council could implement that would have no impact whatsoever on local people.

RESOLVED: That

- (1) the contents of the report be noted; and**
- (2) the report be referred to all five Overview and Scrutiny Committees for their consideration.**

34 FORWARD PLAN

The Director of Law, HR and Asset Management reported that the Forward Plan for the period February to May 2012 had been published on the Council's intranet/website. Members had been invited to review the Plan, prior to the meeting, in order for the Scrutiny Programme Board to consider, having regard to its work programme, whether scrutiny should take place of any items contained within the Plan and, if so, how it could be done within relevant timescales and resources.

Councillor P Glasman drew attention to the key decision – Support People with Learning Difficulties – Contract Negotiations and queried whether it should be listed under the Health and Wellbeing Cabinet Portfolio rather than under the Housing and Community Safety Cabinet Portfolio, where it was at present.

RESOLVED: That

- (1) the content of the current Forward Plan be noted; and**
- (2) the Head of Legal and Member Services be requested to look into the query raised by Councillor P Glasman and email her the answer.**

35 WORK PROGRAMMES OF OVERVIEW AND SCRUTINY COMMITTEES

The Director of Law, HR and Asset Management presented the work programmes of each of the themed Overview and Scrutiny Committees for Members' information and consideration, in accordance with the Board's terms of reference to review and co-ordinate the scrutiny work programme so as to avoid duplication. The Terms of Reference also allowed the Board to identify matters for scrutiny which were cross-cutting or strategic issues not covered by other committees.

The Board, particularly, made reference to the Children and Young People's Overview and Scrutiny Committee's suggestions for additions to its work programme. On the programme was a topic entitled – Serious Case Reviews and the Relationship with Safeguarding Board and Members noted that the intention was to deal with the topic by providing training sessions for all Councillors conducted by the Training Team.

Members made the point that it was not the role of the Scrutiny Programme Board to police the other five Overview and Scrutiny Committees and that if the Chair of each of them sat on the Board they would be able to police themselves.

RESOLVED: That

- (1) the Scrutiny Work Programmes be noted; and.**
- (2) the attention of Melissa Holt, Organisational Development Manager be drawn to the proposed Safeguarding Training Sessions detailed in the Children and Young People's Overview and Scrutiny Committee's Work Programme.**

36 REVIEW OF SCRUTINY PROGRAMME BOARD WORK PROGRAMME

The Scrutiny Programme Board was requested to consider whether any matters should be added to its Work Programme for the remainder of the current Municipal Year, having regard to its Terms of Reference and available timescales and to propose any matter that the Board may be taken into consideration, before drawing up its Work Programme for the next Municipal Year.

Further to Minute No. 31 Councillor P Glasman proposed that consideration be given to undertaking a piece of work on changes to the funding arrangements for the Community Safety Partnership (CSP) in view of the amount of domestic abuse reported in Wirral. Concerns had already been raised about the distribution of funds by the PCC and the future funding of the Family Safety Unit earlier in the meeting. Members were aware that there were competing factions providing similar services were competing for funding and they may need to join together at some stage in the future. It was considered that the PCCs would be very powerful and that there may be difficulties in holding them to account. Members were aware that the PCC may not want a CSP in Wirral and that there was an issue of timing. This would need to be kept under review.

The Board noted that there were radical changes on the way and was of the view that scrutiny work on some of the new legislation e.g. Police Reform, the Social Responsibility Act and the Localism may need to be carried out in the new Municipal Year. Members requested that a report on the changes be presented to the Board, at the appropriate time, during the new Municipal Year and any work identified to be carried out would be allocated to the appropriate Overview and Scrutiny Committee(s).

RESOLVED: That

- (1) the content of the current Work Programme be noted; and**
- (2) the proposals put forward above in respect of the 2012/13 Overview and Scrutiny Work Programme be considered by the Scrutiny Programme Board at its first meeting in the new Municipal Year when it agrees scrutiny topics for its Work Programme.**

37 RESPONSE TO THE SCRUTINY REVIEW ON THE AVAILABILITY OF ALCOHOL TO YOUNG PEOPLE

The Scrutiny Programme Board had undertaken a Scrutiny Review into the access to alcohol by young people in Wirral, during 2010. 'Tackling alcohol harm' was, at the time, a Priority for Improvement in the Council's Corporate Plan for 2010/11 and a Corporate Aim for 2008-2013. It had then produced a Report with eleven recommendations.

The Board's Report had been considered by the Cabinet at its meeting on 17 March 2011 (Minute No. 357 refers) and it had requested the Director of Public Health to be the lead officer for co-ordinating the response of the Council and other Agencies to the Report.

A report by the Director of Public Health set out responses to each of the Board's eleven recommendations detailed in its Report concerning alcohol availability to young people. The Board referred to each of the eleven responses and discussed alcohol abuse and underage drinking in detail. Councillor C Povall informed that a series of leaflets, produced by Wirral Social Workers, dealing with underage drinking and how to approach people to promote safe drinking. They were so informative that other Councils were considering purchasing these leaflets from Wirral Council.

Members were aware that some shops did sell alcohol to underage drinkers. They were disappointed that the Director of Public Health had made no mention of the police's involvement in this in her report. It was agreed that the Licensing Sergeant had a very important role to play here.

Concerns were raised that alcohol could be purchased by youngsters over the telephone and delivered to the door.

RESOLVED:

That a letter be sent to the Head of Regulation along with a copy of the report, outlining how seriously the Board takes the issue of alcohol and its availability to young people, the reasons for its focus on it, the

damage it can do and requesting him to take any appropriate action open to him to discourage its sale to them.