
Scrutiny: Briefing



To:	Policy and Performance Coordinating Committee
From:	Scrutiny Support Team
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1. The Purpose of Scrutiny

Overview & Scrutiny is a function of local authorities in England & Wales. It was introduced by the Local Government Act 2000 which created separate Executive and Overview and Scrutiny functions within Councils.

Councils that operate executive arrangements are required to create an Overview & Scrutiny Committee which is composed of Councillors who are not on the Executive Committee or Cabinet. Wirral Council's Overview & Scrutiny function is undertaken through four Policy & Performance Committees.

Overview and scrutiny is a vital component of good governance, which has the potential to significantly improve the quality of Council decision-making, service provision and cost-effectiveness. It includes:

- Holding the Executive to account – a primary role is to provide a framework of accountability which seeks to modify executive behaviour and prevent the abuse of power.
- Holding Partners to account – scrutiny provides an opportunity to investigate the work of public, private and voluntary sector partners and their impact on the community.
- Horizon-scanning – looks ahead to future changes in local government in order to help the Council adapt to them. This will usually mean considering future actions by central government which will have repercussions at the local level.
- Policy Development and Review – scrutiny contributes to the development of key policies to be included in the Council's policy framework, as well as examining how well a policy has been implemented and if outcomes have been achieved.
- Pre-decision scrutiny – examines the council's proposals, objectives, and draft programmes in order to inform their development before they are delivered. This helps the council to achieve optimum impact by avoiding mistakes and grasping opportunities.
- Post-decision scrutiny – examines the implementation of council policy and performance and enables the council to review the effects of its decision-making
- In-depth review – small groups of councillors will undertake detailed investigations into a specific topic of particular interest to them. The process is member-led and can involve methods such as informal meetings, mystery shopping, external visits etc. This type of review can facilitate greater involvement of residents and community organisations.
- Performance management and improvement – involves reviewing achievement against Corporate Plan goals and targets. This can be a powerful force for improvement by highlighting areas of poor performance and ways to address this.

2. The Role of the Coordinating Committee

The Policy and Performance Coordinating Committee is responsible for:

- Determining the Overview and Scrutiny Rules and operational protocols
- Determining the overall work programme of the four Policy and Performance Committees, including ensuring there is an overall planned approach to in depth reviews generated by the three committees.
- Allocating responsibilities to the Policy and Performance Committees where there is an ambiguity or matter of concern which falls under the remit of more than one committee.
- Considering any matter affecting the area or its inhabitants including matters referred by constituency committees and councillor calls for action, and exercises the right to call in, for reconsideration, decisions made but not yet implemented by the Cabinet.
- Approving an overview and scrutiny forward work programme, including the programme of any sub-committees it appoints so as to ensure that committees' and sub-committees' time is effectively and efficiently utilised.
- Considering matters of a corporate, strategic or cross-cutting nature.

Call-in

The Coordinating Committee is charged with dealing with all Executive decisions that are called-in. A special call-in meeting is scheduled at which witnesses representing the decision-taker and call-in signatory provide evidence for the Committee to consider. Following sufficient debate, the committee will either accept the decision as it stands or refer the decision back to the decision taker to re-consider. The constitution provides further information: Council Procedure Rules, Section 2 - Standing Order 35.

<http://democracy.wirral.gov.uk/ecCatDisplay.aspx?sch=doc&cat=12881&path=0>

Future Council

Cabinet has requested the Future Council Programme is included as a priority in the work programmes of each of the Policy and Performance Committees to ensure it is subject to robust challenge and scrutiny. It is proposed Policy and Performance Committees input into the Future Council Process at three key stages:

- **Stage One (July Meeting)** – The session is for Members to debate the future direction of service provision and the principles on which budget options and are being developed. Feedback will form part of the budget development process.
- **Stage Two** – During September, it is proposed that sessions are facilitated with the Policy and Performance Committees to discuss and debate the full set of budget options developed through the Future Council process.
- **Stage Three (November)** – The final series of meetings will see all Committees receiving the public and stakeholder consultation feedback before it is reported to Cabinet to inform budget decisions. This will provide Committees with the opportunity to discuss the consultation findings and, in the light of the feedback received, make any recommendations to Cabinet.

3. The Work Programme

Each Policy & Performance Committee develops a work programme setting out priorities for its work. The work programme should align with the corporate priorities of the Council and will be informed by:

- Service Performance information
- Risk management information
- Service priorities including any planned service changes
- Public or service user feedback
- Referrals from the Executive

The work programme is presented as a schedule highlighting the topics being considered either via officer reports or by small groups of members undertaking task and finish reviews. The selection of topics is considered at the start of the municipal year and reviewed at each committee meeting. The Chair will usually discuss potential topics with the party spokespersons, relevant Portfolio Holder and Strategic Director.

The Co-ordinating Committee has oversight of the work programmes of all Policy and Performance Committees to avoid potential duplication and allocate work that may cut across more than one committee.

4. Outstanding items from 2013/14 Work Programme

The table below sets out the scrutiny reviews currently in progress and those topics suggested during 2013/14 as potential pieces of work for all four committees:

Committee	Topic
Coordinating Committee	<ul style="list-style-type: none">• Universal Credit (<i>proposed</i>)• Review the content of the wider Scrutiny Work Programme (<i>proposed</i>)• Quality Assurance of previous Scrutiny Reviews to promote good practice (<i>proposed</i>)• Review the consistency of developing recommendations (<i>proposed</i>)• Review how Constituency Committee decision-making is scrutinised (<i>proposed</i>)
Families & Wellbeing	<ul style="list-style-type: none">• Safeguarding Children (<i>in progress</i>)• Domestic Violence (<i>proposed</i>)• Reducing hospital admission and dependency on nursing and residential home for older people (<i>proposed</i>)• The detrimental effects of over consumption of alcohol on communities and how agencies can work collaboratively to reduce them (<i>proposed</i>)• Health Inequalities (<i>proposed</i>)• Services for BME Communities (<i>proposed</i>)

Regeneration & Environment	<ul style="list-style-type: none"> • Review of Apprenticeships (<i>in progress</i>) • Review of Car Parking Strategy (<i>in progress</i>) • Review of street cleansing post budget options (<i>proposed</i>) • Monitoring the highways contract (<i>proposed</i>) • Regional Growth - Offshore Industry (<i>proposed</i>) • Coastal Issues (<i>proposed</i>)
Transformation & Resources	<ul style="list-style-type: none"> • Review of sickness absence process (<i>proposed</i>) • Local Welfare Assistance Scheme (<i>proposed</i>)

5. Relevant Plans and Strategies

- Corporate Plan
<http://www.wirral.gov.uk/downloads/6538>
- Investment Strategy
<http://www.wirral.gov.uk/my-services/business/investment-strategy>
- Medium Term Financial Strategy
<http://democracy.wirral.gov.uk/documents/s50016642/MTFS%202014-17%20FEB%20FINAL.pdf>
- Health & Wellbeing Strategy
http://info.wirral.nhs.uk/health & wellbeing_boardv2.html
- Children & Young People's Plan
<http://www.wirral.gov.uk/my-services/childrens-services/childrens-trust/children-and-young-peoples-plan>

6. Key Policy Drivers

Queen's Speech - Legislation 2014/15

Universal Infant Free School Meals (UIFSM)

To improve education attainment and child health, the government will ensure all infants will receive a free school meal. Following the Government's announcement on 17 September 2013, the Government is introducing free school meals (FSM) for every child in reception, year 1 and year 2 in state-funded schools from September 2014.

Infrastructure Bill

Planning

The Bill would allow certain types of planning conditions to be discharged upon application if a local planning authority has not notified the developer of their decision within a prescribed time period, reducing unnecessary delay and costs. The Bill would simplify the process for making changes to Development Consent Orders (DCO) by speeding up non-material changes to a DCO, and allowing simplified processes for material changes.

Land Registry Charges

The Bill would transfer statutory responsibility for the local land charges register and delivery of local land charges searches to the Land Registry supporting the delivery of digital services and extend Land Registry's powers to enable it to provide information and register services relating to land and other property.

Building Regulations

The Government would set a minimum energy performance standard through the building regulations. The remainder of the zero carbon target would be met through cost effective off-site carbon abatement measures – known as 'allowable solutions'. Small sites, which are most commonly developed by small scale house builders, will be exempt. The definition of a small site will be consulted on shortly, and set out in regulation.

Small Business, Enterprise and Employment Bill

Legislation will be introduced to help make the United Kingdom an attractive place to start, finance and grow a business. Aims of the Bill include:

- To make it easier for small businesses to access finance; improve payment practices between small businesses and their customers; providing small firms with fair access to the £230 billion spent each year in the form of public procurement contracts; and increase the availability and sources of finance for businesses that want to invest.
- Bring a new Statutory Code and independent Adjudicator to ensure that the sole traders and small businesses that run 20,000 or so tied pubs across England and Wales are treated fairly.
- Prevent public sector employees keeping redundancy payments when they come back to the same part of the public sector within a short period of time.

Other Policy Drivers

Local Government Procurement – March 2014

The Report calls on councils and the Local Government Association to invest now to ensure procurement skills are embedded across councils. This requires in-depth skills from all staff involved in designing, commissioning and managing services, not just procurement officers.

<http://www.parliament.uk/business/committees/committees-a-z/commons-select/communities-and-local-government-committee/news/procurement-substantive/>

Local Audit & Accountability Act 2014

The Local Audit and Accountability Act 2014 has a significant impact on local government. The Act sets out the new regime for local audit and reforms the way audit is procured by councils and how these contracts are managed (they were previously appointed and managed by the Audit Commission). The Act will also change the commissioning of value for money studies and provides the National Audit Office with Get in on the Act: The Local Audit and Accountability Act 5 the power to commission research into local government. The LGA will both create a company to manage the external audit contracts after the Audit Commission closes and take on responsibility for the Value for Money profiles.

<http://www.legislation.gov.uk/ukpga/2014/2/contents/enacted/data.htm>

The Care Act 2014

The Care Bill received Royal Assent on 14 May and has now been passed into law as the Care Act 2014 (the Act).

- The Act introduces major reforms to the legal framework for adult social care, to the funding system and to the duties of local authorities and rights of those in need of social care.
- The potential impact on local authorities' finances and on their working practices is enormous.

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted/data.htm>

Integrated Care – Better Care Fund

The £3.8 billion Better Care Fund (formerly Integration Transformation Fund) was announced by the Government in the June 2013 Spending Round, to ensure a transformation in integrated health and social care. The Better Care Fund (BCF) is a single pooled budget to support health and social care services to work more closely together in local areas. The BCF not only brings together NHS and Local Government resources, but also provides an opportunity to improve services and value for money, protecting and improving social care services by shifting resources from acute services into community and preventative settings. However the fund, which was due to be introduced in May 2014 has been delayed following a Whitehall review. Further work into the viability and impact will be considered before implementation.

http://www.local.gov.uk/health-wellbeing-and-adult-social-care/-/journal_content/56/10180/4096799/ARTICLE

Careers guidance provision for young people in schools – DfE guidance

The government has published revised statutory guidance Careers guidance provision for young people in schools on the provision of careers advice, along with a companion document of further non-statutory guidance. This follows from the 2011 Education Act, which transferred responsibility for careers advice from local authorities and to schools, the consequences of which have caused concern subsequently.

<https://www.gov.uk/government/publications/careers-guidance-for-young-people-in-schools>

Children and Families Act 2014

The new Children and Families Act will mean changes to the law to give greater protection to vulnerable children, better support for children whose parents are separating, a new system to help children with special educational needs and disabilities, and help for parents to balance work and family life.

The act also ensures vital changes to the adoption system can be put into practice, meaning more children who need loving homes are placed faster. Reforms for children in care can be implemented including giving them the choice to stay with their foster families until their 21st birthday

<http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted/data.htm>

Consumer Rights Bill (draft)

The Consumer Rights Bill sets out a framework that consolidates in one place key consumer rights covering contracts for goods, services, digital content and the law

relating to unfair terms in consumer contracts. In addition, the Bill introduces easier routes for consumers and small and medium sized enterprises (SME) to challenge anti-competitive behaviour through the Competition Appeal Tribunal (CAT). The Bill also consolidates enforcers' powers to investigate potential breaches of consumer law and clarifies that certain enforcers (Trading Standards) can operate across local authority boundaries. It will also give the civil courts and public enforcers greater flexibility to take the most appropriate action for consumers when dealing with breaches or potential breaches of consumer law.

This bill is currently at the reporting stage (House of Commons)

<http://services.parliament.uk/bills/2013-14/consumerrights.html>

Deregulation Bill

The Deregulation Bill provides for the removal or reduction of burdens on businesses, civil society, individuals, public sector bodies and the taxpayer. These include measures relating to general and specific areas of business, companies and insolvency, the use of land, housing, transport, communications, the environment, education and training, entertainment, public authorities and the administration of justice. The Bill also provides for a duty on those exercising specified regulatory functions to have regard to the desirability of promoting economic growth.

This bill will continue its progress in the next session of Parliament.

<http://services.parliament.uk/bills/2013-14/deregulation/documents.html>

Draft Bills

Apprenticeship reforms

The government aims to increase the total number of apprenticeship places to two million by the end of the Parliament.

Increasing housing supply

The Government will seek to increase housing supply and home ownership by reforming the planning system, enabling new locally-led garden cities and supporting small house building firms. The Government will provide development finance to support smaller builders to develop new homes across the country. The £525 million Builders' Finance Fund will deliver up to 15,000 further homes on small sites over the course of its programme. The Government will also scale back the imposition of Section 106 levies on small-scale development. The Government will introduce a £150 million repayable fund to support up to 10,000 new service plots for custom-build homes, as well as consulting on how to implement a new Right to Build to give custom-builders the right to land in their local area. The Government will help speed up the time taken for sites granted planning permission to be built out, including reforming unwieldy procedures and conditions attached to existing planning permissions, whilst protecting environmental safeguards.

The Government will amend secondary legislation to further reform change of use rules to make it easier for empty and redundant buildings to be converted into productive use, supporting brownfield regeneration and increase the supply of new homes.

7. Officer Support Arrangements

The Chair of the Coordinating Committee will be supported by the Statutory Scrutiny Officer with dedicated support from the Scrutiny Support Team. The key responsibilities of the Scrutiny Support Team include:

- Working with the Chairs of the Policy & Performance Committees and scrutiny review panels in agenda preparation and work programming, dealing with matters arising from meetings.
- Providing support in the scoping, planning and management of scrutiny reviews, including notes of working group meetings, coordination of witnesses, etc.
- Ensuring Chairs and Members are kept informed of any relevant scrutiny guidance, and that Chairs have the information needed to feel confident in chairing their committees.
- Undertake research for scrutiny reviews and general communication purposes.
- Working with Members to draft reports from scrutiny reviews.
- Monitoring the progress of previous recommendations from committee meetings or scrutiny reviews.
- Liaising with senior managers and teams across the Council to ensure appropriate officer support is available for committee meetings and scrutiny reviews.
- Facilitating appropriate events for Members and officers involved in scrutiny work.

8. Key Contacts

Statutory Scrutiny Officer

Joe Blott
Strategic Director, Transformation & Resources
joemblott@wirral.gov.uk

Scrutiny Support

Mike Callon – 691 8379
Scrutiny/Improvement Manager
michaelcallon@wirral.gov.uk

Committee Services

Shirley Hudspeth – 691 8559
Democratic Services Manager
shirleyhudspeth@wirral.gov.uk