

WIRRAL COUNCIL

CABINET – 23 APRIL 2009

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

OVERVIEW AND SCRUTINY COMMITTEES

1. EXECUTIVE SUMMARY

1.1 This report asks the Cabinet to progress proposed changes to the structure of overview and scrutiny committees.

2. BACKGROUND

2.1 At its meeting on 19 March 2009, the Cabinet considered my report on various constitutional amendments. In relation to suggested changes to overview and scrutiny committees, in order to reflect the principle objectives of the Council's Corporate Plan, it decided as follows:

Resolved: - *That*

(1) ... [concerning the scheme of delegation of executive functions to portfolio holders]

(2) *the [proposed] Environment Overview and Scrutiny Committee be re-titled 'Sustainable Communities' Overview and Scrutiny Committee;*

(3) *Cabinet reaffirms its view that all non-executive members of the Council (other than the Mayor) should have the opportunity to serve on an Overview and Scrutiny Committee if they so choose and therefore believes that each Overview and Scrutiny Committee should have 10 members;*

(4) *the proposal to move to five overview and scrutiny committees, based on the Council's corporate priorities be forwarded to the three Party Leaders for their comments, to be brought back to the Cabinet at its next meeting; and*

(5) *Cabinet's preference is that the Scrutiny Chairs Committee be a properly constituted committee and that its role be that of programme co-ordination and call-ins that involve two or more Overview and Scrutiny Committees.*

3. OVERVIEW AND SCRUTINY COMMITTEES

3.1 The Appendix sets out draft terms of reference for the five overview and scrutiny committees listed below, based on those of existing committees:

- Economy & Regeneration
- Sustainable Communities

- Health and well-being
- Children and Young People
- Excellent Council

Draft terms of reference for an over-arching Overview and Scrutiny Committee to perform a role in relation to programme co-ordination and call-ins is also included in the Appendix.

3.2 In addition to existing functions, the Local Government and Public Involvement in Health Act will give overview and scrutiny committees the power to scrutinise Local Area Agreements and to hold partners to account in this respect. The draft terms of reference include this aspect.

3.3 As resolved by Cabinet, the proposal to move to five Overview and Scrutiny Committees was referred to the three Party Leaders for their comments. The Leader of the Conservative Group made the following suggestions.

(a) That the Committees should be based around the Council's departmental structure rather than the five Corporate priorities. This would produce seven committees; Adult Social Services; Children and Young People; Corporate Services; Finance; Law, HR and Asset Management; Regeneration; and Technical Services. If this is considered to be too many Overview and Scrutiny Committees, then it was suggested that Finance and Law, HR and Asset Management be combined as a single Committee and that Corporate Services and Regeneration be combined under the title Regeneration and Leisure.

(b) That if it was considered appropriate to have a single committee with responsibility for call-ins then that should be a stand alone committee and not comprise the Chairs of the other Overview and Scrutiny Committees.

(c) That Scrutiny Chairs should not be allocated to parties represented on the Executive.

4. FINANCIAL IMPLICATIONS

4.1 The reduction in the number of overview and scrutiny committees ought to result in fewer special responsibility allowances for members and would also decrease the expenditure involved in holding meetings at the Town Hall (room bookings, agenda papers, etc). If any increases in SRAs, associated with scrutiny committees, are proposed they would have to be referred to the Independent Remuneration Panel.

5. STAFFING IMPLICATIONS

5.1 Depending on the number of Committees and their respective workloads in a revised Overview and Scrutiny structure, there may be reduced staffing implications for Legal and Member Services.

6. EQUAL OPPORTUNITIES IMPLICATIONS

6.1 There are no equal opportunity implications arising from this report

7. OTHER IMPLICATIONS

7.1 There are no other implications in terms of community safety, Local Agenda 21, planning, anti-poverty issues or social inclusion.

8. BACKGROUND PAPERS

8.1 The Council's Constitution was used to prepare this report.

9. RECOMMENDATION

9.1 The views of the Cabinet are requested.

Bill Norman
Director of Law, H.R. and Asset Management

Appendix

DRAFT TERMS OF REFERENCE OF OVERVIEW AND SCRUTINY COMMITTEES

OVERVIEW AND SCRUTINY CO-ORDINATING COMMITTEE

The Overview and Scrutiny Committee will

- (i) approve and co-ordinate the work programme for the five themed Overview and Scrutiny Committees including resolving any conflict between such committees.
- (ii) allocate work to (or remove work from) any of the five Overview and Scrutiny Committees
- (iii) 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.
- (iv) consider any call-in notices in relation to any executive functions and determine such notices or allocate them to one or more of the five themed Overview and Scrutiny Committees as it considers most appropriate.

ECONOMY AND REGENERATION OVERVIEW AND SCRUTINY COMMITTEE

The 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;

within the following terms of reference:

- (1)** matters relating to the economic and urban regeneration of Wirral
- (2)** the economic regeneration strategy for Wirral.
- (3)** all economic regeneration programmes including European programmes, any other Council programmes and residual issues in relation to the Single Regeneration Budget.
- (4)** consultation and liaison with all organisations involved in regeneration in Wirral, including NWDA, English Partnerships, GoNW, Learning and Skills Council, Greater Merseyside Enterprise, Wirral Metropolitan College, trade unions, the private sector, the voluntary sector, etc.
- (5)** all matters in relation to European issues.
- (6)** the promotion of Wirral as a premier location for inward investment through the work of Wirral Direct and other organisations; in consultation with the Cabinet Member for Culture, Tourism and Leisure in the case of tourism initiatives.
- (7)** to ensure that an adequate supply of sites and premises is provided in order to cater for the needs of local businesses and to help attract new businesses.
- (8)** financial support, where appropriate, to businesses, co-operatives and other profit making and non-profit making ventures for the benefit of Wirral.
- (9)** provision of a comprehensive business support service to local companies.
- (10)** the development of community employment and training initiatives and other initiatives designed to strengthen the economy of local communities and combat disadvantage including the development of a comprehensive "pathways to Integration" strategy for Wirral.

- (11) monitoring economic trends in Wirral and identifying examples of good practice elsewhere in the field of urban policy and economic regeneration from which Wirral can benefit.
- (12) Lobbying Government and other agencies nationally, regionally and internationally, to ensure that Wirral achieves its economic regeneration objectives.
- (13) Welfare to Work.
- (14) the Development Plan and related plans and policies.
- (15) national, regional and strategic issues, including green belt policy.
- (16) the designation and preservation of conservation areas and liaison with conservation bodies.
- (17) the application of the Planning Acts in relation to:
 - preservation of general amenity
 - shopping improvement areas
 - derelict sites
 - building regulations
 - mineral planning issues
 - contributions to the Council's urban regeneration initiatives
 - compulsory purchase
- (19) liaison on planning matters with other local authorities and external bodies.
- (20) identification and action in relation to derelict land and building, in liaison with the Cabinet Member for the Environment.
- (21) the development, management, implementation and review of all aspects of the Council's Tourism Strategy.
- (22) the promotion of Wirral as a location for tourism and in consultation with the Cabinet member for Regeneration and Planning Strategy, to encourage tourism initiatives designed to bring new jobs to the Borough.
- (23) housing strategy.
- (24) the assessment of housing need including the needs of vulnerable people.
- (25) enabling vulnerable Clients to remain at home, through the provision of low level housing support services (the Supporting People programme).
- (26) the provision of homelessness and housing advice services, including rough sleepers.
- (27) the provision of services to enable access to accommodation.

- (28)** the assessment of housing markets.
- (29)** housing market restructuring and renewal.
- (30)** Housing matters relating to:
- Dealing with unfitness and poor condition
 - Acquisition and clearance
 - Financial policies for home improvement funding
 - Regulation and enforcement of statutory provisions relating to private sector housing
- (31)** Housing matters relating to:
- The promotion and monitoring of partnerships to achieve wider strategic housing objectives
 - Monitoring the performance of new Housing Stock Transfer organisations
 - The accreditation and licensing of private landlords
- (32)** monitoring and responding to the needs of gypsies and travellers.
- (33)** those parts of the Corporate Plan within the remit of this Committee,
- (34)** to seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through these areas.
- (35)** to support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women;
- (36)** to scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

The 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;

within the following terms of reference:

- (1)** highways, streets and footpaths, including street lighting and related enforcement activities.
- (2)** traffic regulations and road safety.
- (3)** the management of Council car parks.
- (4)** liaison with the MPTA and other external organisations.
- (5)** reservoirs, sewerage and land drainage.
- (6)** the provision of civil engineering services to the Council.
- (7)** the provision of architectural, quantity surveying and mechanical, electrical and structural engineering services.
- (8)** coast protection and sea defences.
- (9)** restricted and selective tendering for civil engineering services.
- (10)** Grass cutting in residential areas
- (11)** weed control.
- (12)** Refuse Collection and Street Cleansing
- (13)** Advertisement Control
- (14)** Trading standards and consumer protection.
- (15)** Food safety and hygiene.
- (16)** Home safety.
- (17)** Health education.
- (18)** Control of communicable diseases.

- (19) Port health.
- (20) Monitoring of waste disposal.
- (21) Recycling
- (22) Public conveniences.
- (23) Preservation and improvement of amenities in residential areas.
- (24) Clean air and pollution control.
- (25) Abatement of nuisance (other than statutory nuisance in private dwellings).
- (26) identification and action in relation to derelict land and buildings.
- (27) Sea Fisheries.
- (28) the development and implementation of strategies for continually improving sustainability and reducing the environmental impact of the Council, its policies, plans, programmes and services.
- (29) the provision of leisure and cultural services including:
- library services
 - museums and galleries, promotion of the Arts
 - civic theatres, entertainment and cultural activities
 - swimming pools, sports halls and indoor recreation
 - parks, recreation grounds, and adventure playgrounds
 - public playing fields, outdoor sports facilities
- (30) community centres and public halls.
- (31) sports activities and development, the promotion of sporting activities and joint use of sporting facilities.
- (32) resort activities, including publicity.
- (33) beaches and the Beach Lifeguard Service
- (34) the provision of country parks and allotment gardens.
- (35) the provision and management of cemeteries and crematoria.
- (36) the heritage of the Borough, including the preservation of buildings of architectural or historic interest in liaison with the Heritage Champion
- (37) Community Safety including:
- Co-ordinating neighbour nuisance policies in the private and public sector.
 - Co-ordinating anti-social behaviour policies.

- Working with partners, the police & other Cabinet members on youth diversion schemes.
 - Working with the appropriate Cabinet member in liaison with the Drug & Alcohol Team.
 - Working with the Licensing Team on issues of under age sales of alcohol and with Trading Standards in liaison with the Cabinet Member for Environment.
 - The use of the Council's powers under the Crime and Disorder Act 1998, the Housing Act 1996 and the Anti-social Behaviour Act 2003;
 - The council's duty under section 17 of the Crime and Disorder Act 1998 to have regard to the effects on crime and disorder in the exercise of all of its powers and duties;
 - Liaison with other agencies such as the police, Primary Care Trusts, the voluntary sector and the Probation Service on community safety issues;
 - the development and implementation of the Crime and Disorder Reduction Strategy and the Anti-social behaviour Strategy
- (38)** the operation and development of Community Patrol
- (39)** those parts of the Corporate Plan within the remit of this portfolio,
- (40)** To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through these areas;
- (41)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.
- (42)** to scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

HEALTH AND WELL-BEING OVERVIEW AND SCRUTINY COMMITTEE

The 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;

within the following terms of reference:

- (1)** the planning, commissioning and delivery of social care services for all adult client groups and to provide leadership to the wider vision of social care.
- (2)** developing preventative services that will reduce the need for social care intervention.
- (3)** work with a range of partners, including health and the voluntary and independent sector, to provide services which are well planned and integrated, make the most effective use of available resources and meet the needs of our diverse community.
- (4)** social inclusion and to promote the role of the local Authority, working with the NHS community on Wirral, to improve Public Health and well being and to address health inequalities.
- (5)** examine the healthcare provision within the area in relation to all residents of the Borough. To participate in all initiatives for improving health and the healthcare provision within the area and to call officers from the NHS Community to account and request them to appear before the Committee when appropriate.
- (6)** .ensure services are of a high quality and delivered by a well-trained workforce or by informal and family carers who are themselves supported.
- (7)** better use of technology to support people.
- (8)** ensure services have an emphasis on preventing problems and that social care and health work on a shared agenda to help maintain the independence of individuals.

- (9)** ensure that people with the highest needs receive the support and protection needed to ensure their own wellbeing and the safety of society.
- (10)** ensure that risks of independence for individuals is openly shared and balanced against benefits with them.
- (11)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor and women.
- (12)** matters relating to section 47 of the National Assistance Act 1948 (as amended).
- (13)** those parts of the Corporate Plan within the remit of this portfolio,
- (14)** To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through these areas.
- (15)** to scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

The 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;

within the following terms of reference:

- (1) the powers and duties set out in
 - the Children Act, 1989
 - the Education Act, 1996
 - the School Standards and Framework Act, 1998
 - the Education Act, 2002,
 - the Children Act, 2004
 - the Education Act 2005
 - the Education and Inspection Act 2006 and
 - any other legislation relevant to the functions defined below.
- (2) the promotion of improvement in the outcomes for children and young people in terms of their health, their education and training, their ability to make a positive contribution, and their social and economic well-being.
- (3) ensuring that children and young people in Wirral are safe from harm and neglect, and that their welfare is promoted.
- (4) the provision of services for children and young people including services for children and young people in care to the Council, provision for early years childcare and education, primary and secondary education, adult education, and youth and play activities.
- (5) the promotion of effective partnership working between all the statutory and non-statutory agencies which provide services for children and young people and, where feasible, to promote the integration of services.
- (6) ensure that systems are in place to manage and scrutinise the performance of all the services for children and young people.
- (7) ensure that resources are efficiently and effectively targeted towards the improvement of outcomes.
- (8) liaison with the Strategic Health Authority and health trusts serving Wirral on matters relating to children and young people.

- (9)** liaison with the Learning and Skills Council on matters relating to further education and training ensuring, in consultation with the Cabinet member for Regeneration and Planning Strategy, that the training needs of employers, employees and prospective employees are met.
- (10)** liaison with the Greater Merseyside Connexions Partnership on matters relating to young people's preparation for working life and specifically to have responsibility for the regulation of the employment of young people.
- (11)** liaison with the Police Authority, the Probation Service and the Youth Offending Service on matters relating to youth crime and disorder.
- (12)** those parts of the Corporate Plan within the remit of this portfolio,
- (13)** to seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.
- (14)** to support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.
- (15)** to scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.

EXCELLENT COUNCIL OVERVIEW AND SCRUTINY COMMITTEE

The 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;

within the following terms of reference:

- (1)** development of the Council's approach to Community engagement and to build community capacity.
- (2)** the Council's Area Forum network.
- (3)** initiatives in the wider community that will increase the understanding of the democratic process, and reduce alienation and apathy.
- (4)** the Council's Customer Access Strategy and for ensuring that it takes full account of the needs of hard to reach people.
- (5)** the Council's compliance with the requirements of the Freedom of Information Act.
- (6)** grants and loans to voluntary and community organisations.
- (7)** contributing to the development and operation of Wirral's community Legal Service.
- (8)** the following areas:
 - Mayoralty and civic ceremonial
 - Hospitality
 - Town Twinning
 - Registration of births, marriages and deaths
 - Maintenance of memorials
 - Membership of outside bodies.
- (9)** the Council's Communication Strategy and Public Relations.
- (10)** Equality and Diversity.
- (11)** the following areas:
 - The development, implementation and review of the Council's arrangements for ensuring effective use of resources including meeting

- the requirements of the Audit Commission's Use of Resources Assessment
- Financial monitoring, including standing orders and financial regulations
 - Financial propriety
 - Procurement compliance and contract compliance within the Authority
 - Restrictive and selective tendering (other than civil engineering)
- (12)** Where it is not a specified responsibility of the Employment and Appointments Committee, personnel issues including employee development and training, equal opportunities in employment and service delivery, disciplinary and grievance procedures and recruitment.
- (13)** the provision of legal and administrative services to the authority; and for the Coroner's Service.
- (14)** the preparation, maintenance and review of an overall strategy for the management, use and disposal of all Council owned land property, (including the preparation of the Asset Management Plan)
- (15)** land issues including:
- Acquisition, disposal and appropriation of all land and property
 - Provision and management of administrative and civic offices
 - Commercial development and redevelopment of the Council land and property
 - Matters relating to the Council's freehold interest and shareholding in Birkenhead Market
- (16)** the organisation of a corporate planned maintenance policy.
- (17)** co-ordinating performance management and performance indicators.
- (18)** the Council's contribution to the major partnership initiatives in which it is engaged, e.g. Local Strategic Partnership, Local Area Agreement Partnership Board, Liverpool City Region and Local Government Association.
- (19)** The following areas:
- The formulation and submission of proposals relating to strategic policy
 - The overall production of the Corporate Plan
 - Revenue and capital budgets including preparations for the annual budget and Capital Plan
 - Schemes under the Private Finance Initiative
 - Procurement
- (20)** information technology
- (21)** financial matters including insurance, rating, Council Tax and Housing and Council Tax benefits.
- (22)** the performance of the Council as measured through the Comprehensive Performance Assessment and Comprehensive Area Assessment process.

- (23)** initiatives in relation to local democracy and the modernisation of local government
- (24)** those parts of the Corporate Plan within the remit of this portfolio
- (25)** To seek to achieve continuing and improving performance, better value for money and customer satisfaction in respect of those services provided through this portfolio.
- (26)** To support the Council's equal opportunity policies by promoting and monitoring initiatives to encourage equality of opportunity amongst disadvantaged groups including: the disabled, ethnic minorities, the long-term unemployed, the poor, and women.
- (27)** to scrutinise Local Area Agreements that fall within the areas set out above and to hold partners to account.