

# Public Document Pack

## SCRUTINY PROGRAMME BOARD

Wednesday, 27 May 2009

<u>Present:</u>	Councillor	D Mitchell (Chair)	
	Councillors	C Meaden S Clarke J Keeley AER Jones	H Smith A Bridson P Southwood
<u>Deputies:</u>	Councillors	C Blakeley (In place of D Knowles) L Rowlands (In place of J Hale)	

### 1 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.

### 2 APPOINTMENT OF VICE CHAIR

The Director of Law, HR and Asset Management requested the Committee to consider the appointment of a Vice Chair.

It was moved by Councillor Mitchell and seconded by Councillor Smith –

“That Councillor Chris Meaden be appointed Vice-Chair for the ensuing municipal year”

It was moved as an amendment by Councillor Rowlands and seconded by Councillor Blakeley –

“That Councillor Sheila Clarke be appointed Vice-Chair for the ensuing municipal year”.

The amendment was put and lost (4:6)

The motion was put and carried (6:4)

**Resolved – That Councillor Chris Meaden be appointed Vice-Chair for the ensuing municipal year.**

### 3 TERMS OF REFERENCE

The Director of Law, HR and Asset Management presented for information and guidance the terms of reference of the Scrutiny Programme Board.

The general functions were as follows:

**(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 periods of 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 or 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 of 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 performance; 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 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.

The specific terms of reference for the Scrutiny Programme Board, previously agreed by the Council, were to:

- (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.
- (v) be responsible for the development and monitoring of an annual scrutiny work programme;
- (vi) undertake scrutiny in its own right with regard to cross-cutting or strategic issues not covered by other overview and scrutiny committees;
- (vii) identify and share good scrutiny practice across all overview and scrutiny committees.

He presented also the terms of reference for each of the other five overview and scrutiny committees, which had been agreed by the Council and would be submitted to the first meeting of each respective committee.

Members commented upon the Board's specific terms of reference and expressed the view that urgent clarification was required as to whether it was necessary for the Board to be involved where it was clear as to which scrutiny committee a call-in should be allocated or, where it was not clear, for the Board itself to meet in order to allocate the call-in. Members also expressed the view that although it was

appropriate for the Scrutiny Programme Board to suggest topics for scrutiny, it ought to be a matter for each of the five themed overview and scrutiny committees to determine their own priorities and work programmes.

The Deputy Chief Executive/Director of Corporate Services proposed to consult with the Director of Law, HR and Asset Management and to provide clarification to members in relation to how call-in notices would be dealt with. He commented also that any changes to the terms of reference of any committee would require the approval of the Council.

**Resolved – That, subject to clarification from the officers on those matters now referred to, the terms of reference be noted.**

#### **4 REVIEW OF SCRUTINY WORK PROGRAMME**

The Director of Law, HR and Asset Management presented for consideration the work programmes of the former overview and scrutiny committees. The Chair commented that he expected that the work programmes of the five newly established overview and scrutiny committees would be presented to the Board for consideration, once they had been agreed by the respective committees.

**Resolved –**

**(1) That the work programmes of the former committees be noted.**

**(2) That, once agreed, the work programmes of the five overview and scrutiny committees be presented to a future meeting of the Scrutiny Programme Board.**

#### **5 LEGISLATION AND GUIDANCE**

The Director of Law, HR and Asset Management commented that new scrutiny powers from the Local Government and Public Involvement in Health Act came into force on 1 April 2009. In particular, he presented for consideration, a briefing document issued by the Centre for Public Scrutiny and the Local Government Association, which provided information about the new powers for Councils to engage other public services in the scrutiny of Local Area Agreements.

**Resolved – That the briefing document be noted.**

#### **6 SURVEY OF OVERVIEW AND SCRUTINY IN LOCAL GOVERNMENT 2008**

The Director of Law, HR and Asset Management presented the 2008 Annual Survey of Overview and Scrutiny in Local Government, undertaken by the Centre for Public Scrutiny.

**Resolved – That the contents of the survey be noted.**

#### **7 WIRRAL COUNCIL SCRUTINY SURVEY**

The Chair reported that in November 2008, the Scrutiny Chairs Group had agreed a questionnaire to be sent to all members of the Council to give members an

opportunity to express their views on current scrutiny arrangements. The questionnaire was circulated in April 2009 and he provided details of responses to it, together with suggestions for improvement.

Members commented upon the results and indicated their support for an annual survey to be undertaken. However, the view was expressed that, as only 29 responses had been received, more needed to be done to encourage greater participation of members to improve the value of future surveys.

It was moved by Councillor Mitchell and seconded by Councillor Bridson –

“(1) That members’ comments on the survey responses be forwarded to the Chair, to form the basis of a further report to a future meeting of the Committee.

(2) That suggested topics for inclusion on the work programmes for the new municipal year be passed to the relevant overview and scrutiny committees for their consideration”.

It was moved as an amendment by Councillor Blakeley and seconded by Councillor Rowlands –

“That, as overview and scrutiny committees should determine their own work programmes, the recommendation to refer topics for inclusion on overview and scrutiny committee work programmes be deleted”.

The amendment was put and lost (4:6)

The motion was put and carried (6:4)

**Resolved –**

**(1) That members’ comments on the survey responses be forwarded to the Chair, to form the basis of a further report to a future meeting of the Committee.**

**(2) That suggested topics for inclusion on the work programmes for the new municipal year be passed to the relevant overview and scrutiny committees for their consideration.**

## **8 OVERVIEW AND SCRUTINY FINANCIAL AND PERFORMANCE MONITORING REPORTS**

The Deputy Chief Executive/Director of Corporate Services referred to the large number of performance indicators that were relevant to the various overview and scrutiny committees and he indicated that consideration had been given as to how best to ensure that members received performance monitoring reports in a timely manner. Short and concise quarterly reports would be placed in the web library and a presentation given to the next available meeting of the Cabinet. With regard to performance reporting to overview and scrutiny committees it had been agreed that performance information on the activities relevant to each overview and scrutiny committee would be placed in the web library and a presentation made to the next appropriate meeting.

With regard to the Council Excellence Overview and Scrutiny Committee, it had been agreed that the report and presentation would include information in relation to performance across all portfolios. In addition, he indicated that financial monitoring reports would be presented to the Council Excellence Overview and Scrutiny Committee. Chief Officers would present reports to relevant overview and scrutiny committees on specific financial matters which fell within their remit.

In response to comments from members, he indicated that brief monitoring reports could be presented to overview and scrutiny committees in addition to presentations, if it was the wish of committees that this be done. In relation to financial monitoring, members commented also upon the value of training provided by the Director of Finance and expressed the view that all elected members should attend financial training if they were able to do so.

**Resolved – That the report be noted and the proposals set out by the Deputy Chief Executive/Director of Corporate Services be endorsed.**

## 9 **SCRUTINY CHAIRS' VISIT TO WARRINGTON**

The Scrutiny Support Officer presented a report of a visit to Warrington Borough Council by members of the Scrutiny Chairs Group, in order to investigate the workings of another authority's scrutiny mechanisms. Warrington was chosen because of its proximity, the balance of the Council being similar to Wirral and that some good working practice was evident from their Council website.

He provided a summary of the findings and indicated that the format of the visit had included attendance at a meeting of Warrington Scrutiny Chairs Forum, the last agenda item of which was 'Questions and Discussion with Wirral MBC Councillors'. Members also attended a meeting of Warrington's Children's Services Overview and Scrutiny Committee.

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

## 10 **CO-OPTED MEMBERS**

In the light of comments made by members in relation to the working of overview and scrutiny committees (minute 3 (ante) refers), this item was withdrawn.

## 11 **SCRUTINY PROGRAMME BOARD - WORK PROGRAMME**

The Chair requested members' views in relation to the committee's work programme and proposed that consideration be given to issues which fell within the purview of more than one overview and scrutiny committee, including the effectiveness of the Alcohol Strategy, Equality and Diversity and issues associated with the use of consultants.

Members commented that rather than taking on a major programme of scrutiny work, the role of the Scrutiny Programme Board should be to co-ordinate between overview and scrutiny committees, once their work programmes had been agreed. In response to comments in relation to the lack of a scrutiny budget, the Deputy Chief

Executive/Director of Corporate Services indicated that any proposals which incurred expenditure would need to be referred to the Cabinet for consideration.

**Resolved –**

**(1) That information be presented to a future meeting of the committee on specific areas of work falling within the terms of reference of more than one scrutiny committee.**

**(2) That in relation to Equality and Diversity, the Scrutiny Programme Board is happy to offer assistance as may be necessary in relation to achieving level 3 of the Equality Standard for Local Government.**

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