

Meeting: COUNCIL

Agenda Item:

11

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**COMPLETED SCRUTINY OVERVIEW COMMITTEE TOPIC GROUP REVIEWS
DURING 2008/09 MUNICIPAL YEAR**

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1 PURPOSE

To report on the work undertaken by the Scrutiny Overview Committee and the Scrutiny Topic Groups during the 2008/09 Municipal Year.

2 RECOMMENDATIONS

- 2.1 That the work undertaken by the Scrutiny Overview Committee through its Scrutiny Topic Groups during 2008/09 be noted.
- 2.2 That Council notes the changes in legislation that have a direct impact on the scrutiny function.

3 BACKGROUND

- 3.1 Under the provisions of the Local Government Act 2000 Overview and Scrutiny's role is to operate as an independent function of the Councils decision making process, by holding the Executive to account, having the power to "call in " decisions for reconsideration, conducting policy development, undertaking internal and external scrutiny reviews and carry out pre-decision scrutiny into decisions.
- 3.2 Since the Municipal Year 2007/08 the Scrutiny function has been conducted under the new arrangement of one Scrutiny Overview Committee fulfilling the Scrutiny function with specific review work being conducted by ad hoc Topic Groups and supported by a dedicated Scrutiny Officer.

4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1 Throughout the municipal year the Scrutiny Topic Groups have carried out a number of reviews which have drawn conclusions and made recommendations to the Scrutiny Overview Committee. This process has been fully reported to the Scrutiny Overview Committee and recorded in its

agenda papers, therefore the following details are a brief summary of the work carried out during 2008/09:

4.2 Equalities and Diversity

4.2.1 From October 2008 to February 2009 the Topic Group continued the work that the original Equalities & Diversity Topic Group had started, with its interim report to Scrutiny Overview Committee on 25 March 2008. The Topic Group met with a number of Members, Officers and Partners including the following:

- Executive Portfolio Executive Portfolio Holder for Safer and Stronger Communities
- Chief Executive
- Head of Policy, Performance and Partnerships
- Head of E-Government and Business Systems
- Head of Human Resources (HR) and Organisational Development
- CE of Stevenage CVS, So Stevenage, Social Inequalities Forum
- Stevenage Homes Limited, Equalities and Diversity Consultant
- Stevenage Leisure Limited, Human Resources Manager and Regional Contract Manager
- Hertfordshire Police Authority, Cllr Sherma Batson

4.2.2 The Topic Group looked at 12 specific issues around equalities and diversity including:

- the percentage of staff that HR holds diversity data on
- customer data hub and customer profiling
- social inequalities of a low wage economy
- training of depot staff and its management
- member training
- non direct replacement of the Equalities Officer
- sexual orientation
- Stevenage Homes Limited (SHL) and Stevenage Leisure Limited (SLL)
- benchmarking
- third party contractors
- black and minority ethnic communities
- corporate commitment to equalities and diversity in committee reports

4.2.3 The Topic Group made 8 recommendations around training for Officers and Members, ongoing progress with the customer data hub and customer profiling, links with the grant aid process, progress on tackling sexual orientation, benchmarking, strengthening links with the Black and Minority Ethnic community and considering making Equalities implications mandatory in reports.

4.2.3 The main conclusion of the review was that the Council had made substantial progress over the course of the review this is best demonstrated in the vastly improved internal information that the Council holds on the six strands of diversity, which went from below 30% to over 90% during the course of the review process. However, the Topic Group concluded that the authority still had some way to go before both Officers and Members can be satisfied.

4.2.4 Action/Response

The Scrutiny Overview Committee received a response from the Policy, Performance and Partnerships Service Delivery Unit (SDU) who are leading on advising Officers and Members on Equalities and Diversity matters. The Scrutiny Overview Committee welcomed the response and would be monitoring progress with implementation.

4.3 **HCC Highways Performance**

4.3.1 From September 2008 to January 2009 the Topic Group reviewed the local performance of the County Highways service met with the Acting District Manager and conducted a site visit where the following issues were identified:

Benefits of the Strategic Alliance

- Generally the Highways service offers a good service within a challenging financial environment.
- Stevenage is receiving a fair proportion of the Highways budget from 2004/05 to 2007/08.
- There has been significant efficiency savings since the inception of the Strategic Alliance, which have been reinvested into the maintenance service.

Challenges

- The County Council should be seeking a better settlement to meet the local needs.
- The Highways Service should consider benchmarking with other comparable counties.
- The 'stitch in time' intervention regime did not appear to make sense in the case of works around Archer Road.
- The 10% 'self certification' of works with the contractor was called into question.
- The lack of supervision with the strategic alliance and self certification with contractors was also a concern.

Matters for SBC

- Corporately the Council should be making use of the Neighbourhood Action Teams and Area Committees and Joint Highways Panel as a place to record concerns.

- Any future developments need to take careful consideration of what tree species to plant to avoid the kind of problems that the Town now has as a legacy of the Corporation.
- The redevelopment of the neighbourhood centres needs to design in solutions to large lorries parking on kerbs and pavements.

4.3.2 Action/Response

The Topic Group received a response from the Acting District Manager regarding the matters in Archer Road. The response acknowledged that there had been a number of defects in the works carried out there, and provided a list of actions that would be carried out to correct these faults. Regarding the wider issues the Topic Group had not as yet received a response.

4.4 **Consultation on Policy Changes**

4.4.1 A Topic Group of Scrutiny Overview Committee Members met on 27/11/08 and conducted a one off Topic Group review into Consultation on Policy Changes, focusing on considering the circumstances when sensitive issues, which require public consultation on potential Council policy changes, should be a matter to be considered by the whole of the Executive, before the public consultation is carried out.

4.4.2 Following the one-off review, a number of conclusions and recommendations were made including the following issues:

- It was acknowledged that the current Participation Strategy 2008 – 2013, and Consultation Toolkit were not as explicit or overt as they could be regarding engaging with Members before embarking on public consultation and there was a case for the whole of the toolkit to be reviewed.
- Policy, Performance and Partnerships (PPP) have responsibility to ensure that the corporate consultation standards are followed by Service Delivery Units (SDU), but they would not always get involved in offering advice. The responsibility would be down to the SDU to seek the advice of PPP.
- The Current guidance offers best practise principles and suggests that SDUs consider these before engaging in consultation, one reason was to avoid consultation overload in the community.
- It was suggested that it would not be possible to be totally prescriptive to SDUs but the introduction of a sensitivity index would be a possible improvement to the toolkit.
- The issue had been a good example of effective scrutiny as the issue had been highlighted by Scrutiny Members and, as a result, officers looked at the issue before attending the Topic Group meeting and came prepared with a possible solution.
- PPP have offered to bring an early draft of the revised consultation toolkit, including a sensitivity index template; risk analysis; and guidance on dealing with the public to Scrutiny Members (in a six month period),

Scrutiny Overview Committee (SOC) would expect to see a draft of the revised Consultation Toolkit and any revision to the overarching Participation Strategy before it is formerly considered by the Executive and SOC.

4.4.3 Action/Response

The Scrutiny Overview Committee would expect to see a draft of the revised consultation toolkit by May 2009 as had been agreed to by Officers.

4.5 **General Fund Budget**

4.5.1 The Topic Group considered the General Fund Budget and Housing Revenue Account and discussed with Officers the budgetary pressures that the economic climate was placing on the Council. Members considered in some detail the Medium Term Financial Strategy, Savings and Growth Options, further SMB savings and briefly considered the 2008/09 quarters 1 & 2 Key Variances.

4.5.2 Key outcomes

- The Head of Finance to carry out individual risk analysis on the areas that were considered to be most at risk from failing
- A percentage of potential lost income was put aside in balances to counter the risk
- The Head of Finance was preparing a document that would highlight the top 10 sensitive budget areas, and provide a quick health check for Members
- Pressures on the car park income which is estimated to be down £186,000 would be monitored by looking at the previous year's data of weekly use of the car parks to plot peaks and troughs of use in a normal period against the current figures to try and evaluate expected income from the coming quarters
- Officers to plan for the worst case scenarios in the medium term, given the volatility and unpredictability of markets, examples being areas like high utility prices and low income from investments.
- Based on known anecdotal evidence that, on occasion, little rigor was applied to the spending of budgets before a good 'business case' was made before monies were spent, for example CCTV cameras being installed, in response to public demand, ahead of full investigations being undertaken, would be considered by officers in an attempt to save unnecessary expenditure

4.5.3 Action/Response

Ongoing budget monitoring will be considered at the Scrutiny Overview Committee.

4.6 Joint Public Health Scrutiny with Watford Borough Council and Hertfordshire County Council on Obesity

- 4.6.1 Following the offer from the Head of Scrutiny at Hertfordshire County Council, Stevenage Borough Council, along with Watford Borough Council took the lead on a joint public health scrutiny review into Obesity.
- 4.6.2 From December 2008 to March 2009 the Topic Group reviewed the levels of Obesity in Hertfordshire amongst adults and children alike. There was a significant delay in the review getting started, considering the template was written in September and formally agreed by the County Health Scrutiny Committee in October, due to constitutional issues with Watford Borough Council, therefore the Topic Group did not actually start the review until December 2008 and was completed on target by March 2009.
- 4.6.3 The Topic Group met formally 5 times and informally on another 3 occasions.
- 4.6.4 Throughout the review the Topic Group interviewed a wide range of witnesses including various health professionals from the Primary Care Trusts, Hertfordshire County Council Children Schools and Families, Children's Centre staff and various District Council officers, academics from the University of Hertfordshire and other partners.
- 4.6.5 The Topic Group made 21 recommendations to the PCT, CSF and the District Councils, some specific to each organisation but many involving more than one agency as a key theme throughout the review was the need for a co-ordinated multi agency approach being necessary to tackle this complex public health issue.
- 4.6.6 Action/Response

The report of the Topic Group was formally considered at the HCC Health Scrutiny Committee on 24 March 2009, so no formal responses have yet been received from partners, but these will be monitored by the HCC Health Scrutiny Committee for action. Given the worryingly high levels of obesity in Stevenage the Council should encourage So Stevenage (LSP) to ensure that the PCT and CSF work together with the Council to deliver the recommendations that can be implemented at a local level including all initiatives that were highlighted in the review such as 'adopt a school' and 'strictly being healthy' as well as supporting programmes like MEND (Mind, Exercise, Nutrition, Do it!).

4.7 Pre-scrutiny of the Renewal of the Neighbourhood Centres

- 4.7.1 The Chair and Vice-Chair of the Scrutiny Overview Committee met with the Head of Planning and Regeneration to consider and comment on the report on the Renewal of the Neighbourhood Centres. This was undertaken as a simple way for Scrutiny Members to look at an emerging document as it was being formulated and to comment on and help shape the policy as pre-scrutiny policy development work.

4.8 **Scrutiny Work Programme for 2009/10 for consideration by Topic Groups**

4.8.1 The Scrutiny Overview Committee will formally consider its work programme for 2009/10 at its 30 April 2009 meeting. The Chair of Scrutiny Overview Committee verbally update the Committee at its 25 March meeting on the issues that he considered should be on the work programme, including:

- Budget/Credit Crunch – how well placed is the authority to weather the downturn?
- Grant Aid – Is it sustainable, how robust is the current decision making?
- SHL – Post 2 star, how sustainable are the current arrangements to deliver the day to day service?
- So Stevenage – What has happened to the scrutiny review recommendations, is it ready to meet the challenges of LAA?
- Community Associations – Short, medium and long term sustainability?
- Neighbourhood Centres/Pavilions – How will this be delivered in the current economic climate?
- Delivery of the Parking Strategy – How can the Council best work with its partners to deliver this important strategy?

4.8.2 There will continue to be monitoring of past review recommendations on a periodic basis using an excel spreadsheet to trigger reminders to SDUs and external partners.

4.9 **Legislative Changes** – Arising from the Local Government and Public Involvement in health Act 2007 the Councillor Call for Action (CCfA) arrangements come into force on 1 April 2009. CCfA is not solely a Scrutiny function but rather a Council wide power, however it is closely linked to scrutiny as it is the Scrutiny Overview Committee will formally receive and consider all CCfAs.

4.9.1 These provisions run in tandem with the Police and Justice Act 2006 (regarding community safety Councillor Calls for Action) CCfA and are new powers for ward councillors to help them resolve local problems on behalf of their communities.

4.9.2 Councillors will be able to ask for a matter to be considered on a scrutiny committee agenda, on a matter that concerns a single council ward. If the matter is a council wide matter then it can not be considered as a CCfA. The principle behind CCfA is that it is a safety net or long stop. CCfA should only be considered when all other avenues have been exhausted to resolve an

issue. There are other exclusions regarding prescribed matters such as planning and licensing procedure rules and vexatious complainants and local provisions relating to using the CCfA powers in the period before an election.

- 4.9.3 The necessary amendments will be made to the Constitution to be submitted to Council. The guidance received from the IDeA and the CfPS is that Council interpret the legislation to best fit local conditions building on local experience and sector led best practise as this emerges.
- 4.9.4 Sections 19, 20 and 21 of the Police and Justice Act 2006 make provision for each authority to statutorily create an Overview and Scrutiny Committee for Crime and Disorder Matters. Guidance has suggested that it is not expected that district councils should set up separate committees to fulfil the legislation but existing O&S Committees can sit separately in this capacity.
- 4.9.5 These powers come into force on 30 April 2009 and the Council's Constitution and the Terms of Reference of the Scrutiny Overview Committee will be revised to reflect these new powers and obligations. By statute the C&D Committee will need to meet at least twice a year to review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions.

4.10 Doing more with the resources we have

- 4.10.1 The Chair of the Scrutiny Overview Committee met with the Strategic Director (Resources) and the Scrutiny Officer to consider ways in which the function could do more within the existing resource. These discussions are ongoing but it is hoped that an amendment to the current arrangements can be agreed that will enable more Members to get involved in Scrutiny Topic Groups throughout the 2009/10 Municipal Year.

5 IMPLICATIONS

5.1 Financial Implications

There is a budget of £5,000 to support study activities, site visits and specialist advice where necessary.

5.2 Legal Implications

As referred to at 4.9 above.

5.3 Staffing and Service Delivery Implications

It is not yet clear what impact the changes in the legislation or the way scrutiny is carried out in the authority could have, but all activity would need to be resourced through the existing structures.

Currently the Scrutiny Officer supports all aspects of the scrutiny function at the Council, including desk top research, report writing, note taking at

meetings, setting up Topic Group meetings, initiating and completing scoping documents, liaising with Executive Portfolio holders, Strategic Management Board and SDU service users (including members of the public) as appropriate.

5.4 Equality and Diversity Implications

All Topic Group scoping documents now have an equalities and diversity area included in the template. This ensures that an equalities impact assessment is considered when looking at a new piece of scrutiny work.

BACKGROUND DOCUMENTS

- Local Government Act 2000
- The Local Governments and Public Involvement in Health Act 2007
- Police and Justice Act 2006