

READING BOROUGH COUNCIL

REPORT BY CHIEF EXECUTIVE

TO:	COUNCIL		
DATE:	27 JANUARY 2009	AGENDA ITEM:	13
TITLE:	SCRUTINY - MAJOR PIECES OF WORK FOR 2008-09 AND HIGHLIGHTS FROM 2007-08		
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1.0 PURPOSE AND SUMMARY OF REPORT

- 1.1 Further to the report submitted to Council on 16 October 2007 to report back on major pieces of scrutiny work undertaken in the 2007-08 Municipal Year.
- 1.2 To set out major pieces of scrutiny work to be conducted in the 2008-09 Municipal Year.
- 1.3 To update on the future development of the scrutiny process in line with the Local Government and Public Involvement in Health Act 2007 and subsequent Government consultation papers relating to local accountability, and the more recent introduction into Parliament, in December 2008, of the Local Democracy, Economic Development and Construction Bill 2008.

2.0 RECOMMENDED ACTION

- 2.1 That Council note the major pieces of scrutiny work undertaken during the 2007-08 Municipal Year.
- 2.2 That Council note major pieces of scrutiny work to be conducted in the 2008-09 Municipal Year and request a report back to Council on these.
- 2.3 That Council note the future development of the scrutiny process in line with the Local Government and Public Involvement in Health Act 2007, subsequent Government consultation papers, and the Local Democracy Bill 2008.

3.0 POLICY CONTEXT

- 3.1 The Local Government Act 2000 required all local authorities of over 85,000 population to adopt a constitution involving new executive arrangements by May 2002, following a process of public consultation. The Council adopted the Leader and Cabinet form of executive arrangements from 1 September 2001. These arrangements included provision for Overview and Scrutiny committee(s).
- 3.2 The Council has appointed five Overview and Scrutiny panels to discharge these functions. The five panels mirror the Council's Directorates as they were before the creation of the ENCAS Directorate. Powers and duties of Overview and Scrutiny panels are set out in Article 6 of the Council's Constitution.
- 3.3 The 2007 Local Government and Public Involvement in Health Act includes developments to the scope of scrutiny. Further guidance is awaited but an outline of these developments are included at paragraph 6 below.
- 3.4 The Local Democracy Bill 2008 includes new provisions regarding petitions and calling senior officers to account, as set out in para. 7.8 below.

4. APPROACH TO SCRUTINY

- 4.1 The Council's Corporate (CCEA) Scrutiny Panel formalised an approach to scrutiny in December 2004. A key element of this agreed approach is to conduct three major pieces of outward looking scrutiny and/or policy development work each Municipal Year. Major pieces of work are distinct from ordinary business of the Panels work programme and characterised as reviews held over a number of meetings, at a special meeting outside the ordinary schedule or requiring extensive evidence gathering by the Panel.
- 4.2 The approach notes that the Council's community leadership role and well being powers have the potential to be used to engage in outward looking scrutiny. The experience of the scrutiny/community inquiry into drug use and related crime demonstrated that partners and the wider public will engage if we consider topical issues that matter to them.
- 4.3 Obviously these scrutiny exercises are relatively intense in terms of the resources required to make them work. Regard needs to be paid to both the scale of these exercises and spreading them across the five scrutiny panels, and the Municipal Year, in order to distribute the required input.
- 4.4 Guidance from the Centre for Public Scrutiny notes that for Overview and Scrutiny to be effective there must be the following conditions:
- overview and scrutiny must be given a high status within the local authority
 - overview and scrutiny members must take a clear lead in deciding their work programme
 - overview and scrutiny members must focus on policy considerations, and not be swayed at all times by party loyalties

- overview and scrutiny must be pro-active, and not just be about scrutinising decisions
- the executive and the overview and scrutiny committee must communicate effectively and openly
- members and officers must take a 'whole organisation' view, so overview and scrutiny is sustainable

4.5 The Centre for Public Scrutiny set out four key principles for good scrutiny:

- To provide 'critical friend' challenge to executives as well as external authorities and agencies (holding to account)
- To reflect the voice and concerns of the public and its communities (engaging the public as active citizens)
- To take the lead and own the scrutiny process on behalf of the public (facilitation of community leadership and effective representation)
- To make an impact on the delivery of public services (performance/quality assurance)

4.6 Guidance further suggests that in order to inform the choice of topics, scrutiny panels need to take a view on what they considers to be the most significant priorities, and those issues where they believe the panel can add the most value.

5. MAJOR PIECES OF WORK 08-09

5.1 A Joint Scrutiny Management Panel was held in July 2008 and agreed major pieces of scrutiny work for the 2008-09 Municipal Year as follows:

- First Great Western - Performance - Corporate Community and External Affairs Scrutiny Panel
- Private Rented Sector - Joint Scrutiny - Environment / Housing Health and Community Care Panels
- Effects of Alcohol - Corporate Community and External Affairs Scrutiny Panel
- Children's Health - Joint Scrutiny - Education & Children's Services / Housing Health and Community Care Panels

5.2 A report back on these pieces scrutiny will be submitted to Council in the 2009-10 Municipal Year.

6. MAJOR PIECES OR WORK 07-08

6.1 Scrutiny Chairs and Vice Chairs agreed the following major pieces of scrutiny for the 2007-08 Municipal Year:

- Drug and Alcohol Issues - Follow up to the 2003/04 Review - Corporate Community and External Affairs Scrutiny Panel
- Further work on the Nottingham Declaration - Climate Change Action Plan - Environment Scrutiny Panel
- Children's Health - Joint Scrutiny - Education & Children's Services / Housing Health and Community Care Panels

6.2 Drug and Alcohol Issues

The scrutiny revisited the themes of the Panel's 2003-04 review. The Panel made wide ranging recommendations on prevention, training treatment and support, and further recommended an additional review on alcohol issues for the 2008-09 Municipal Year - see 5.1 above.

6.3 Further work on the Nottingham Declaration

A Climate Change Scrutiny Event was held in April 2008. The scrutiny informed a draft Reading Climate Change Strategy (recommended to Council at this meeting) and a climate change partnership for Berkshire. The Panel continues to consider Climate Change as a key area of its work programme.

6.4 Children's Health

The scrutiny looked at the performance of Children's Services and health partners in a number of key areas including infant and perinatal mortality, obesity, teenage conceptions, levels of immunisations, breastfeeding rates etc. The Panels made a series of recommendations - in particular to keep a watching brief on this area. Further work on this area involving both the Education & Children's Services and Housing Health and Community Care Scrutiny Panels is programmed for the 2008-09 Municipal Year - see 5.1 above.

6.5 Flooding

Whilst not agreed through Scrutiny Chairs and Vice Chairs at the beginning of the Municipal Year the Corporate Community and External Affairs Scrutiny Panel decided to undertake a major piece of work on the response to the floods of Summer 2007. The Panel made detailed recommendations to Cabinet including sharing information with partners and working in partnership to identify capacity problems.

7. DEVELOPMENT OF THE SCRUTINY PROCESS

7.1 The Local Government and Public Involvement in Health Act 2007 included provisions for developing the scope of scrutiny in the following areas:

- Councillor Call for Action (CCfA)
- Scrutiny of LAA and Public Service Providers

7.2 Guidance on these provisions is still awaited from the Department for

Communities and Local Government. This will clearly be key for the Community Call for Action as it will sit alongside existing complaint procedures and there will be a need to filter requests.

7.3 Scrutiny of LAA and Public Service Providers will extend powers to scrutinise the Local Area Agreement and other public service providers (similar to existing provision to scrutinise health trusts).

7.4 The Department for Communities and Local Government issued a consultation paper on local petitions and community call for action in December 2007. The Council responded to this in March 2008, following consultation with the Group Leaders and Lead Councillors.

7.5 I reported to the CCEA Scrutiny Panel on 30 September 2008 on a consultation paper on Improving Local Accountability, issued by the Department of Communities and Local Government (DCLG) as the first in a series of Communities in Control consultation papers, and in particular the implications for Overview and Scrutiny. The consultation paper set out an approach to implementing provisions for the overview and scrutiny of Local Area Agreement (LAA) partners and their delivery of LAA targets specifically in regard to overview and scrutiny committees' requiring information of partner authorities, publication of scrutiny reports, recommendations and responses. The report considered key areas in terms of:

- increasing visibility and accountability of local public officers
- holding local public officers to account
- attendance at regular public hearings
- petitions to hold public officers to account.

7.6 The consultation paper also considered facilitating the work of councillors and approaches to remote attendance and voting, and legislation and standing orders. The report also set out the implications for Overview and Scrutiny in terms of:

- The Local Area Agreement
- Requiring information from partner authorities
- Publication of scrutiny reports, recommendations and responses

7.7 Cabinet, on 3 November 2008, agreed the Council's response to the consultation paper, following its consideration by the CCEA Scrutiny Panel, the Group Leaders, and Lead Councillors.

7.8 The Government subsequently has introduced the Local Democracy, Economic Development and Construction Bill, into Parliament in December 2008, This includes the following features with regard to local democracy and scrutiny:

- A new duty on principal authorities to promote an understanding locally of the authority's functions, its democratic arrangements and how members of the public can take part in them, including how they can become a Councillor.

- New provisions regarding petitions, including a requirement to adopt a petitions scheme which will allow local people to petition the authority (including through electronic petitions); and a requirement on the authority to respond to petitions which meet specified criteria, in specified ways
- A provision to allow petitions to call senior officers to account, both of the authority and of stakeholder bodies, through either the scrutiny process or an “other relevant body”
- A requirement to designate a proper officer for scrutiny.
- A duty to secure the involvement of stakeholders in the exercise of relevant functions.

7.9 The Head of Central Administration is currently liaising with the Group Leaders and the Chair of the CCEA Scrutiny Panel on these proposals.

8. CONTRIBUTION TO STRATEGIC AIMS

8.1 Equal Opportunities -

Equal opportunities in employment and service delivery is a shared responsibility between all panels.

8.2 Sustainability Implications -

Sustainability is a shared responsibility for all panels, an overall framework is set, co-ordinated and monitored by the Council’s Sustainability team.

8.3 Community Safety Implications -

Community Safety is a shared responsibility between all panels, the CCEA Panel has a lead responsibility for setting and overseeing the corporate context.

9. COMMUNITY ENGAGEMENT AND INFORMATION

9.1 Engaging the public, partners and the media is a key role for all panels.

10. LEGAL IMPLICATIONS

10.1 Under Section 21 of the Local Government Act 2000, any authority adopting executive arrangements must appoint one or more Overview and Scrutiny Committee, with powers set out in the Act and in subsequent Regulations.

11. FINANCIAL IMPLICATIONS

11.1 The Policy Unit has a dedicated budget of £12,000 for the support of Scrutiny Panels. This figure is shared between all five Scrutiny Panels.

12. BACKGROUND PAPERS

10.1 None.