

OVERVIEW AND SCRUTINY COMMISSION

Agenda Item 85

Brighton & Hove City Council

Subject: Scrutiny Panel Annual Work Programme
Date of Meeting: 16 March 2010
Report of: Director of Strategy and Governance
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Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 Each Overview and Scrutiny Committee has the power to establish scrutiny panels to undertake short, focused reviews on specific issues. Longer Select Committee views can be agreed by the Overview and Scrutiny Commission (OSC).
- 1.2 OSC has previously supported in principle the idea of an annual trawl of ideas for scrutiny panels involving Members, partner organisations and residents. This paper sets out a process for this exercise.

2. RECOMMENDATIONS:

- 2.1 That the Overview and Scrutiny Commission agrees a process for developing an annual work-programme for scrutiny panels as outlined in this report.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Since May 2008 scrutiny panels have been established to review:

- Students in the Community
- GP Led Health Centre Procurement
- Older People and Community Safety
- Children and Young People Alcohol Related Harm
- Dignity at Work
- Street Access Issues
- Climate Change Adaptation
- Environmental Industries
- School Exclusions
- 20 miles per hour speed limits
- Support services for victims of sexual Violence
- Staff Disabilities
- Cultural Provision for Children

- 3.2 Additionally a Select Committee looking at Dementia has also been established. Select Committees undertake longer pieces of work that cannot be completed within 3-4 meetings and are usually focused on policy areas that cut across directorates.
- 3.3 OSC has previously agreed that an annual trawl for suggestions for scrutiny panels would be a positive development. Moving to an annual programme of panels will have a number of advantages:
1. It will allow for prioritisation of scrutiny intervention into those areas where it can make the most impact and allows for a stronger policy development role for scrutiny
 2. Residents and partner organisations will be able to feed more directly into the topics that scrutiny reviews. This supports moves to make scrutiny place-based and increases residents participation in the democratic process
 3. It will allow for better coordination of issues across the scrutiny function as a whole
 4. It will allow scrutiny panels to more closely mirror council and City priorities
 5. Longer term planning will promote better linkages into policy and strategy development cycles
 6. It will allow for improved timetabling of reviews across the course of the year and avoid overloading Members diaries
 7. It will raise the profile of scrutiny with partner organisations and the general public
- 3.4 The suggested process for this is outlined below:
1. The Chair of OSC will write to all Members of the Council asking for ideas for scrutiny topics. Appended to the letter will be a form for detailing the nature of the review. (Appendix 1). Directors and management teams will also be approached for ideas.
 2. Each Overview and Scrutiny Committee will consider topics to take forward to the Commission for consideration. Some overview and scrutiny committees already have a list of possible future topics. These Committees will want to consider whether or not to put forward items from these lists.
 3. The Chair of OSC will write to the Chair of the LSP asking for suggestions and a request that each of the themed groups within the partnership also consider issues that would be suitable for scrutiny. Officers will be available to attend LSP meetings to discuss scrutiny if required.
 4. To gain residents' suggestions, Citynews will run an article using existing scrutiny panels as examples and asking for residents to write in with ideas.
 5. A press release will be issued and used on social media sites Facebook and Twitter.
 6. Citizens panel—1,500 local residents. Wherever possible the demographic profile of panel members reflects that of the whole population of Brighton & Hove.

7. Information will be added to the Consultation Portal at <http://consult.brighton-hove.gov.uk/portal>
 8. The scrutiny webpages on the Council website will also carry information on the role of scrutiny, previous and current reviews and how ideas can be submitted.
 9. Members may also like to consider offering an online public vote on a top topic once a 'long-list' has been produced. This would allow further resident involvement in the process and clearly illustrate resident's priorities. Whether this vote is binding is also something members may wish to debate.
 10. All sensible suggestions will then be scoped with input from relevant officers; a short-list of topics will then be brought to OSC for a priority list of 12 topics to be selected.
 11. It is suggested having a period of one month for consulting from the initial publicity.
- 3.5 From time to time urgent issues which could benefit from a rapid scrutiny review appear, for example the recent severe winter weather. If such events were to occur it would seem foolish not to allow their inclusion onto the scrutiny work-programme. It is suggested therefore that OSC retains an ability to respond to urgent requests for reviews but that there is an understanding that individual scrutiny committees will not establish scrutiny panels without the agreement of OSC. Each Committee Chair will need to communicate this to relevant Members.
- HOSC is another example where it is necessary to be able to rapidly respond to urgent issues, often proposed changes to health service provision. Where it is looking to establish joint HOSCs, or undertake very focused pieces of work in response to its statutory duties it is recommended that this is not referred to OSC.
- 3.6 In consulting with partners and residents it will be necessary to manage expectations both in regard to the type of topics selected and the results of any review. All information will have to be carefully worded to ensure the role and remit of scrutiny is understood.
 - 3.7 As capacity within the scrutiny team becomes free panels will be taken in turn from the priority list provided. OSC will be provided with six month updates as to the process of panels.
 - 3.8 Prior to panels commencing OSC will be able to alter the list should new information come to light or the policy context for issues change. OSC will need to be kept informed on changes to any issues it has selected for review.
 - 3.9 Members may also wish to consider whether this is an opportunity to further develop the involvement of residents and experts in scrutiny panel work.
 - 3.10 To date there has been limited involvement of co-opted members from the Older People's Council, University of Sussex, LINK, CVSF and feedback on their involvement has been positive.

3.11 The good practice work undertaken during 2009 showed that a number of local authorities have a pool of ‘advisors’ identified who are willing to sit on panels relevant to their field of expertise. It may be that this exercise highlights residents, university staff, representatives of the community and voluntary sector and businesses whom would add value to scrutiny reviews.

3.12 Criteria for prioritisation:

- Length of review – Topics need to be achievable within 3-4 meetings, or undertaken as Select Committees in around 6 meetings.
- Relevance to Brighton and Hove – The focus needs to be a local issue, or at least an issue that is within the decision making power of a local organisation. Issues that are raised that are not within the remit of local decision makers could be considered for the next round of the Sustainable Communities Act.
- Policy Context – What is the policy/strategy development cycle, are changes expected to legislation? There’s no point in reviewing something to recommend changes if national legislation is about to change it anyway!
- Alignment to LSP and Council priorities – Reviews of issues identified as key to improving the lives of residents are by definition the best use of scrutiny resources. Suggestions therefore which align with these priorities should be viewed favourably.
- Highlighted as an issue within performance regimes – Is the issue in question something that has been shown as requiring improvement during performance monitoring? With limited resources scrutiny should avoid reviewing issues which the council and partners are seen as doing well.
- Avoiding duplication with existing work-streams – If a suggestion would replicate work already ongoing there is limited utility in also scrutinising it. There may be merit in requesting scrutiny’s involvement at the pre-decision stage however.
- Issues should affect the City as a whole, rather than a specific area – For example the desire for placing speed restrictions on an individual road is not appropriate for scrutiny. A general review of speed-limits and the criteria for restricted zones could be appropriate scrutiny topics.

4. CONSULTATION

4.1 Consultation has taken place with other local authorities that undertake similar exercises. It has also been undertaken with council officers involved in community participation, communications and the ‘Get Involved’ campaign. The Partnership Managers Group within the LSP has also been consulted.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 There are no financial resources as consultation will take place within existing resources. In establishing scrutiny panels members should be aware of the implications on scrutiny resources.

Legal Implications:

- 5.2 The recommendation at 2.1 is consistent with the statutory framework for overview and scrutiny committees under section 21 of the Local Government Act 2000. It is also consistent with the role of OSC in co-ordinating and maximising the efficiency and effectiveness of scrutiny panels

Equalities Implications:

- 5.3 In consulting on suggested topics there is a need to ensure all residents can participate. The mechanisms for consultation are being discussed with the Communities & Equality Team.

Sustainability Implications:

- 5.4 In looking to develop an annual work programme OSC should ensure that sustainability issues are given appropriate consideration.

Crime & Disorder Implications:

- 5.5 Scrutiny enjoys powers under the Police and Justice Act 2006 to look at crime and disorder issues. A protocol agreed by Council has established guidelines between scrutiny and the Community Safety Forum to avoid duplication of effort. In prioritising reviews OSC will need to be mindful of this protocol.

Risk & Opportunity Management Implications:

- 5.6 There is a risk in approaching such a wide range of individuals and groups of feeding unrealistic expectations that the scrutiny function cannot meet. It will be necessary to very clearly explain the limitations of what can be achieved throughout the process.

Corporate / Citywide Implications:

- 5.7 An annual work programme for scrutiny reviews should enable the scrutiny function to respond to those issues that affect the city as a whole and take a more active role in place-shaping.

SUPPORTING DOCUMENTATION

Documents in Members' Rooms

None

Background Documents

1. The Community Engagement Framework

