

HEALTH & WELLBEING OVERVIEW & SCRUTINY COMMITTEE

Agenda Item 20

Brighton & Hove City Council

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| Subject: | Scoping Report for Scrutiny Panels (July 2012) | | |
| Date of Meeting: | 24 July 2012 | | |
| Report of: | The Strategic Director, Resources | | |
| Contact Officer: | Name: | Giles Rossington | Tel: 29-1038 |
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| Ward(s) affected: | All | | |

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The Health & Wellbeing Overview & Scrutiny Committee (HWOSC) has been asked to consider two member requests to establish scrutiny panels: a request from Cllr Wealls concerning city emergency hostel provision; and a request from Cllr Mitchell regarding the Council's youth offending planning.
- 1.2 The HWOSC considers member requests to establish scrutiny panels on issues which fall within its remit. The HWOSC may choose to establish a panel, or to decline to establish one, or to deal with the issue in a different manner (e.g. via a committee report), or to refer the issue on to another body.
- 1.3 Should the HWOSC agree to establish a panel, members may also wish to consider: the timing of a panel (with particular regard to scrutiny officer and member resources – it is only possible to support a limited number of panels running concurrently); and the scope/duration of the panel (e.g. a single meeting or a series of meetings). However, members may prefer to leave these issues to the determination of panel members.
- 1.4 The HWOSC will not usually make any decision on whether to establish a scrutiny panel without first considering a scoping report on the matter in question. Scoping reports will typically include additional information on the panel requests. **Appendices 1** and **2** to this report contain information supplied by Housing Strategy and Children's Services respectively.

2. RECOMMENDATIONS:

- 2.1 That the HWOSC decides how it wishes to progress member requests to establish scrutiny panels on: (a) emergency hostels, and, (b) youth offending planning.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Scrutiny panels are informal groups of members (and potentially co-optees) established to look, in-depth, at specific issues, and to make recommendations for improving services. Depending on the issue being examined, panels can vary in length from one meeting, or a one-day 'workshop' type event, to a number of meetings across several months.
- 3.2 The HWOSC may choose to accept as many member requests for panels as it wants, but panels tend to be resource intensive in terms of both officer and member time. Typically, the scrutiny team would expect to be able to support no more than two panels at any one time (although this may vary depending on the size of each panel, what stage it is at etc). Therefore, it may not be possible to set up a panel immediately.
- 3.3 When considering a request to establish a scrutiny panel, the HWOSC has several options:
- It may decide that a request does not warrant further action.
 - It may agree to set up a panel (immediately or at some future date, subject to capacity within scrutiny support).
 - It may decide to refer the matter to OSC (or to pursue it jointly with OSC).
 - The HWOSC may also decide that an issue would be better dealt with as a committee report, or a letter from the HWOSC Chair requesting information etc.
 - It may decide that an issue should be referred to the relevant policy committee for investigation (or to another body – e.g. a regulatory committee).
 - In instances where the subject of the request is one over which a council Policy Committee exercises control (e.g. adult social care or children's services), the HWOSC will need to consider whether a Policy Committee itself intends to address the matter in question, and if so, whether the matter might better be dealt with by that Policy Committee (or delay consideration until the results of Policy Committee 'scrutiny' are apparent).
- 3.4 Cllr Mitchell's scrutiny request is as follows: “

I am writing to request that the Health & Wellbeing Overview and Scrutiny Committee undertake a review of the restructure of the council's Youth Offending Service following the critical HMIP inspection in 2011 and the subsequent Peer Review.

The council's Youth Offending Team has been placed in the bottom 25 of all local authority YOTs in the country and therefore a scrutiny review is timely and should include the following areas;

- The HMIP inspection report and subsequent report to CYP CMM in 2011
- The recommendations of the Scrutiny Workshop held in February 2012
- The outcome and recommendations from the service Peer Review
- The current commissioning method and future proposals for the relevant services
- Progress on addressing the priority actions contained in the Youth Offending Strategic Plan 2012 – 13, particularly in respect of reducing re-offending.
- Regular reporting and accountability to Elected Members – the Youth Justice Plan, required since the year 2000, should have been reported to full council on an annual basis.

I hope that the Committee will give due consideration to this request and that a positive scrutiny review of this important service can be undertaken.”

Appendix 1 to this report includes a response to this request from Children’s Services.

3.5 Cllr Wealls’ request is as follows:

“Emergency accommodation typically houses vulnerable people who present with a vast range of problems. I understand that some young(ish) people prefer to be homeless and live on the streets rather than live in such accommodation, where drug taking and alcohol abuse is rife. The places are noisy and threatening for some people with fragile mental health.

The second issue is how much we are paying for such accommodation. The rates may well be fine. I have no idea, but it would be good to look at what is provided for how much money”.

Appendix 2 to this report includes a response to this request from Housing Strategy.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 None at this stage – if members wish to establish a panel then there may be the opportunity to engage with local communities/stakeholders.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

5.1 None. All scrutiny panels will be supported using existing scrutiny team resources.

Legal Implications:

5.2 In accordance with the Council’s constitution, and in addition to the point about resources set out at 3.2 above, HWOSC shall have regard to the following considerations in determining whether or not to establish a scrutiny panel:

- The importance of the matter raised and the extent to which it relates to the achievement of the Council’s strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
- Whether there is evidence that the decision-making rules in the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council;

- The potential benefits of a review especially in terms of possible improvements to future procedures and/or the quality of Council services;
- What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Member, the complaints procedure, enquiry to the Chief Executive or Chief Officer, Council question etc.);
- The proposed overview and scrutiny approach (a brief synopsis) and resources required, resources available and the need to ensure that the Overview and Scrutiny process as a whole is not overloaded by requests;

Lawyer Consulted:

Oliver Dixon

Date: 13/07/12

Equalities Implications:

- 5.3 None directly. HWOSC members may wish to consider the potential impact of issues on equalities groups when determining whether to establish a scrutiny panel.

Sustainability Implications:

- 5.4 None directly. HWOSC members may wish to consider the potential impact of issues on equalities groups when determining whether to establish a scrutiny panel.

Crime & Disorder Implications:

- 5.5 None directly. HWOSC members may wish to consider the potential impact of issues on sustainability when determining whether to establish a scrutiny panel.

Risk and Opportunity Management Implications:

- 5.6 Information supplied by the relevant council departments (in **Appendices 1 and 2**) includes an assessment of risks/opportunities associated with agreeing specific panel requests.

Public Health Implications:

- 5.7 None directly. HWOSC members may wish to consider the potential impact of issues on population health when determining whether to establish a scrutiny panel.

Corporate / Citywide Implications:

- 5.8 Members should consider whether undertaking a particular panel would be likely to help achieve corporate/citywide priorities.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 This report offers members the options to: a) agree to both panels requests; b) agree to neither panel request; c) agree to one panel request but not the other; d) agree to request(s) and specify the scope/duration of any panels; e) decline requests but pursue the issue via other means (a report to committee, referral to another body etc). Members have therefore been given a choice of options, with no obvious alternatives having been discounted.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 This report is intended to facilitate HWOSC's choice of the scrutiny panels it wishes to establish.

SUPPORTING DOCUMENTATION

Appendices:

1. Additional Information provided by Housing Strategy.
2. Additional information provided by Children's Services

Documents in Members' Rooms

None

Background Documents

None