

OVERVIEW & SCRUTINY COMMITTEE

Agenda Item 6

Brighton & Hove City Council

Subject:	OSC Work Programme: Update		
Date of Meeting:	15 July 2013		
Report of:	Head of Law (Monitoring Officer)		
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Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report updates members on the scrutiny panel work currently being undertaken, work scheduled to begin imminently, and suggestions and requests for the establishment of new scrutiny panels or workshops. A list of current, planned and suggested panels is included as **Appendix 1** to this report.
- 1.2 In terms of panel requests, this report briefly outlines the reasons for each request and recommends an appropriate course of action for each, bearing in mind the resources available to the scrutiny team, the demands that scrutiny panels place on elected members, corporate and citywide priorities, and the potential for scrutiny involvement to make a positive difference to each issue. **Appendix 2** to this report includes a summary of each panel request and recommendations for how the matter might best be pursued.

2. RECOMMENDATIONS:

- 2.1 That OSC members note the information on the OSC work programme (**Appendix 1**);
- 2.2 That OSC members agree the recommended actions in relation to each scrutiny request (**Appendix 2**)

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 We are currently running a number of scrutiny panels. Work is ongoing or will imminently commence on panels relating to: **Youth Justice (1)**, **Homelessness (2)**, **Alcohol (4)**, **Social Value in Procurement (5)**, **Services for Children with Autistic Spectrum Conditions (6)**, and **Bullying in Schools (7)**. We have also agreed to hold a scrutiny workshop in September on **Alternative Service Design (ASC) (17)**. The panel on **Public Toilet Provision (3)** has now concluded, and the panel's report will be presented to the July 15 2013 OSC meeting. (Numerals refer to the table of Scrutiny & Policy Review Panels 2013/14 included as **Appendix 1** to this report.)
- 3.2 In addition there are several panels which have been agreed, but where work has not yet begun:
- **Cultural Provision for Older People (8)**. This is on hold whilst the Age Friendly City initiative (led by Public Health) maps current provision.
 - **Community Mental Health (9)**. This is on hold until it becomes clearer whether recent changes to community mental health services have led to improved outcomes for service users and higher user satisfaction rates.
 - **Benefit changes/financial inclusion (17)**. This is on hold until we have a clearer idea of the impacts, whether positive or negative, of recent changes to a variety of benefits.
- 3.3 **Communication with Tenants (14)**. This is a referral to the newly established Tenant Scrutiny Panel (TSP) and is included for information only. The TSP is independent of BHCC scrutiny and will determine its own work programme, although there may well be value in seeking to co-ordinate aspects of our respective work plans going forward.
- 3.4 There are seven outstanding requests for the establishment of scrutiny panels. The requests relate to: the **Community Engagement Framework (10)**, **Seafront Infrastructure (11)**, **Models of Service Delivery (12)**, **Party Houses (13)**, **Community Use of School Playing Fields (15)**, **Credit Unions/Payday Loans (18)**, and **BHCC Interactions with Debtors (19)**. These are summarised in **Appendix 2** to this report, and a course of action for each request is recommended. In each instance the recommendations seek to capture:
- a) **resource demands**. There is a limited amount of scrutiny officer support available to OSC and we need to ensure that we are using what support is available as effectively and strategically as possible. Unfortunately, there is simply not enough officer support available to progress every scrutiny request. Scrutiny panels can also be very demanding in terms of member time and this also needs to be born in mind.

- b) **corporate and citywide priorities.** The scrutiny function is intended to support the council's decision making generally, and the work of cross-party policy committees in particular. In a recent letter to Policy & Resources committee, Cllrs Morgan and Rufus (writing as OSC and HWOSC Chairs) reminded P&R members and senior officers of this key link between policy and scrutiny committees and asked for more issues to be referred from P&R/ELT: [http://present.brighton-hove.gov.uk/Published/C00000689/M00004090/\\$\\$ADocPackPublic.pdf](http://present.brighton-hove.gov.uk/Published/C00000689/M00004090/$$ADocPackPublic.pdf)
- c) **time pressures.** Some issues are more urgent than others and this needs to be reflected in scrutiny work planning. A scrutiny work programme that simply dealt with issues sequentially depending on when they were first suggested/accepted would risk missing significant opportunities with regard to urgent issues.
- d) **value added.** When considering issues for the scrutiny work programme it is important to be mindful not only of the inherent value or worthiness of the issue suggested, but of the opportunity for a scrutiny panel of elected members to make a positive difference. In practice, this may mean prioritising issues where there is a good chance of making a difference over those where opportunities are more limited (e.g. where a matter is determined at a national rather than a local level, or where an issue has already received a good deal of local attention and it seems unlikely that member involvement will add very much).
- e) **appropriate actions.** Scrutiny panels can be an excellent way to explore issues, but not all issues are necessarily suited to this approach. It may be that an informal one-meeting 'summit/workshop' is actually a more effective response as well as making fewer demands on officer and member resources. In other instances, it may not be currently clear what, if any, action by scrutiny is warranted, and in such instances it will generally be wise to request a more detailed report to committee before any final decision to proceed is taken.
- f) **potential duplication/synergy.** Obviously we should seek to avoid having scrutiny panels which duplicate one another or similar pieces of work undertaken by other bodies that have recently taken place or are scheduled to take place soon. However, we should be alert to the potential for doing complementary pieces of work – either in terms of just the scrutiny work programme or in terms of the work plans of other council bodies, partners etc.

4. **COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 None at this stage. Where appropriate, scrutiny will engage with local communities and community representative groups whilst scoping and evidence-gathering for panels.

5. **FINANCIAL & OTHER IMPLICATIONS:**

Financial Implications:

- 5.1 None. All scrutiny panel work will be delivered within existing scrutiny team budgets.

Legal Implications:

- 5.2 In accordance with the Council's constitution, and in addition to the point about resources set out at 3.4(a) above, OSC 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: 04/07/13

Equalities Implications:

- 5.3 None at this stage. An Equality Impact Assessment will typically be undertaken at the scoping stage of a panel.

Sustainability Implications:

- 5.4 None at this stage.

Crime & Disorder Implications:

- 5.5 None at this stage.

Risk and Opportunity Management Implications:

- 5.6 Scrutiny has limited resources with which to manage an already busy work programme. With so many new suggestions for pieces of work, including work

that will explicitly support corporate objectives, it is important that members consider carefully which issues to prioritise.

Public Health Implications:

5.7 None at this stage.

Corporate / Citywide Implications:

5.8 **Appendix 2** to this report seeks to evaluate outstanding scrutiny requests against, amongst other things, corporate priorities.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

6.1 This report recommends that some panel requests should be agreed, some should initially be progressed in an alternative way (e.g. via reports to committee), and that additional information is needed before making a decision on others. These recommendations are based on a considered view of each request, but in all instances members could choose to make an alternative decision.

7. REASONS FOR REPORT RECOMMENDATIONS

7.1 The recommendations seek to achieve a manageable work programme that is responsive to the concerns of elected members and local communities, but which also helps drive corporate and citywide priorities.

SUPPORTING DOCUMENTATION

Appendices:

1. List of current, pending and mooted panels.
2. Evaluation of recent panel requests.

Documents in Members' Rooms

None

Background Documents

None

