

NEWCASTLE BOROUGH COUNCIL

Briefing Note for Scrutiny – June 2013

Planning a Work Programme

Purpose of the Briefing Note

To assist the Cleaner, Greener and Safer Communities Overview and Scrutiny Committee in the development of a work programme for the 2013-14 municipal year. It is important that Members develop a realistic and flexible work programme for overview and scrutiny which contributes to the Council's priorities and provides opportunities to hold decision-makers to account.

Recommendations

- (a) That the Committee identify topics for scrutiny activity within its work programme for the 2013-14 municipal year.
- (b) That the timetabling of items and any amendments or additions to the work programme be agreed by the Chair of the Committee.

Background

During 2012-13, the Cleaner, Greener and Safer Committee focused on the Safer and Stronger Communities Strategy, the Alcohol Strategy and Alcohol Action Plan, the Carbon Management Plan, the move of the Local Policing Team in Kidsgrove, the relocation of Fenton Magistrates Courts to Newcastle, Warm Zone and Let's Work Together.

This briefing note asks the Committee to identify areas for inclusion within its work programme for the 2013-14 municipal year.

What Activity Should Be Included in a Work Programme?

The Centre for Public Scrutiny has identified four principles which are generally accepted as forming the basis of overview and scrutiny activity. These principles are:

- Provide 'critical friend' challenge to Executives, as well as external authorities and agencies;
- Reflect the voice and concerns of the public and its communities;
- Take the lead and own the scrutiny process on behalf of the public;
- Make an impact on the delivery of public services.

These principles will form the basis of our evaluation of the effectiveness of the overview and scrutiny arrangements.

The overview and scrutiny committees will be responsible for setting their own work programme and in doing so they shall take into account the wishes of Members on that committee.

The overview and scrutiny committees will also respond, as soon as their work programme permits, to requests from the Overview and Scrutiny Co-ordinating Committee, the Council and/or the Cabinet to review particular areas of Council activity. Where they do so, the overview and scrutiny committees

shall report their findings and any recommendations back to the Cabinet and/or Council within 2 months of receiving it or as soon as is reasonably practical.

Once it has formed recommendations on proposals for development, the overview and scrutiny committee will prepare a formal report and the Chief Executive will submit it for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework)

The Council or Cabinet shall consider the report of the overview and scrutiny committee within two months of it being submitted to the Chief Executive or as soon as is reasonably practical

From time to time, ad hoc recommendations to the Cabinet may arise from discussion at meetings of the overview and scrutiny committees. These recommendations will be passed directly to the relevant Portfolio Holder who will be required to respond to the relevant overview and scrutiny committee within two months, or as soon as is reasonably practicable. The Portfolio Holder will invite the relevant overview and scrutiny committee Chair or Vice Chair to a meeting of the Cabinet to explain the reasons for the recommendation.

Overview and scrutiny committees may make proposals to the Cabinet for developments insofar as they relate to matters within their terms of reference

Overview and scrutiny committees may hold inquiries and investigate the available options for the future direction of the Council and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration.

Performance Management and Review

Overview and scrutiny has a key role to play in helping to improve the performance of the Council, for example by looking at performance data, achievements against performance indicators or targets and also scrutinising external inspection reports. The Council's performance management framework provides a quarterly cycle of reporting of performance information to the Cabinet. Overview and scrutiny therefore has a performance monitoring and review role in respect of agreed action plans and can make recommendations thereon.

Holding the Cabinet to Account – this comprises two key aspects:

- Scrutinising proposed decisions by the Cabinet collectively or individually through 'call-in' procedures as specified in the Constitution;
- Scrutinising the impact of decisions taken after they have been implemented.

External Challenge

The Local Government and Public Involvement in Health Act 2007 (as amended by the Localism Act 2011) provides for a local authority's overview and scrutiny arrangements to develop a strong outward focus, encouraging participation from partners and the public. One aspect of this is external scrutiny – scrutinising the work and impact of external agencies on a Council's community. Public agencies, such as health service organisations, the fire and rescue authority, the waste disposal authority, the Chief officer of Police, the Probation Board or Youth Offending Team, the Environment Agency and the Health and Safety Executive or voluntary and private sector organisations.

There is a duty, which is again similar to the previous duty on health service bodies, for partner authorities to “have a regard to” a report or recommendations made by the scrutiny committee. The phrase, “have a regard to” is commonly agreed to mean that the partner authority cannot ignore the report, but it does not have to provide a formal response; however a formal response can of course be requested.

It may be possible to challenge a decision made by, say the Environment Agency, if they had ignored the scrutiny committee’s report when making a decision.

These powers should also be seen in the context of the “general power of competence” in the Localism Act. Local authorities now have far wider powers to influence policy and public service delivery in their area. As a function of the council, scrutiny can use these powers to investigate issues beyond its traditional remit, but which nonetheless affect local people.

The Councillor Call for Action (CCfA) allows all councillors in England to refer matters of concern within the community to their local Overview and Scrutiny Committee. The aim of this new measure is to provide ward councillors with additional powers to enable them to respond to local community concerns which have proved difficult to resolve.

The CCfA process emphasises the role of ward councillors as ‘community champions’ and is a clear recognition by government of the role that ward councillors can play in developing community engagement and providing local leadership.

Under CCfA, ward councillors are able refer issues to Overview and Scrutiny Committee where it can be shown that these are of a genuine and persistent locality concern, that the issue is not subject to ongoing legal processes and where other courses of action have failed to resolve the matter. The powers to raise a CCfA were established in April 2009 and guidance followed the department for Communities and Local Government.

The Localism Act (2011) has provided further clarification on the matters or concerns that can be referred through the CCfA process:

- Ward councillors are no longer restricted to referring matters of 'local government' concern to Overview and Scrutiny Committee;
- Matters which are referred to Overview and Scrutiny Committee must be relevant to the functions of the Overview and Scrutiny Committee;
- Matters must be referred to the main Overview and Scrutiny Committee, though this committee can subsequently decide that a sub-committee or panel may deal with the matter.

Local Area

The above encapsulate opportunities to work closely with and involve the Cabinet, officers, partner agencies and authorities, the public and its communities in overview and scrutiny activity whilst demonstrating how the function can contribute to improving both public services and the quality of life of our various communities.

Topics for the Work Programme

Having regard to the information above, it may be useful for Members to be reminded of the service areas which come under the remit of this Committee:

- Anti-social Behaviour Orders;

- Civil contingencies;
- CCTV;
- Community cohesion and safety;
- Community Safety and Section 17;
- Decriminalised parking enforcement and on-street parking;
- Emergency planning;
- Older people;
- Crime and Disorder Reduction Partnership;
- Street and community wardens;
- Buses and concessionary travel and taxis;
- Car park management;
- Climate change, sustainability and energy efficiency;
- Environmental enforcement;
- Environmental health;
- Flooding and drainage;
- Highways and transport (operational);
- Recycling and waste management;
- Streetscene – litter, grounds maintenance, parks and gardens.

Overview and scrutiny should always focus its activity on areas which are the most important to local people and the Council and which will have the greatest impact.

The Role of this Committee

Areas of activity and interest will develop over the course of the year and it is wise to build in some flexibility to the work programme of the Committee to ensure that it is able to meet the challenges that lie ahead. Having a realistic and flexible work programme is necessary to being successful in scrutiny. The Committee may have to consider decisions that are called-in or may determine to examine a proposed decision that has been published in the Forward Plan by the Cabinet – this is known as pre-decision scrutiny and enables Members to influence decisions before they have been taken.

What Happens Next?

In the event of the Committee identifying and agreeing areas for inclusion within the work programme, the Chair of the Committee will work with Member Services and consult the Portfolio Holders and Executive Directors on the timetabling of items for the work programme, having regard to the dates of meetings that have been arranged and to develop a scrutiny brief for the identified topic. It should be noted that further meetings can be arranged if required to meet the workload of the Committee.

If the Committee determines to establish a working group, Members are reminded that the members of scrutiny working groups do not necessarily need to be members of the ‘parent’ committee, nor do they need to reflect political balance, but they do have to consist of non-Executive Members of the Council.

Summary

This report highlights the kind of Overview and Scrutiny activities that the Committee should be undertaking and also highlights a number of areas which the committee may wish to examine over the coming year. It is important to secure the development of Overview and Scrutiny and, more importantly, the involvement of Members in issues surrounding the authority’s performance, finances and transformation agenda that a clear, flexible and realistic work programme is agreed.

Outcomes Linked to Corporate Priorities

It is envisaged that the activity of the overview and scrutiny committees will lead to improved outcomes which support the overall priorities of the Council.

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