

Contact Officer: Penny Bunker

KIRKLEES COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Monday 26th February 2018

Present: Councillor Julie Stewart-Turner (Chair)
Councillor Cahal Burke
Councillor Elizabeth Smaje
Councillor Rob Walker

Apologies: Councillor Gulfam Asif

140 Minutes of Previous Meeting

The minutes of the meeting of the Committee held on 15 January 2018 were agreed as a correct record.

141 Interests

No interests were declared.

142 Admission of the Public

That all agenda items be considered in public session.

143 Findings of Commons Select Committee on Overview and Scrutiny in Local Government

The Overview and Scrutiny Management Committee considered a report which summarised the findings of the 2017 Communities and Local Government Select Committee which has looked into Overview and Scrutiny in Local Government. It was noted that at the time of considering the report a formal response to the recommendations of the Select Committee was still awaited from Government.

The Committee noted that the Select Committee had considered whether overview and scrutiny arrangements in England were working effectively and whether local communities were able to contribute to and monitor the work of their councils. Issues explored included:

- effectiveness and holding decision makers to account
- political impartiality and independence from executives
- independence of scrutiny officers
- selection of chairs and members
- how topics are selected
- use of specialist external advisers
- scrutiny of external organisations
- the role of scrutiny in devolution deals

The Committee continued to consider the areas of recommendation made by the Committee within the context of practice in Kirklees. It was evident that in some authorities there was an inappropriate Executive influence within Scrutiny. It was felt that in Kirklees Scrutiny set its own agenda and invited cabinet members

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attendance as appropriate. It was important to continue to maintain constructive relationships with cabinet members.

The Select Committee had identified the ability for scrutiny to access confidential information as a barrier. The Scrutiny Committee agreed that scrutiny should be able to access all information as part of looking at issues and not be subject to legislative restrictions.

The Select Committee had examined the resourcing of scrutiny work in detail. It was recognised that the amount of dedicated scrutiny resources had diminished in line with the wider reduction of resources in Local Government. It was emphasised that scrutiny should be supported by officers who could operate with independence and provide impartial advice. The Select Committee also concluded that there should be greater parity of esteem between Scrutiny and the Executive with Scrutiny committees having the same access to the expertise and time of senior officers and the Chief Executive as their Cabinet counterparts. The Select Committee proposed that the statutory scrutiny officer post should have a seniority and profile equivalent to the councils Corporate Management Team. It was also suggested that the statutory scrutiny officer would be required to make regular reports to full council.

The Scrutiny Management Committee recognised that diminishing resources did impact on the amount of work that scrutiny could undertake. Cllr Smaje suggested it was important that within the scrutiny sector there was a sharing of best practice both at officer and member level. The Council needed to heed the lessons from high profile failures and reflect those lessons within the scrutiny approach in Kirklees.

There followed a discussion on the reporting of scrutiny work at council. Cllr Stewart-Turner welcomed the recent discussions of scrutiny findings reports and felt that progress had been made in engaging Councillors. However it was suggested that Scrutiny should provide more regular updates on work programmes and seeking views of Councillors on issues that Scrutiny was looking at. The Committee did not consider it appropriate that the statutory Scrutiny officer should be required to report to Council as Scrutiny should be member led in such arenas. It was further suggested that Scrutiny should be reporting back to Council on the outcomes of Scrutiny work particularly where Scrutiny can illustrate the difference that has been made as a result of Scrutiny recommendations.

All members of the Management Committee supported the clear separation of the Executive and Scrutiny and the independence of committees and panels to be able to set their own agenda. It was not felt that there was a particular problem in this area in Kirklees. Cllr Stewart-Turner agreed to raise the views of the Committee in her next briefing with the Chief Executive.

The Committee continued to explore independent and impartial advice and the use of advisors. Councillor Smaje indicated that one of the Scrutiny Co-optees on the Health & Adult Social Care Panel was an emeritus professor from Huddersfield University and his expertise had proved invaluable to the Panel. It was suggested when we started looking to recruit further co-optees that we might consider how to encourage people with professional expertise to become co-optees.

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Councillor Smaje advised that within Health Scrutiny there was a West Yorkshire Scrutiny Panel which already brought key scrutiny members together across authorities. All members welcomed the idea of having a network to pick up on key issues and share good practice.

The Committee continued to look at the role of the public in overview and scrutiny and how we better engage and involve the public moving forward. It was recognised that this linked in part to improved scrutiny communications. It was recognised that processes needed to be simple and not onerous in order to encourage public engagement.

RESOLVED -

- 1) That the findings of the Commons Select Committee report into Overview and Scrutiny in Local Government be noted.
- 2) That the Committee supports the sharing of confidential information with Scrutiny on request, whilst recognising the need to maintain the confidentiality of such information.
- 3) That sharing of good practice across local authorities should be encouraged, possibly through the establishment of a network.
- 4) That in addition to the Scrutiny Annual Report and Ad Hoc Panel finding reports, the Scrutiny Panel Lead Members should share Panel highlights at Council approximately three times a year.
- 5) That the Committee supports the ambition that Scrutiny should be able to “follow the council pound” and have the power to oversee any taxpayer funded service.

144 Scrutiny Lead Member Reports

The Scrutiny Committee considered reports from each of the 4 scrutiny panel lead members which highlighted work being undertaken by the panels.

Councillor Cahal Burke, Lead Member of the Children’s Scrutiny Panel highlighted work undertaken between 27 November 2017 and 26 February 2018. This had included:

- A visit to the Drop in Centre
- Consideration of Kirklees Safeguarding Children’s Board annual report
- Scrutiny of the findings of the Ofsted monitoring visit in October 2017
- School transport
- Consideration of performance information

It was further noted that the Elective Home Education Ad-Hoc Panel work was ongoing, with activities planned including 2 meetings to be held in the near future. Cllr Burke advised that Councillor Donna Bellamy was now attending as the scrutiny representative on the Children’s Services Improvement Board.

Looking forward the Scrutiny Panel would look at mainstream school transport proposals and have a briefing on special educational needs and disabilities. The

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revised Children and Young Peoples' Plan would also be considered by the Scrutiny Panel in April 2018.

The Committee welcomed the report including the news of the visits being undertaken by the Scrutiny Panel to look at the service from a user perspective.

There followed a further discussion on the future role of the CSE & Safeguarding Member Panel and the Corporate Parenting Board and how they related to Overview & Scrutiny. Cllr Burke indicated that he would be discussing this issue with the Cabinet Member.

The Committee continued to look at the Lead Member report for the Economy & Neighbourhoods Panel. Councillor Walker indicated that the panel had prioritised 3 areas namely, housing, transport and towns & communities. Following a meeting in November where the Panel had received an overview of housing issues and had highlighted several topics for further consideration which included:

- age designation and letting of properties
- the availability and demand for supported housing
- the provision of affordable new homes

In December the Panel had looked in more detail at the demand and supply of supported housing in Kirklees. This was followed by the opportunity for members of the Panel to visit the extra care housing schemes at Crosland Moor and Heckmondwike.

In the new year the Panel held a meeting to look at the issues facing the development of transport links in Kirklees and West Yorkshire, focussing in particular on local rail links. A senior representative from Network Rail was invited to attend the panel meeting on 15th March for a further informal discussion on how the proposed developments would impact on local rail services in towns and villages within the Kirklees district.

The Committee noted that Cllr Walker had attended the Cabinet Portfolio Briefing meeting to follow up on the discussion on extra care housing and to discuss how a small group drawn from the Scrutiny Panel would be following up on the issues raised.

The Management Committee welcomed the progress made, including the visit and constructive meetings with Cabinet Members and senior officers. It was welcomed that Cllr Walker had extended the invitation to the informal meeting with Network Rail to all councillors.

In considering the work of the Health & Adult Social Care Scrutiny Panel, Cllr Smaje highlighted the issues covered at panel meetings and any follow up activity. The panel had looked at wheelchair services in Kirklees and made recommendations to the Clinical Commissioning Group, it was awaiting feedback.

The Committee noted that the Panel had received a further update at its meeting in January on tuberculosis in Kirklees. This followed previous scrutiny investigation work into the approach in Kirklees. Cllr Smaje reported that the panel was pleased

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with the work that had been carried out by Public Health and had confidence that the action plan was robust enough to strengthen TB control within Kirklees.

Cllr Smaje indicated that there were still areas of the previous adult mental health assessment scrutiny investigation which she wished to follow up on and information would be circulated when an update was available.

The Committee also noted that the Joint Health Overview & Scrutiny Committee (Yorkshire and Humber) had met to consider the details of NHS England's final decision on the commissioning of congenital heart disease services for adults and children across Kirklees. The members of the Committee recognised the work as an excellent example of joint health scrutiny arrangements and it was agreed that the Committee would cease to be operational at the end of the current municipal year.

In the absence of the Lead Member, Cllr Stewart-Turner reported on the highlights of the work of the Corporate Scrutiny Panel. There followed a discussion on the future overview of the Transformation Programme. Cllr Stewart-Turner proposed that in future, given the cross cutting nature of the Transformation Programme, the Overview & Scrutiny Management Committee would maintain the overview of the progress of the whole programme. Any scrutiny work to look in more detail at certain aspects, for example procurement and commercialisation strands, would continue within the Corporate Scrutiny Panel. Cllr Stewart-Turner indicated that she had asked for an overview for the Management Committee for the final meeting of the municipal year.

Cllr Stewart-Turner circulated details of the work she had undertaken in her capacity as Chair of Scrutiny, this had included attendance at the Centre for Public Scrutiny Conference where Cllr Stewart-Turner had been interested to hear about the work being undertaken to strengthen governance with Rotherham Council. Cllr Stewart-Turner circulated information to members of the Committee on a range of topics relevant to scrutiny work. Cllr Stewart-Turner indicated that as part of her crime and disorder remit she had met with Chief Superintendent Cotter to understand the work of the community safety partnership and improvements in working with offenders with mental health difficulties.

Cllr Stewart-Turner had attended briefings with the Chief Executive and Cllr Sheard and Cllr Pandor were now attending the same briefings.

Cllr Stewart-Turner had raised the issue of scrutiny communications with the Chief Executive including the need to replace the previous Scrutiny web page with an alternative that gave the public information.

Cllr Stewart-Turner asked if all Lead Members could develop action logs to enable actions to be monitored thereby allowing scrutiny to identify the difference it was making.

In closing the discussion of the Lead Member reports Cllr Cahal Burke raised concerns regarding access to information and officer attendance from Children's Services. On some occasions the Scrutiny Panel had been able to have good discussions but generally reports were not provided in a timely way and this was delaying the progress of some areas of scrutiny work.

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Cllr Stewart-Turner reported back on her discussions with the Chief Executive in which she had raised similar concerns. Cllr Stewart-Turner asked that where members had concerns regarding scrutiny access and information or officer resources then they needed to identify those to Cllr Stewart-Turner so that they could be used as examples within discussion.

RESOLVED -

- 1) That the Panel Lead Member reports on recent activities within Scrutiny Panels be received and noted.
- 2) That the overview of the Transformation Plan be carried out by the OSMC with the Corporate Panel continuing to look in more detail at specific strands such as procurement and commercialisation.

145 Agenda Plan 2017/18

The Management Committee considered the remainder of the agenda plan for the 2017/18 municipal year. It was agreed that the Transformation Programme and Lead Member reports would be included on an additional meeting agenda in April 2018.

RESOLVED -

- 1) That the Scrutiny Committee agenda plan for the remainder of the municipal year be noted.
- 2) That an additional item be added to the meeting on 13 April on the Transformation Programme.
- 3) That a year end Lead Member report be presented to the Committee meeting on 13 April 2018.

146 Arrangements for Future Meetings

The Management Committee confirmed that the date of the next meeting would be 12 March 2018 at 9.30am. It was further agreed that an additional meeting of the Committee would be held on 13 April 2018 at 10.00am.

RESOLVED -

- 1) That the next meeting of the Committee be held on Monday 12 March 2018, starting at 9.30am.
- 2) That an additional meeting of the Committee be held on Friday 13 April 2018 at 10.00am.