

**AGENDA MANAGEMENT SHEET**

**Name of Committee** Overview And Scrutiny Coordinating Group

**Date of Committee** 30 April 2008

**Report Title** West Midlands Overview and Scrutiny Network Steering Group

**Summary** The notes of the most recent meeting are attached for information

**For further information please contact:** Jane Pollard  
Overview and Scrutiny Manager  
Tel: 01926 412565  
janepollard@warwickshire.gov.uk

**Would the recommended decision be contrary to the Budget and Policy Framework?** No.

**Background papers** None

**CONSULTATION ALREADY UNDERTAKEN:-** Details to be specified

- Other Committees  .....
- Local Member(s)  N/A
- Other Elected Members  Councillor Richard Grant
- Cabinet Member  .....
- Chief Executive  Jim Graham
- Legal  Sarah Duxbury
- Finance  .....
- Other Chief Officers  David Carter
- District Councils  .....
- Health Authority  .....
- Police  .....
- Other Bodies/Individuals  .....

**FINAL DECISION YES**

**SUGGESTED NEXT STEPS:**

Details to be specified

Further consideration by this Committee  .....

To Council  .....

To Cabinet  .....

To an O & S Committee  .....

To an Area Committee  .....

Further Consultation  .....

**Agenda No**

**Overview And Scrutiny Coordinating Group - 30 April  
2008.**

**West Midlands Overview and Scrutiny Network Steering  
Group**

**Report of the Chair of the Overview and Scrutiny  
Coordinating Group**

**Recommendation**

To consider and comment on the notes

COUNCILLOR RICHARD  
GRANT  
Chair of the Overview and  
Scrutiny Coordinating Group

Shire Hall  
Warwick

04 April 2008

# West Midlands Overview & Scrutiny Network Steering Group

17.3.2008

## Notes and actions

Present: Cllrs: Peter O'Neil (Chair); Frank Findlay; Tim Barker; Colin Taylor, Richard Grant. Officers: Rodger Mann; Alison Smith and Jeremy Snape.

Apologies from: Cllrs Rob Adams; Geoff Williams; Janet Johnson and Martin Bennett.

1. Peter asked colleagues to declare any interests and none were declared.
2. The notes from the previous meeting on 19.11.07 were confirmed as accurate.
3. **Update from National Forum** – formal notes were circulated in advance of the meeting.
  - 3.1 Cllr Peter O'Neil and Alison Smith represented the West Midlands. Peter and Alison fed back their reflections. This covered debate around pre-decision scrutiny being promoted to bring about a more positive relationship between the Executive and Scrutiny. Peter described the use of the Forward Plan in Wolverhampton as a key means of planning scrutiny work and a mechanism for pre-decision scrutiny aligned with the Executives decision making programme.
  - 3.2 Alison reported that implementation timetable of the Local Government Act was still a mystery (\*see 4.1 below). In addition, Alison observed that CLG are failing to share the evidence being gathered in respect of authorities' ideas about managing the Councillor Call for Action (CCfA) and the Duty to Co-operate. It should be noted, however, that a national Community of Practice was established for CCfA debate -
  - 3.3 The debate on the Comprehensive Area Assessment (CAA) was a new area which challenged those at the Forum. Members had not considered the implications of CAA upon scrutiny and vice versa. This relationship was put forward by Gareth Wall of the Centre for Public Scrutiny and he sought to explore what role should be played by Scrutiny in 'Place Shaping' and the potential recognition within the CAA process of the contribution scrutiny can make to performance improvement.
  - 3.4 Peter reported that the West Midlands had taken more note of the implications of the Sub-National Review of Economic Development & Regeneration (SNR) with regard to regional scrutiny than other regions. SNR was discussed in more detail later on by our Member Steering and I will circulate the notes and actions from the Member Steering Group shortly.

3.5 John Cade from Birmingham City Council and Jeremy Snape will be attending an urgently convened meeting on **Thursday 27<sup>th</sup> March** at the Dept., for Communities & Local Government which will seek input from authorities regarding the Councillor Call for Action (CCfA) and Petitions. This follows the formal consultation on these areas which closed on 20<sup>th</sup> March. Whilst the CCfA powers are part of the legislation, Petitions do not form part of the Act and it was considered to be an area of activity which authorities would look to manage as they currently did. Cllrs shared current protocols with some taking Petitions at full council meetings; others acknowledged that they did not have any monitoring of what happened once a Petition had been received by Council. It was agreed that Government's consultation on the management of Petitions fell within the new Community Empowerment White paper rather than the 2007 Act. It was seen by some as a means of re-introducing the abandoned 'Community Call for Action'. Petitions should not subvert or undermine the role of the Councillor in representing constituents' views. There was concern that legislation may be a retrograde step in relation to Petitions. Government must recognise the key role played by Councillors and the range of avenues available to constituents to make representation.

3.6 A meeting of Officer Scrutiny practitioners had been organised within the Region on 20.3.07 which would inform Jeremy of authorities' formal response to CLG consultation regarding CCfA and Petitions. *NB: This meeting was originally convened to address the implications of the Flanagan Review into Policing. A separate briefing on this will be circulated.*

**Action: Peter called for clarification on the use of Petitions. Jeremy will feedback following meeting with CLG on 27<sup>th</sup> March.**

#### **4. Local Government & Public involvement in Health Act 2007**

4.1 The latest intelligence is that the Local Government Association and Centre for Public Scrutiny have jointly written to Government asking for a statement to make clear what we can and cannot do within the legislation from 1.4.08. Both bodies will report the outcome of this request, when known. \*The predicted timetable for publication of guidance and regulation for the bulk of the legislation is likely to be **Autumn 2008**.

4.2 A new lead Official was now in post at CLG and Jeremy would be directing any feedback from Members to this contact point. The Act also creates the powers for the new performance management framework for local government which includes the Comprehensive Area Assessment (CAA) and the new National Indicator set. Separate consultation has been undertaken with regard to both these mechanisms. Jeremy advised Members that a regional capacity building project was under way involving nine local authorities which is seeking to prepare them for the CAA regime from 2009. It focuses upon the management of performance based upon customer focused approach. Members in each participating authority will mentored to build their confidence and capacity to comprehend and challenge data and make decisions based upon a comprehensive set of intelligence, eventually creating an intuitive understanding of their areas.

**Action: Jeremy would ensure that news would be disseminated to Members when it becomes available.**

5. **LINKs update** - Feedback from 28 January meeting of Health Scrutiny Chairs Forum was circulated in advance of the meeting – formal minutes are attached in the accompanying email.

5.1 Rodger Mann advised that procurement of the Host organisations should be in completed by 1.4.08. Whilst Hosts will be place in most of the 14 localities across the Region, LINKs themselves will not be operational and a time lag will occur between the abolition of Patient & Public Involvement Fora and the Links becoming live bodies.

5.2 Member discussed the need to ensure that colleagues were aware of the legislation's impact upon Social Care which was now subject to the LINKs accountability. Peter sought clarification with regard to Childrens Health and Social care and to what extent LINKs can address Childrens' needs. In addition, authorities needed to prepare the ground for the relationships between the Portfolio Holder for Childrens Services and the respective O&S Committees (Health and/or Children) with regard to how they are held to account.

5.3 Rodger raised the issue of joint working between County and District Councils in respect of Health but now Social care was subject to scrutiny within that joint arrangement, there would appear a need to agree protocols for constructive working. In addition O&S has a role in scrutinising LINK Host organisations. Further still, how do we address regional wide scrutiny of LINK elated services such as the Ambulance Trust?

5.4 Peter identified the good job done by PPI For a bit also recognised that they comprised the usual suspect within the Health field. We needed to ensure that LINKs were more open and inclusive of wider interests. LINKs should enable a flexible engagement in holding to account health and social care.

5.5 Richard saw the need for a mechanism for all Members to find out what was happening on their patch and that LINKs if properly established and supported could provide a key source of intelligence. Members needed such knowledge to determine what may be a one-off or vexatious issue.

**Action: Peter asked Jeremy to obtain a qualified interpretation of the current understanding in respect of LINKs and Children and the implications for Scrutiny - *please see accompanying email for interpretation.***

6. **Sub-National Review** - possible models for Regional Scrutiny – Report of the Regional Scrutiny Manager (Dagmar Waller) was circulated in advance of the meeting.

*Headline proposal: Recommendation that the Network's Member Steering Group takes the lead in developing future scrutiny arrangements at a regional level with a view to establishing a single scrutiny body to mirror the Leaders Forum, drawn from leading scrutiny practitioners; this body should then be supported through the WMLGA.*

6.1 Peter invited feedback from those colleagues present at the 20.2.08 workshop. Richard expressed a need in his Authority, Warwickshire to discuss the proposals in depth. Other colleagues agreed that before formally taking any further steps as set out in the proposals that all Steering Group Member have an opportunity to comment.

- 6.2 The term Regional Leaders Forum (RLF) caused some Members to ask questions of its role and purpose. Please note the following: The RFL has met a number of times to discuss the emerging issues and agree some principles. The group is made up of 14 leaders from the Strategic Authorities, Counties, Mets and Unitary; together with representative of the District Councils in two tier areas. The ambition for this group is to take a lead on economic development, planning, housing, transport and related issues in the region. A task force of chief executives has also been established. It has been agreed that this group will act as the focus for the leadership of the local authority work programme. Reports to the RFL have to be considered by the chief executives task force.
- 6.3 Please note that feedback from Members on the RFL see themselves as a leadership body and that **scrutiny is done by someone else**. The model for both governance and scrutiny will be vested within local government according to the Government's consultation document
- 6.4 Both Tim and Colin shared their views as to the use of co-optees in scrutiny at regional or more local levels. Colin expressed strong enthusiasm for their deployment when expertise was needed. Tim qualified this by saying that Co-optees can be often the 'usual suspects' and that the proposal should include a question which offers feedback on both standing and fixed term basis.

**Action: Dagmar and Jeremy to produce a revised proposal paper along with a clear explanation of the role and purpose of the Regional Leaders Forum – see paras 6.2.& 6.3 above; along with the other review mechanisms being deployed in response to the Sub-National Review. An analysis of responses will be available for the next meeting of the Steering Group in June.**

## 7. Regional Improvement and Efficiency Strategy update

- 7.1 Jeremy Snape set out the governance and strategic plans for managing improvement and efficiency investment within the West Midlands between 2008/11 by the Regional Improvement & Efficiency Partnership (RIEP). An indicative allocation of approximately £19 million will be received during this 3 year period and a strategy and implementation plan has been submitted to Government for approval by the end of March. (Please note that since the Steering Group the above indicative sum has been given which is somewhat below that stated previously at around £21 million.)
- 7.2 The Strategy covers ten workstreams and of these two are of direct relevance for Overview & Scrutiny. Jeremy will take the lead on the deployment of monies with regard to developing elected Members knowledge, competencies and skills with particular focus in 2008/09 upon be prepared for the new Comprehensive Area Assessment regime and new performance framework both of which will require Members to fulfil key roles in leading and negotiating Local Area Agreements; holding to account key local partners and challenging performance of their authorities and partners. He advised Members that following a suggestion from the Officer Steering Group in December a small planning group of Member Development lead officers would meet to develop the content of some **essential learning modules** during 2008/09.
- 7.3 The governance is currently vested in 13 Chief Executives along with the WMLGA Portfolio Holder for Improvement & Employment, Cllr Norman Davies. Further work will be done to establish a greater ownership by Members.

7.4 Tim expressed the value of capacity building work done in Shropshire Districts and Peter added that all Members can benefit from training. Peter and other colleagues then discussed the need for a greater sense of the Region and the potential to provide support to increase Members sense of place and the context of working within the Region.

7.5 Finally, Jeremy advised members that the Steering were being asked to play a role as a reference group for future improvement programmes or projects addressing overview and scrutiny. The RIEP is seeking such senior reference groups for all of its priority work areas. The Regional Member Development Charter Steering Group met last week and agreed to revise its terms of reference and membership to resemble that of the O&S Network. RIEP will seek overall input regarding Member Development from this revised Member Development Steering Group.

**Actions: Jeremy will circulate concise details of the Improvement & Efficiency strategy when available along with further information about the essential modules referred to in 7.2 above.**

**8. Future meeting dates: Members proposed the next meeting should take place on 11.6.08. Venue to be confirmed – NB: no rooms available at WMLGA.**