

 Overview and Scrutiny Committee – 30 June 2015		Agenda Item No. 7
Title	Review of the Work Programme & Forward Plan	
For further information about this report please contact	Lesley Dury, Committee Services Officer, 01926 456114 or committee@warwickdc.gov.uk	
Service Area	Democratic Services	
Wards of the District directly affected	N/A	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006	No	
Date and meeting when issue was last considered and relevant minute number	8 April 2015	
Background Papers		

Contrary to the policy framework:	No
Contrary to the budgetary framework:	No
Key Decision?	No
Included within the Forward Plan? (If yes include reference number)	No
Equality and Sustainability Impact Assessment Undertaken	No
n/a	

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive		
Head of Service		
CMT		
Section 151 Officer		
Monitoring Officer		
Finance		
Portfolio Holder(s)		
Consultation & Community Engagement		
n/a		
Final Decision?		Yes
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 This report concerns the setting of the Committee's work programme for 2015/16.
- 1.2 To enable members to make decisions on the content of the programme, Appendix One lists those items (mandatory and discretionary) that the previous Committee envisaged it would have scrutinised post-May 2015 had it remained in existence and Appendix Two sets out the current Forward Plan for the period June-September 2015.

2. **Recommendations**

- 2.1 That Committee notes those mandatory items that it is required to include in its 2015/16 Work Programme, as set out at Appendix One.
- 2.2 That Committee determines whether it wishes to include any of the non-mandatory items, also set out within Appendix One, which the previous Committee envisaged it would scrutinise post-May 2105 had it remained in existence within its 2015/16 Work Programme.
- 2.3 That Committee reviews the Forward Plan, set out at Appendix Two, to determine if it wishes to scrutinise any of the proposed future items that will be brought to Executive in advance of their presentation to that Committee.
- 2.4 That Committee determines if there are any other items it wishes to scrutinise so that additions can be made to the 2015/16 Work Programme as appropriate.

3. **Reasons for the Recommendations**

- 3.1 The Overview and Scrutiny Committee has the opportunity to scrutinise any report, falling within its jurisdiction, as set out in the Council's Constitution, prior to its consideration by Executive. Each agenda will include two standing items entitled Executive Agenda Non Confidential Items and Reports (date of next Executive) and Executive Agenda Confidential Items and Reports (date of next agenda). This allows political groups or individual members to formally request that an item or report on the published agenda for the next Executive is brought to this Committee for scrutiny (normally) the evening before it is presented to Executive. The Committee will have the opportunity to informally comment on the report or make formal recommendations, either of which will be presented to Executive, and will be considered prior to them making their decision.
- 3.2 In addition, the Overview and Scrutiny Committee will operate its own Work Programme, set annually and updated as appropriate on an on-going basis. A further standing item on the Committee agenda will be an item entitled Review of Work Programme and Forward Plan.
- 3.3 As this is the first Overview and Scrutiny Committee since the election the Committee needs to set an initial Work Programme for the year, albeit that an opportunity to amend this exists on a monthly basis to ensure it remains relevant and current. Topics can be added or removed as the Committee sees fit, unless it is mandatory.

- 3.4 In considering its Work Programme for 2015/16 the Committee will need to acknowledge that there are a number of mandatory items that need to be included within it, having previously been agreed by Council. These are an End of Year report which will, after its contents are agreed, be presented to Executive (as required by Article 6 of the Constitution) and an end of year report from the Member Children's Champions.
- 3.5 In addition the Committee is required to undertake health scrutiny and to scrutinise the delivery of the Council's statutory responsibilities in respect of the Crime and Disorder Act 1998. Further information of these aspects of the Committee's work is set out in sections 9 and 10 of this report.
- 3.6 The previous Overview and Scrutiny Committee also had a number of non-mandatory items on its Work Programme, which were either scheduled to be brought to Committee after the May elections or which were awaiting a decision. These are also listed within Appendix One and further information is set out within section 11 of this report.
- 3.7 This Committee can choose to incorporate all, some or none of these items within its 2015/16 Work Programme.
- 3.8 The role of the Overview and Scrutiny Committee also provides for pre-decision scrutiny of items which are planned to be taken to a future Executive (over and above the ability to scrutinise an item on the published agenda for the next Executive meeting, as described in paragraph 3.1) and scrutiny of issues that will feed into policy development.
- 3.9 The Forward Plan, set out at Appendix Two, reflects the future work programme for the Executive. The Committee has the ability to review the Forward Plan and determine which items it wishes to wish to have an input into before the Executive takes a decision and either:
- nominate one member to investigate that future decision/policy and report back to a future meeting of the Overview and Scrutiny Committee, before the final report is submitted to the Executive.
 - request an officer report to be submitted to a future meeting of the Overview and Scrutiny Committee, before the final report is submitted to the Executive.
- Any such items selected for future scrutiny should then be included within the 2015/16 Work Programme.
- 3.10 Finally, members of the Committee, have the opportunity to determine if there are any other items, additional to those included within the appendices, that it wishes to include on its 2015/16 Work Programme, the timing of when these should appear and the format in which it wishes to undertake the scrutiny (i.e. report to a future Committee, individual member scrutiny and report back, Task and Finish Group)

4. **Policy Framework**

- 4.1 The work carried out by the Committee helps the Council to improve in line with its priority to manage services openly efficiently and effectively.

5. Budgetary Framework

- 5.1 All work undertaken by the Committee has to be carried out within existing resources.
- 5.2 In reality, this means that there is a limit to the officer resources available to assist Members, particularly in respect the number of Task and Finish Groups that can be supported concurrently. Consequently, Committee may wish to consider prioritisation of those areas of future investigation.

6. Risks

- 6.1 This Committee contributes to the effective minimisation of risk by fulfilling its duties in a timely manner and scrutinising the work undertaken by the Executive, pre or post-decision.

7. Alternative Options Considered

- 7.1 Other than the mandatory items it is for the Committee to determine the content and extent of its Work Programme.

8. Background

- 8.1 There are five main roles of overview and scrutiny in local government. These being:
- Holding to account
 - Performance management
 - Policy review
 - Policy development
 - External scrutiny
- 8.2 The pre-decision scrutiny of Executive decisions falls within the role of 'holding to account'. To feed into the pre-decision scrutiny of Executive decisions, the Committee needs to examine the Council's Forward Plan and identify items which it would like to have an impact upon.
- 8.3 The Council's Forward Plan is published on a monthly basis and sets out the key decisions to be taken by the Council in the next twelve months (A key decision is a decision which has a significant impact or effect on two or more wards and/or a budgetary effect of £50,000 or more). The Council only has a statutory duty to publish key decisions to be taken in the next four months. However, the Forward Plan was expanded to a twelve month period to give a clearer picture of how and when the Council will be making important decisions.
- 8.4 The Forward Plan also identifies non-key decisions to be made by the Council in the next twelve months, and the Committee, if it wishes, may also pre-scrutinise these decisions.
- 8.5 The Committee should be mindful that any work it wishes to undertake would need to be undertaken without the need to change the timescales as set out within the Forward Plan.

8.6 At each meeting, the Committee can also make comment on specific Executive items, where notice has been given by 9am on the day of the Overview and Scrutiny Committee meeting. The Committee will also receive a report detailing the response from the Executive, on the comments the Committee made on the Executive agenda in the previous cycle.

8.7 Aside from those items discussed as per the process set out in 8.6, at each meeting the Committee will examine its Work Programme at every meeting to determine the schedule of topics it wishes to examine in greater detail.

9. **Health Scrutiny**

9.1 Under the previous Committee, a Health Scrutiny Sub-Committee was set up to handle health scrutiny work and was required to recommend the way forward for Health Scrutiny for future years. The Sub-Committee was formed for the municipal year 2014/2015 only, so it no longer exists.

9.2 Overview & Scrutiny agreed the Sub-Committee's recommendation that the subject was wide enough to merit full committee status, and a report went forward via the Executive to the last Council to this effect. Since the Council was in the final stages prior to the election, Members determined to effectively pass the decision on to the new Council. As things stand, any health scrutiny work at the moment will be carried out by Overview & Scrutiny, but this Committee may wish to consider whether it wishes to review this. Options could include reinstating the Sub-Committee or setting up a working party, for example.

9.3 At Council 22 April 2015 the following was decided:

Minute 102 (referring to Minute 154 – Executive 9 April 2015)

..that the consideration of the establishment of a Health Scrutiny Committee be deferred for consideration by the Council's successor, so that it can consider whether it could service such a large number of members or it would wish to have a leaner structure and in addition to this, officers consider methods of producing a leaner structure for the Council to consider.

10. **Crime and Disorder Scrutiny**

10.1 Section 17 of the Crime and Disorder Act 1998 sets out this Council's statutory responsibilities, stating:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area."

10.2 The Council is required to scrutinise this area of activity but how this is best done is complicated by the existence of a Community Safety Partnership (CSP) covering the Stratford and Warwick district council areas of South Warwickshire.

10.3 The CSP is a statutory body comprising representatives from Warwickshire Police, Probation, the Clinical Commissioning Group (health), this Council, Stratford District Council and Warwickshire County Council. This Council is

represented on the CSP by the Portfolio Holder for Health & Community Protection and one other Councillor nominated by the Executive.

- 10.4 The CSP receives and agrees an annual strategic assessment, agrees annual priorities, monitors performance on a six monthly basis and produces a rolling 3 year partnership plan which it is required to update annually.
- 10.5 The previous Overview and Scrutiny Committee determined that as the Council was represented on the CSP at senior level that it did not wish to undertake any additional scrutiny as the attendance of the Health and Community Portfolio Holder at its meetings (see section 11) would provide sufficient opportunity to question progress in this area of activity.
- 10.6 It is for the new Committee to determine whether it is of the same view or wishes to adopt a different approach.

11 Previous Committee's Non-Mandatory Items Work Programme Items

11.1 The following topics were set into the last Committee's Work Programme:

- Housing Allocations Policy – a written report had been requested but as this item is due to go to Executive in July there is now insufficient time for this to come to Committee (although there will be the opportunity to scrutinize the report as per the process described in paragraphs 3.1 and 8.6)
- Review of the Taxi Token Scheme – the now dissolved Health Scrutiny Sub-Committee requested that this be added to the Work Programme to examine whether there was scope for this budget to be reallocated to support the Voluntary Hospital Transport Service.
- Social Value in Procurement – this was added to the report at the request of a previous Chairman of the Overview & Scrutiny Committee, former Councillor Mrs Blacklock. It was originally envisaged that this would be a relatively simple report from the Procurement Team but discussions with the Head of Finance have concluded that the issues are broader and more cross-cutting than originally thought and a possible delivery date for a report back had not been finalised.
- Local Plan Infrastructure Delivery Plan – the last Committee envisaged a quarterly update, although this was predicated on an assumption that the Local Plan would progress to Examination in Public in the autumn.
- Outside Appointments Report – the previous Committee asked those Members nominated to serve on outside bodies as a Council representative, to submit a report on their work on that body on an annual basis each November. The Committee felt that this was a means of holding the nominated councilors to account and establishing that the Council is getting good value from their attendance as a nominee. As a result of this scrutiny, the past Committee, had, on occasion, made recommendations to Executive that formal representation by a Councillor on an outside body was no longer appropriate or necessary.

11.2 It is completely within this new Committee's remit to choose which of the topics should remain on its own Work Programme. If the Committee decides to retain certain topics, then a timetable will need to be set, bearing in mind staffing resource within departments affected. Typically, Members may either ask for a date and the Lead Officer or the Committee Services Officer will liaise with the department manager concerned to find out if this is possible; or Members will

simply ask the Lead Officer or the Committee Services Officer to agree a date with the department manager. This is then set into the Work Programme, and any delays will be reported back.

- 11.3 The previous Committee would also have regular slots within its Work Programme when it would ask Portfolio Holders to attend a meeting to answer questions on a written report on activity within their portfolio area. Various options for this type of scrutiny were tested with the previous Committee ultimately settling on an annual attendance by each Portfolio Holder, scheduled into the Work Programme, supplemented by additional requests for an individual Portfolio Holder to attend as and when the Committee felt there was a specific issue requiring attention.
- 11.4 The Leader would also be asked to attend Committee to report back on his involvement with the Coventry & Warwickshire Local Enterprise Partnership (CWLEP) as a Board Member, as and when was considered appropriate.
- 11.5 Again, it is for the current Committee to decide whether it wishes to continue with either of these arrangements.
- 11.6 The previous Committee had also resolved to establish a Task & Task & Finish Group to scrutinize the use of Sales & Lettings Boards within the district. A scoping document was agreed by Overview & Scrutiny in March 2015, but since the election was imminent, no further work was done, and membership of the Task & Finish Group was not decided. The issue had also been the subject of debate at Full Council, where a number of now former Councillors made plain their desire to see this work progress. This Committee needs to make a decision on whether they wish this item to be included within its 2015/16 Work Programme.
- 11.7 Additionally, the previous Committee was in the early stages of work on another potential Task & Finish Group project involving St Mary's Lands. Two former Councillors were vigorously pursuing this issue but the last meeting of the previous Committee resolved that it would be premature to progress this work because of various outstanding issues and no further work should be done on the draft Scoping Document until these issues had been resolved. Again, it is for this Committee to decide whether this Task & Finish Group should proceed at an appropriate time or if it should be set aside.
- 11.8 Finally, at the last meeting the previous Committee, a suggestion was made by one of its Members to form a new Task & Finish Group to examine the provision of adaptations to homes to help those with disabilities. The suggestion was not taken up as it was felt that it should be a matter for the new Committee to determine whether this should become a feature of its Work Programme.