

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Resources Overview & Scrutiny Panel

2 October 2019

TITLE:	Overview and Scrutiny Annual Report 2018-2019 & MHCLG Guidance
PORTFOLIO HOLDER:	Councillor Ralphs – Leader
CONTACT OFFICER:	Sally Hampton - Member and Community Services Officer & Linden Vernon – Senior Officer – Governance and Member Support
WARDS INVOLVED:	None Specific

Appendix Attached – Appendix A Terms of Reference and Membership of Overview and Scrutiny Panels

1. Reason for the Report

1.1 To provide Councillors with a summary of:

- The work undertaken by the Council's Overview and Scrutiny Panels during 2018 – 2019 and
- Guidance issued on the Overview and Scrutiny function in Local and Combined Authorities

2. Recommendation

2.1 That the report be noted.

3. Executive Summary

3.1 During 2018/19, the Council's Overview and Scrutiny Panels continued to scrutinise performance internally/externally, hold the Cabinet to account and contribute to policy development. The range of work and issues considered by each Panel during 2018/19 are summarised in sections 6 - 9 of the report. Appendix A of the report contains the terms of reference of each Panel and its membership.

3.2 Section 10 of this report also summarises for members the statutory guidance issued by the Ministry of Housing, Communities & Local Government (MHCLG) on scrutiny in Local Government and Combined Authorities.

4. **How this report links to Corporate Priorities**

- 4.1 The successful delivery of all corporate priorities is dependent upon the effective scrutiny and development of Council policies and services.

Mark Trillo

Executive Director (People) and Monitoring Officer

Web Links and Background Papers

- [Overview & Scrutiny Panel agendas and reports](#)
- [MHCLG Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities](#)
- [CfPS – The Good Scrutiny Guide](#)

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5. **Detail**

Overview and Scrutiny Annual Report 2018-2019

- 5.1 The Cabinet is responsible for making the day-to-day decisions concerning the implementation of policies of the Council. Overview and Scrutiny Panels ensure that the Cabinet is publicly held to account for their actions and seeks to promote open and transparent decision-making and democratic accountability. They also have a role in researching, scrutinising other bodies and ensuring that the Council's policy and budget framework is respected and realising the key aims of the Council's Corporate Plan. Overview and Scrutiny Panels may appoint Task and Finish Working Groups/Sub-Committees to examine any issue in more depth.
- 5.2 Effective participation has taken place with the involvement of partners, outside organisations and individuals at Panel and Working Group meetings. Cabinet Portfolio Holders also attend such meetings to provide updates or answer questions.
- 5.3 Each Overview and Scrutiny Panel is responsible for setting its own Work Programme. These are informed by the Council's Forward Plan containing Key Decisions to be made by the Council's Cabinet. The Work Programme is listed as a standing item for review and approval at each Panel meeting. Executive Directors work closely with the Chairs of each Panel to assist in the planning of agendas, provide briefings and ensure the Panel meets its objectives. Support is also provided by the Democratic and Community Services Team together with Officers from the Council's various service areas.

6. **Resources Overview and Scrutiny Panel**

- 6.1 To ensure that financial management is sound thorough consideration was given to regular financial, procurement and performance reports, which

included performance against the budget and a review of fees and charges. Members were kept up to date with progress with regard to the Council's Efficiency Programme, revenue collection, treasury management, Capital Programme and customer feedback.

- 6.2 The findings from the Annual Report, the revised Corporate Plan and the 2018/19 Performance Framework were presented to members and recommended for approval by Cabinet.
- 6.3 Councillor Ralphs presented the proposed Budget for 2019/20, the updated Medium-Term Financial Plan 2019/20 – 2022/23, the Capital Strategy 2019/20, the proposed Fees and Charges for 2019/20 and the Procurement Forward Plan for 2019/20. Members had the opportunity to scrutinise the details for each item contained within the appendices to the main report.
- 6.4 Claire Hazeldene – Finance, Income & Procurement Manager, gave a presentation to members to clarify details regarding the Council's recovery of Council Tax and presented a report on the Retained Business Rates – 75% Pilot bid.
- 6.5 The Panel received a report on the latest stages of the implementation of the Alliance Environmental Services company. Members had the opportunity to raise their concerns around the governance of the company and were able to scrutinise the financial elements of this arrangement.
- 6.6 On two occasions, Ben Haywood – Operations Manager, Development Services and Sally Curley – Project Officer, attended to clarify the Section 106 process to members and answered queries around this matter.
- 6.7 Mike Towers - Senior Officer, Housing, Public Health & Licencing, gave members an update on the process of transferring the Disabled Facilities Grant scheme to a new provider – Millbrook Healthcare Ltd. At a subsequent meeting, Chris Williams (Operations Manager – Millbrook Healthcare), was present to provide members with detailed information and statistics about the company.
- 6.8 Executive Director (Transformation) - Andrew Stokes, gave a presentation to members on the Ascent LLP housing delivery programme, outlining the history of the Ascent housing delivery programme from its establishment in October 2010, its constitutional make-up, its diversified nature, number of houses completed and provision of employment. Now the programme had ended, members were advised of the options available to the Council and detailed financial information around the proposals were outlined to members.
- 6.9 The Panel dealt with the Call-in of the Cabinet Delegated Decision on the Management Structure. Following a vote it was decided not to refer the decision back to Cabinet.

7. Service Delivery Overview & Scrutiny Panel

- 7.1 The Panel scrutinised a range of subjects over the year focused on services provided by the authority. This included regular updates on the formation of Alliance Environmental Services (AES) and detail on each phase of the transfer of services to the new company. Members considered the service specification to ensure that future service delivery met the requirements of the Council and supported the development of the new operating arrangements.
- 7.2 Consideration was given to a variety of regeneration items such as the Growth Strategy, Accelerated Housing Delivery Programme and proposals in the draft National Planning Policy Framework (NPPF), which were subject to consultation. Members were kept informed of the timescales associated with these items and how they would assist with the delivery of sustainable growth in the District.
- 7.3 Dai Lerner – Executive Director (Place), introduced the draft Housing Implementation Strategy which had been prepared as part of the ongoing Local Plan examination and provided an update on progress on the preparation of an Investment and Acquisition Strategy.
- 7.4 By request of the Panel, Robin Cummings, Service Lead for Street Cleansing, provided a presentation on the Street Cleansing Service and responded to any queries and concerns members raised.
- 7.5 Members were updated on the progress on the first year delivery of Council's Strategy for Physical Activity and Sport and considered a report which agreed a way forward for the establishment of the future arrangements for the management of the Council's leisure centres post March 2019.
- 7.6 Glen Hall - Operations Director, Alex Godfrey - Regional Director and Elaine Harding – Staffordshire Moorlands General Manager, attended a meeting to provide an annual performance update on behalf of Parkwood Leisure.
- 7.7 The Panel received a detailed presentation on the management transfer of the Council's Countryside Sites, an update report on the progress on the reinstatement of the heritage rail link from Leekbrook to Leek (Cornhill) and an update on the operation of the Markets.
- 7.8 Finally, the Panel considered the Call-in request of the Cabinet decision in relation to the Town Centre Regeneration and Investment Programme. After detailed debate, members decided not to refer the decision back to Cabinet but requested that the final bid for the Future High Street Fund be brought to the Panel at a future meeting.

8. Community Overview & Scrutiny Panel

- 8.1 Members scrutinised annual updates on the Fire and Rescue Service from Brian Moss, Head of Northern Service Delivery Group and from Chief

Inspector Mark Thorley, in relation to the operational policing of the area. In addition to this, Chief Inspector Thorley, attended on another occasion in response to a spate of graffiti in the area.

- 8.2 Further to a letter being sent to the Secretary of State for Education in relation to funding for schools, Andrew Shaw, Executive Head of the Leek Federation, attended a subsequent meeting of the Panel. The Panel was thanked for sending the letter; the Leek Education Partnership had noted and recognised the Panel's support on this matter.
- 8.3 Following the changes in the governance arrangements for Your Moorlands, this Panel received two 6 monthly updates from Your Housing Group. On each occasion members considered the legacy agreement and performance reports introduced by Sharon Wheeler - Property Manager South and Paul Stanners – Service Manager.
- 8.4 The Panel recommended Cabinet to approve the Council's revised Safeguarding Policy following its consideration of a report which updated councillors on the Council's actions to meet its safeguarding duties.
- 8.5 At the request of the Panel, Esther Jones, Staffordshire Moorlands Team Leader, gave a presentation to the Panel on Support Staffordshire's current services and Peter Davies – Project Co-ordinator, attended a meeting to advise members of the work carried out by the Foodbank in Leek. Following this update the Council made arrangements for a foodbank collection box to be located in the reception area at Moorlands House.
- 8.6 In response to members concerns in relation to the level of fly-tipping in the area, the Council's Head of Operational Services, provided an overview of this issue and the service provided to remove reported instances of fly-tipping. Some slides were shown to the Panel to demonstrate the levels of fly-tipping in comparison to other local authorities. In addition to this, David Smith, Principal Officer (Partnerships and Communities), explained the Environmental Protection Act, the process for enforcement of fly-tipping offences and the level of fines which could be issued.
- 8.7 Members considered a report on Environmental Enforcement and proposed changes to the levels of the fixed penalty notices set by the Council and scrutinised a report which outlined the findings of a review of the Council's public realm CCTV system.
- 8.8 Matthew Ellis, Staffordshire Commissioner, updated members on the new joint governance arrangements and provided an annual update to the Panel.
- 8.9 Individual presentations for Biddulph, Cheadle and Leek Citizens Advice Bureaux (CAB) were considered by the Panel. Each presentation contained statistical information and case studies. The Panel also had the opportunity to give its consideration to the Citizens Advice Bureau merger business case which had identified long term financial challenges that required urgent action to ensure that high quality advice services continued to be provided to the citizens of Leek, Cheadle and their surrounding areas.

- 8.10 Following concerns about proposed on street pay and display parking across Staffordshire, Lee Barnard, Traffic Management Act Manager, Staffordshire County Council, provided members with some background information on the proposed changes to parking and listened to members comments in relation to this matter.
- 8.11 The minutes of the last Staffordshire Police, Fire and Crime Panel and reports from the Chairman were issued with each agenda for the Panel to be kept informed of the work undertaken by the Panel at the County Council.

9. Health Overview & Scrutiny Panel

- 9.1 The Panel scrutinised a range of subjects over the year, focused on items relating to the health service at the request of the Panel via the Work Programme. Members received updates from each of the representatives below and had the opportunity to ask questions:-
- Karen Clowes, CAMHS Service Manager & Julia Matthews, Highly Specialist Systemic Family Psychotherapist, North Staffordshire Combined Healthcare NHS Trust, gave a presentation on the Eating Disorder Service
 - Marcus Warnes, Accountable Officer, North Staffordshire CCG, on the Future of Local Health Services in Northern Staffordshire.
 - Howard King - Managing Director of Specialist Services, MPFT, set out the changes to the diabetic eye screening clinics in the area.
 - Liz Johnson – Service Manager, provided the Panel with an overview of the services provided by Changes Health and Wellbeing
- 9.2 The Panel discussed the future of Leek Moorlands Hospital and received an update on the outcomes of a meeting of Leek Town Council in relation to this matter.
- 9.3 Members were in agreement that the Moorlands required a centre of excellence for dementia and set up a Dementia Care Working Group. This group has met on a number of occasions and recommended the following proposals which were agreed:
- That the Council became Dementia Friendly;
 - For Councillors to receive Dementia Friendly training;
 - That Council Officers consider ways in which the Council may be able to assist organisations to offer a drop in facility.

The Working Group continues to meet and will report back to this Panel.

- 9.4 The minutes of the last Staffordshire County Council Healthy Staffordshire Committee were issued with each agenda for the Panel to be kept informed of the work undertaken by the Committee.

10. Guidance on Overview and Scrutiny in Local Authorities and Combined Authorities.

Introduction

- 10.1 The overview and scrutiny function was introduced by the Local Government Act 2000 as part of new governance arrangements to ensure that members of a council who were not part of the executive (Cabinet) could hold the executive to account for the decisions and actions that affect their communities.
- 10.2 In May 2019 the Ministry of Housing, Communities and Local Government (MHCLG) issued revised statutory guidance for overview and scrutiny which authorities should have regard to when exercising their functions. This recognises that the way in which local government services are delivered has changed (e.g. in partnership with other organisations and creation of joint ventures etc.) since the function was first established. This guidance was also complimented in June 2019 by 'The Good Scrutiny Guide' published by the Centre for Public Scrutiny.
- 10.3 Current legislation recognises that authorities are best placed to determine which arrangements best suit their own individual needs and provides for a great degree of flexibility to decide which arrangements to adopt.
- 10.4 The Guidance states that effective overview and scrutiny should:
- Provide constructive “critical friend” challenge
 - Amplify the voices and concerns of the public
 - Be led by independent people who take responsibility for their role
 - Drive improvement in public services

Culture

- 10.5 The Guidance also underlines the importance of scrutiny being led and owned by members given their role in setting and maintaining the culture of an authority. This can be done by:
- Recognising scrutiny’s legal and democratic legitimacy – a statutory requirement for all councils and to act as a check and balance on the executive.
 - Identifying a clear role and focus – ensuring the function is concentrated on delivering work that is of genuine value and relevance to the work of the Council.
 - Ensuring an early and regular engagement between the executive and scrutiny – enabling planning to take place for future work programmes ensuring that the role of scrutiny be that of a ‘critical friend’ and not a de facto ‘opposition’.
 - Managing disagreement – the executive and scrutiny working to reduce the risk of disagreement, taking steps to predict, identify and act, perhaps by using a framework such as an ‘executive-scrutiny protocol’.

- Providing the necessary support – the level of resource is for each council to consider taking into account the local scrutiny committee structure and remit.
- Ensuring impartial advice from officers – particularly from council’s statutory officers – the monitoring officer, the section 151 officer and the head of paid service to ensure that timely, relevant and high quality advice is provided.
- Communicating scrutiny’s role and purpose to the wider authority – ensuring that members and officers are aware of the role of scrutiny for the wider council, its powers, the outcomes it can deliver, its membership and those providing officer support.
- Maintaining the interest of full Council in the work of scrutiny committee – this may be done by incorporating recommendations into reports to Full Council, taking into account the relevance of reports.
- Communicating scrutiny’s role to the public – considering how and when to engage communications with the wider community using the council’s various communications channels (e.g. press and social media etc.).
- Ensuring scrutiny members are supported in having an independent mindset – members should adopt an independent approach which is fundamental in carrying out their scrutiny role effectively, despite being from the same political group as a member they are scrutinising.

Resourcing

- 10.6 The Guidance explains that it is for each council to decide on the resources it provides to ensure a successful scrutiny function but that this is not solely about budgets and provision of officer time but also includes the ways in which the wider authority engages with the function. Factors to consider include training requirements of members and officers (e.g. effective questioning and chairing skills) and identifying the need for external support where this does not exist ‘in-house’.

Committee Members

- 10.7 While there are proportionality requirements that must be met, the Guidance states that the selection of the chair and other committee members is for each authority to decide for itself. Authorities are reminded that members of the executive cannot be members of a scrutiny committee. When political groups select individual members to serve on scrutiny committees they should consider a member’s experience, expertise, interests, ability to act impartially, ability to work as part of a group and capacity to serve.
- 10.8 The Guidance also states that although these attributes should also apply to the Chair of a scrutiny committee, a Chair should also possess the ability to lead and build a sense of teamwork and a consensus among committee members and draw together key themes and highlight key findings. Chairs should also pay special attention to the need to guard a committee’s independence and they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

- 10.9 As referred to in the above Resourcing section authorities should ensure that councillors are offered relevant training and development opportunities. This includes an induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. This includes knowing their legal powers and how to prepare effective questions for scrutiny sessions.
- 10.10 In some cases it may be appropriate to supplement members and officers expertise to fully understand and evaluate the nature of specific topics. This can be achieved by inviting people to attend committee from outside the Council who can bring an independent view and technical advice on a subject matter.

Power to Access Information

- 10.11 Scrutiny members should have access to regularly available sources of key information about the management of the authority – particularly on performance management and risk issues which should be supplemented by support from officers with regards to the interpretation of this information. In law scrutiny members have specific powers to access information (e.g. exempt or confidential information). However, the Council's procedure rules allow all members have access to information of this type as a matter of course regardless of their committee membership.
- 10.12 The Guidance reminds scrutiny committee members of their legal power to require members of the executive and officers to attend before them to answer questions. It is the duty of members and officers to comply with such requests.
- 10.13 Scrutiny committees may request outside organisations to attend meetings and provide information, particularly where they are in receipt of council funds to ensure that they are delivering good services. The Annual Report section of this report provides a summary of the wide range of organisations that have made presentations to the Council's Overview and Scrutiny Panels.

Planning Work

- 10.14 In order to make a difference to the work of a council the Guidance suggests that scrutiny committees should plan their long-term agenda through the use of a work programme which should be flexible to accommodate any urgent issues that may arise during the year.
- 10.15 The Guidance acknowledges that although scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants' prioritisation is necessary which means that there might be things that, despite being important, scrutiny will not be able to look at. Focus may therefore be given to areas of risk, an authority's finances or the way that it works with its partners. Councillors may also wish to bring their local insight gained from the public when considering themes of work for future agendas. An authority's customer feedback, partners (contractors, voluntary sector etc.) and its executive may also assist in the design and alignment of a committees work programme.

10.16 When considering whether an item should be included in a work programme the Guidance recommends that scrutiny committees should consider the following questions:

- Do we understand the benefits scrutiny would bring to the issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

10.17 The Guidance states that scrutiny members should accept that shortlisting items can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. Having identified items members can then consider whether it be best to address the matter via an item on an agenda, holding a special meeting or by creating a specific task and finish working group.

Evidence Sessions

10.18 Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day. Scrutiny members may wish to consider their objectives for an item and type/order of questions they wish to ask. Following each session members should consider their recommendations taking into account advice offered by officers. There may also be opportunity for these to be sense-checked with the executive to allow for errors to be identified and corrected.