

# Public Document Pack

# Sefton Council



MEETING: OVERVIEW AND SCRUTINY COMMITTEE (ADULT SOCIAL CARE AND HEALTH)

DATE: Tuesday, 4th September 2018

TIME: 6.30 p.m.

VENUE: Birkdale Room, Town Hall, Southport

## Member

Councillor  
Cllr. Catie Page (Chair)  
Cllr. Marianne Welsh (Vice-Chair)  
Cllr. Harry Bliss  
Cllr. Anthony Carr  
Cllr. Linda Cluskey  
Cllr. Tony Dawson  
Cllr. Mhairi Doyle, M.B.E.  
Cllr. Dr. John Pugh  
Cllr. Diane Roscoe  
Cllr. Bill Welsh  
Brian Clark, Co-Optee  
Roger Hutchings, Co-Optee

## Substitute

Councillor  
Cllr. Michael O'Brien  
Cllr. Nina Killen  
Cllr. Tony Brough  
Cllr. Daniel Terence Lewis  
Cllr. Clare Louise Carragher  
Cllr. Iain Brodie - Browne  
Cllr. Gordon Friel  
Cllr. Lynne Thompson  
Cllr. Michael Roche  
Cllr. Veronica Webster

COMMITTEE OFFICER: Debbie Campbell, Senior Democratic Services Officer  
Telephone: 0151 934 2254  
Fax: 0151 934 2034  
E-mail: [debbie.campbell@sefton.gov.uk](mailto:debbie.campbell@sefton.gov.uk)

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# **A G E N D A**

## **1. Apologies for Absence**

## **2. Declarations of Interest**

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

## **3. Minutes of the Previous Meeting** (Pages 5 - 16)

Minutes of the meeting held on 26 June 2018.

## **4. Southport and Ormskirk Hospital NHS Trust - The Acute Sustainability Programme** (Pages 17 - 22)

Silas Nicholls, Chief Executive, Southport and Ormskirk Hospital NHS Trust, to attend.

## **5. Community Equipment Store** (Pages 23 - 40)

Report of the Director of Social Care and Health

## **6. Effectiveness of Local Authority Overview and Scrutiny Committees – Government Response to DCLG Select Committee Report** (Pages 41 - 118)

Report of the Head of Regulation and Compliance

## **7. Sefton Clinical Commissioning Groups - Update Report** (Pages 119 - 124)

Joint report of NHS South Sefton Clinical Commissioning Group and NHS Southport and Formby Clinical Commissioning Group.

- 8. Sefton Clinical Commissioning Groups - Health Provider Performance Dashboard** (Pages 125 - 130)

Joint report of NHS South Sefton Clinical Commissioning Group and NHS Southport and Formby Clinical Commissioning Group.
- 9. Cabinet Member Reports** (Pages 131 - 146)

Report of the Head of Regulation and Compliance.
- 10. Work Programme Key Decision Forward Plan** (Pages 147 - 162)

Report of the Head of Regulation and Compliance.

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THIS SET OF MINUTES IS NOT SUBJECT TO "CALL IN".

Overview  
& Scrutiny



## OVERVIEW AND SCRUTINY COMMITTEE (ADULT SOCIAL CARE AND HEALTH)

MEETING HELD AT THE TOWN HALL, BOOTLE  
ON TUESDAY 26TH JUNE, 2018

PRESENT: Councillor Page (in the Chair)  
Councillors Bliss, Carr, Doyle, Pugh and Roscoe

ALSO PRESENT: Mr. B. Clark, Healthwatch

### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bill Welsh and his Substitute Councillor Webster; Councillor Marianne Welsh and her Substitute Councillor Killen; Councillor Cummins, Cabinet Member – Adult Social Care; and Councillor Moncur, Cabinet Member – Health and Wellbeing.

### 2. DECLARATIONS OF INTEREST

No declarations of personal or pecuniary interest were received.

### 3. INTRODUCTIONS AND CHAIR'S COMMUNICATION

Introductions took place.

The Chair reported that Mr. Roger Hutchings, Healthwatch Sefton Co-opted Member, was absent from the meeting as his daughter had recently passed away.

RESOLVED:

That a sympathy card be forwarded to Mr. Hutchings, extending the condolences of the Committee on his sad loss.

### 4. MINUTES OF THE PREVIOUS MEETINGS

RESOLVED:

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That the Minutes of the meeting held on 27 February and the Special meetings held on 22 March and 3 April 2018 be confirmed as a correct record.

## 5. GP PRIMARY CARE STRATEGY IN SEFTON

Further to Minute No. 55 (2) of 3 April 2018, the Committee considered the joint report on Primary Care in Sefton, submitted by the Sefton Clinical Commissioning Groups and NHS England (Cheshire and Merseyside), describing the National and Local landscape for primary medical care across NHS South Sefton and NHS Southport and Formby Clinical Commissioning Groups (CCGs).

The report set out the background to the matter; the national summary that included five key areas for support, namely investment, workforce, workload, practice infrastructure, and care re-design; and the local summary for both NHS Southport and Formby CCG and NHS South Sefton CCG.

The Committee also considered a presentation submitted by NHS Southport and Formby CCG and NHS South Sefton CCG.

The presentation provided a General Practice update that included the following information:-

- Local Context 2018/19;
- Delegated commissioning;
- Contracting for primary care;
- Local Quality Contract (LQC);
- An overview of NHS South Sefton CCG;
- An overview of NHS Southport and Formby CCG;
- General Practice Forward View (GPFV);
- GPFV Progress to date;
- Enhanced Access – GPFV;
- Primary care work-streams;
- Southport and Formby workforce;
- South Sefton workforce;
- Care Quality Commission (CQC) visits - Southport and Formby;
- CQC visits - South Sefton;
- Patient survey results to July 2017 - Southport and Formby;
- Patient survey results to July 2017 - South Sefton;
- Challenges;
- Role of General Practice;
- Aims;
- Strategy;
- How will we get there?;
- Integrated care; and

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- Targeted care.

Fiona Taylor, Chief Officer for NHS South Sefton CCG and NHS Southport and Formby CCG; Anthony Leo, Director of Commissioning; NHS England (Cheshire and Merseyside); and Dr. Rob Cauldwell, Chair of NHS Southport and Formby CCG; were in attendance at the meeting to present the report and presentation to the Committee and respond to questions put by Members.

Fiona Taylor explained aspects of the presentation that was included within the Committee agenda.

Members of the Committee asked questions/raised matters on the following issues:-

- How could sufficient numbers of GPs be attracted from overseas to work in the NHS?  
Some 5,000 additional doctors would be required to work in general practice by 2020 and there were issues around international recruitment. Lobbying of relevant Government Departments was currently taking place concerning the decision to refuse doctors whose first language was not English.
- Where was the detail on the Enhanced Access Service, with regard to the General Practice Forward View (GPFV)?  
This was in the process of procurement. Patients would have access to primary care services delivered from a primary care hub in each CCG area. Services were anticipated to be provided up to 8.00 p.m./8.30 p.m. on week days, plus weekend access, although there would be some flexibility permitted by the Provider regarding precise details.
- Would consultation on Enhanced Access Service take place beforehand?  
Engagement was key although a Provider was required to be procured first in order to carry it out.
- Was the delivery of an Enhanced Access Service dictated by national directive?  
Attempts were being made to take national policy and shape it for Sefton requirements. Feedback would be sought from users as to what capacity was actually required at a local level.
- What finance would be available for the Enhanced Access Service?  
£6.00 per head of population, per annum had been allocated.
- Concerns were raised that there were only two primary care hubs planned for Sefton, as access/transport around the Borough was an issue. There were currently transport issues in travelling from Maghull to the Litherland Walk-in Centre by public transport.

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Members considered that all too often patients tended to be referred to A&E.

- Why were GPs not approached in order to ascertain the number likely to retire in the next few years?  
Some data had been acquired on the workforce and huge numbers of GPs were anticipated to retire within the next 5 years. International recruitment would not provide the numbers of GPs required and there was a need to think differently with regard to GP provision, possibly by the retention of GPs on part-time hours; the expansion of the role of nursing staff, other healthcare assistants and pharmacists; and an increase to community service provision. This was a major risk area.
- Concerns were raised that there was a lack of public engagement regarding the future of primary care provision.  
Engagement took place at Shaping Sefton events. GPs were becoming more engaged with the process out of necessity, with increased networking and working with other practices. Assistance could be required from the Council regarding the promotion of healthy living and engagement with local communities.
- When would the strategy for Sefton on primary care be available?  
It was considered that the model of care the CCGs wished to commission was clear and that this had formed part of the Shaping Sefton Strategy for some time. Once the strategy had been developed it would be considered by the Committee.
- Would the proposed solutions to addressing the future lack of GP provision be sufficient and had a risk analysis been undertaken?  
Significant changes had occurred in nursing in recent years, particularly following the removal of nursing bursaries. Some areas were seeing an over-supply of pharmacists. The engagement of GPs as Providers remained a major challenge.
- Other than GPs, the public was not really aware of other aspects of primary care and was this part of the problem?  
The CCGs and NHS England wanted an integrated approach in primary care provision within local communities and attempts were being made to target efforts in those areas that would make the biggest differences.

There were a number of questions outstanding that Committee Members did not have time to raise and these would be forwarded to the Chief Officer for NHS South Sefton CCG and NHS Southport and Formby CCG, with a view to obtaining responses in the near future.

Although Committee Members understood that the CCGs and NHS England had a broad vision of a GP Primary Care Strategy in Sefton, concerns remained regarding risks and assurances; and also consultation and engagement, involving communities. It was considered that the



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Committee would wish to see an assurance framework of risks associated with the Primary Care Strategy; together with a consultation and engagement strategy setting out details of how the high level strategy would be delivered to local communities.

RESOLVED: That

- (1) the report and presentation on Primary Care in Sefton, describing the National and Local landscape for primary medical care across NHS South Sefton and NHS Southport and Formby Clinical Commissioning Groups, be noted;
- (2) the questions outstanding be forwarded to the Chief Officer for NHS South Sefton Clinical Commissioning Group and NHS Southport and Formby Clinical Commissioning Group for an early response; and
- (3) the Chief Officer for NHS South Sefton Clinical Commissioning Group and NHS Southport and Formby Clinical Commissioning Group; be requested to submit a further document to a future meeting of the Committee, on a date to be agreed, setting out detailed information on the following:-
  - The Primary Care Strategy, together with its associated delivery plans;
  - A full risk assessment of the Primary Care Strategy, together with associated assurances for the Committee regarding any impact of the Strategy on Sefton communities; and
  - An associated consultation and engagement strategy, offering Sefton communities the opportunity to be involved in the design and co-production of the approach to be adopted.

### **6. SEFTON PUBLIC HEALTH ANNUAL REPORT 2017**

The Committee considered the report of the Head of Health and Wellbeing on the Annual Report of the Director of Health and Wellbeing 2017/18 that was a statutory requirement and identified key issues affecting health in the Sefton population. This year's annual report had been produced as a short film that explored the emotional wellbeing and mental health of children and young people, together with the services and resources available to support them.

Prior to consideration of the report, a short video presenting the latest Public Health Annual Report (PHAR) was shown to the Committee, which was entitled "Growing Up Healthy and Happy". The film explored the emotional wellbeing and mental health of children and young people and the services and resources which were available to support them. The film

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recognised the importance of building resilience, promoting good mental health and wellbeing and enabling children and young people to grow up happy and healthy. The PHAR also covered key facts and figures and highlighted a number of recommendations for implementation during 2018/19.

Following the meeting of the Council on 19 July 2018, the video would be available for viewing via the Council's web-site and would be widely disseminated.

Matthew Ashton, Head of Health and Wellbeing was in attendance at the meeting to present the PHAR and respond to questions put by Members of the Committee.

Hard copies of the PHAR were circulated at the meeting.

Members of the Committee asked questions/raised matters on the following issues:-

- Were mental health first aiders being introduced in schools and colleges?  
Yes. An on-line app was being developed to assist in this area. On-line counselling was also being considered.
- Reference was made to a project being undertaken by the Merseyside Police and Crime Commissioner on children with a parent in prison.

RESOLVED:

That the Public Health Annual Report be received and its contents be noted.

### **7. JOINT PUBLIC HEALTH SERVICE BETWEEN SEFTON AND KNOWSLEY**

With the agreement of the Committee, Matthew Ashton, Head of Health and Wellbeing, reported on the above matter that would set out the principles for a proposed joint Public Health Service between Sefton and Knowsley Councils. Matthew Ashton had undertaken a joint role as Director of Public Health with both Councils since February 2016 and work was being undertaken to explore the possibility of providing a Public Health Service on a wider footprint in order to maximise resources available to both Councils and provide a more efficient service for users.

A period of consultation on the proposals was anticipated to commence during August 2018 and detailed proposals would be presented to Members during September 2018.

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Members of the Committee asked questions/raised matters on the following issues:-

- What consultation would take place?  
Consultation would take place with staff, trade unions and key stakeholders, including the Clinical Commissioning Groups. Agile working was likely to be implemented for staff.
- Would the proposals involve a change of employer for staff?  
Staff would remain with their current employer and on their existing terms and conditions.
- Would services, such as the substance misuse service be re-contracted?  
Existing provision and contracts would remain in place for the duration of their provision. Consideration could be given to combining individual services, such as the smoking cessation service, in order to simplify systems.

RESOLVED:

That the information provided on the proposed joint Public Health Service between Sefton and Knowsley Councils be noted and the matter be considered further at the next meeting of the Committee.

### **8. FINANCIAL UPDATE - SEFTON CLINICAL COMMISSIONING GROUPS**

Further to Minute No. 48 (2) of 27 February 2018, the Committee considered the joint report/presentation submitted by NHS South Sefton Clinical Commissioning Group and NHS Southport and Formby Clinical Commissioning Group (CCG), providing a financial update.

The presentation outlined the following:-

- NHS Southport and Formby CCG – Financial spend 2017/18;
- NHS Southport and Formby CCG – Financial performance 2013/14 - 2017/18;
- NHS South Sefton CCG – Financial spend 2017/18;
- NHS South Sefton CCG – Financial performance 2013/14 - 2017/18;
- Health care spending by age group;
- 2018/19 allocations: Merseyside and West Lancashire CCGs – Financial Allocation, Target and Distance from Target;
- Shaping Sefton;
- Vision: 5 year strategy;
- Triple aim triangle;
- Challenges facing CCGs.

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Martin McDowell, the Deputy Chief Officer and Chief Finance Officer of NHS South Sefton CCG and NHS Southport and Formby CCG was in attendance at the meeting to make the presentation to the Committee; to explain aspects of it; and to respond to questions put by Members.

Members of the Committee asked questions/raised matters on the following issues:-

- With regard to the total spend for acute services, how much was provided by the independent sector?  
About 2% of acute services for South Sefton CCG and 3% for Southport and Formby CCG was provided by the independent sector, procedures for eye care being the main service provided by this sector.
- Reference was made to the demographics within Sefton.  
The financial allocations received by both CCGs per head of population did not necessarily reflect the high level of frail older populations who tended to acquire multiple and chronic conditions and there was a need for the CCGs to target resources.
- Was the Council's Local Plan, together with future plans for additional housing taken into account for financial allocations?  
The Council's Local Plan and communication with the Council's Planning function was taken into account although the increased population forecast for Sefton was relatively low at present. Planning documents were also publicly available via the Council's web-site. Financial resources were considered to be challenging for the CCGs, even before taking into account any increased population forecast.

Challenges for the CCGs also included the proportionately high use of emergency care across Merseyside and the need to start shifting this use towards primary care provision.

RESOLVED:

That the Finance Update submitted by the Sefton Clinical Commissioning Groups be noted.

## **9. SEFTON CLINICAL COMMISSIONING GROUPS - UPDATE REPORT**

The Committee considered the joint update report of the NHS South Sefton Clinical Commissioning Group and the NHS Southport and Formby Clinical Commissioning Group (CCG) providing an update about the work of the CCGs. The report outlined details of the following:-

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- Sefton Health and Care Partnership;
- Medicines management scheme “highly commended”;
- Children’s audiology services in north Sefton;
- CCG staff vote Sefton Council for Voluntary Service NHS 70 community partner of the year;
- CCG governing body membership;
- “Annual review meets Big Chat” events; and
- Next governing body meetings.

Fiona Taylor, Chief Officer for NHS South Sefton CCG and NHS Southport and Formby CCG, was in attendance from the CCGs to present the update report to the Committee.

RESOLVED:

That the joint update report submitted by the Clinical Commissioning Groups be received.

### **10. SEFTON CLINICAL COMMISSIONING GROUPS - HEALTH PROVIDER PERFORMANCE DASHBOARD**

The Committee considered the joint report of NHS South Sefton Clinical Commissioning Group and NHS Southport and Formby Clinical Commissioning Group (CCG), providing data on key performance areas and the Friends and Family Test for both Southport and Ormskirk Hospital NHS Trust and Aintree University Hospital NHS Foundation Trust.

Fiona Taylor, Chief Officer for NHS South Sefton CCG and NHS Southport and Formby CCG, was in attendance to present the data.

RESOLVED:

That the information on Health Provider Performance be noted.

### **11. CABINET MEMBER REPORTS**

The Committee considered the report of the Head of Regulation and Compliance submitting the most recent Update Reports from the Cabinet Member – Adult Social Care, and the Cabinet Member – Health and Wellbeing, whose portfolios fell within the remit of this Committee.

The Cabinet Member Update Report - Adult Social Care, outlined information on the following:-

- Delayed Transfers of Care (DToC);
- Domiciliary Care Contracts;

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- Sefton New Directions – James Dixon Court;
- Transfer of Care Connect Domiciliary Support into Sefton New Directions;
- Extra Care Housing;
- Consultation Plans on Direct Payments; and
- National Autistic Society – Sefton Parent Carer Group Launch.

Councillor Cummins, Cabinet Member – Adult Social Care, had submitted his apologies for the meeting.

The Cabinet Member Update Report – Health and Wellbeing outlined developments on the following aspects of Public Health:-

- Well Sefton;
- Living Well Sefton;
- Public Health Annual Report;
- Health Checks;
- Public Health Performance;
- Healthy Life Expectancy (males);
- Smoking at Time of Delivery;
- Obesity in Reception and Year 6;
- Successful Completion of Drug Treatment;
- Excess Winter Mortality;
- Domestic Abuse Campaign; and
- Suicide.

Councillor Moncur, Cabinet Member – Health and Wellbeing, had submitted his apologies for the meeting.

RESOLVED:

That the update reports from the Cabinet Member – Adult Social Care, and the Cabinet Member – Health and Wellbeing be noted.

## **12. WORK PROGRAMME KEY DECISION FORWARD PLAN**

The Committee considered the report of the Head of Regulation and Compliance seeking the views of the Committee on the draft Work Programme for 2018/19; requesting the identification of potential topics for scrutiny reviews to be undertaken by any Working Group(s) appointed by the Committee; and identification of any items for pre-scrutiny scrutiny by the Committee from the Key Decision Forward Plan.

A Work Programme for 2018/19 was set out in Appendix A to the report, to be considered, along with any additional items to be included and agreed. The Director of Social Care and Health reported that the item on the “Green Paper on Care and Support for Older People and Long Term

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Funding” had been delayed and would be submitted to the Committee at its meeting to be held on either 16 October 2018 or 8 January 2019.

The Committee was invited to consider any potential scrutiny review topics, including issues arising as a result of consideration of Agenda Item 4 above; to establish a Working Group for the topic; and appoint at least 3 Members of the Committee to each Working Group. Further to Minute No. 5 above, the Senior Democratic Services Officer suggested that the Committee might wish to defer consideration of a Working Group, to be re-considered at a future meeting.

There were three Decisions within the latest Key Decision Forward Plan, attached to the report at Appendix D that fell under this Committee’s remit, and the Committee was invited to consider items for pre-scrutiny.

Progress to date by the Joint Health Scrutiny Committee for Cheshire and Merseyside (Orthopaedic Services) was set out within the report, together with the Sefton Member representatives on the Joint Committee for 2018/19.

The Chair reported that both she and the Vice-Chair had met recently with Silas Nichols, the recently appointed Chief Executive for Southport and Ormskirk Hospital NHS Trust and that it was anticipated that he would attend the next meeting of the Committee.

The Chair also reported on processes undertaken recently with regard to consideration of draft Quality Accounts for 2017/18.

RESOLVED: That

- (1) the Work Programme for 2018/19, as set out in Appendix A to the report, be agreed, subject to the item on the “Green Paper on Care and Support for Older People and Long Term Funding” being deferred to the meeting of the Committee to be held on either 16 October 2018 or 8 January 2019;
- (2) the appointment of any new Working Group(s) during 2018/19 be deferred to a future meeting of the Committee;
- (3) the contents of the Key Decision Forward Plan for the period 1 July to 31 October 2018 be noted,
- (4) the progress of the Joint Health Scrutiny Committee for Cheshire and Merseyside (Orthopaedic Services), together with the Members representatives for 2018/19, be noted;
- (5) the intention for the recently appointed Chief Executive of Southport and Ormskirk Hospital NHS Trust to attend the next meeting of the Committee, be noted; and

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- (6) the information provided in relation to processes undertaken recently regarding consideration of draft Quality Accounts for 2017/18, be noted.





Southport and Ormskirk Hospital  
NHS Trust

# The Acute Sustainability Programme

Overview & Scrutiny Committee  
4 September 2018

Silas Nicholls  
CEO, S&O NHS Hospital Trust

Southport and Formby District General Hospital  
Ormskirk and District General Hospital  
North West Regional Spinal Injuries Centre

# The Case for Change

- Workforce challenges (numbers and skills) exacerbated by the current service configuration
- A CQC rating of requires improvement
- Challenges in community and primary care service provision leading to issues with flow
- Obstetric service costs rising, with a falling number of births
- Significant frail patient population who aren't always cared for in those most appropriate/efficient way
- Market share for elective services shrinking with significant efficiency challenges
- Financially do nothing is not an option

# The Clinical Senate Report

## Service area reviews

- Emergency Department and Acute Medicine
- Frail Elderly
- Emergency Surgery
- Women and Children's

## Route-map to long term clinical sustainability – three phases

- 1: Implementing changes without the need to re-configure services
- 2: Reconfiguring services across the current Southport and Ormskirk sites
- 3: Maintaining a clinically sustainable organisation for a population of 230,000

# Acute Sustainability – Workshop Structure

Workshop One	Workshop Two	Workshop Three	Workshop Four
<p>15<sup>th</sup> March 2018 11am – 3pm <i>Developing our Shared Vision &amp; Agreeing Next Steps</i></p>	<p>10<sup>th</sup> May 2018 10am – 4pm <i>Case for Change Review &amp; Emerging Clinical Scenarios</i></p>	<p>7<sup>th</sup> June 2018 10am – 4pm <i>Clinical Scenario Development</i></p>	<p>5th July 2018 Half Day Service Change Proposal Feedback &amp; Finalisation</p>

To be driven by clinical workstreams who will meet at regular intervals to inform and shape the proposal as it develops

# Emerging Clinical Scenarios

## Scenario 1: Consolidated Hot site

A full 24/7 type 1 A&E service with co-located consultant led obstetrics and Paediatric A&E

## Scenario 2: Consolidated Hot Site with Paediatric A&E, Midwife Led Unit

A full 24/7 type 1 A&E service with Paediatric A&E & Midwife Led Unit

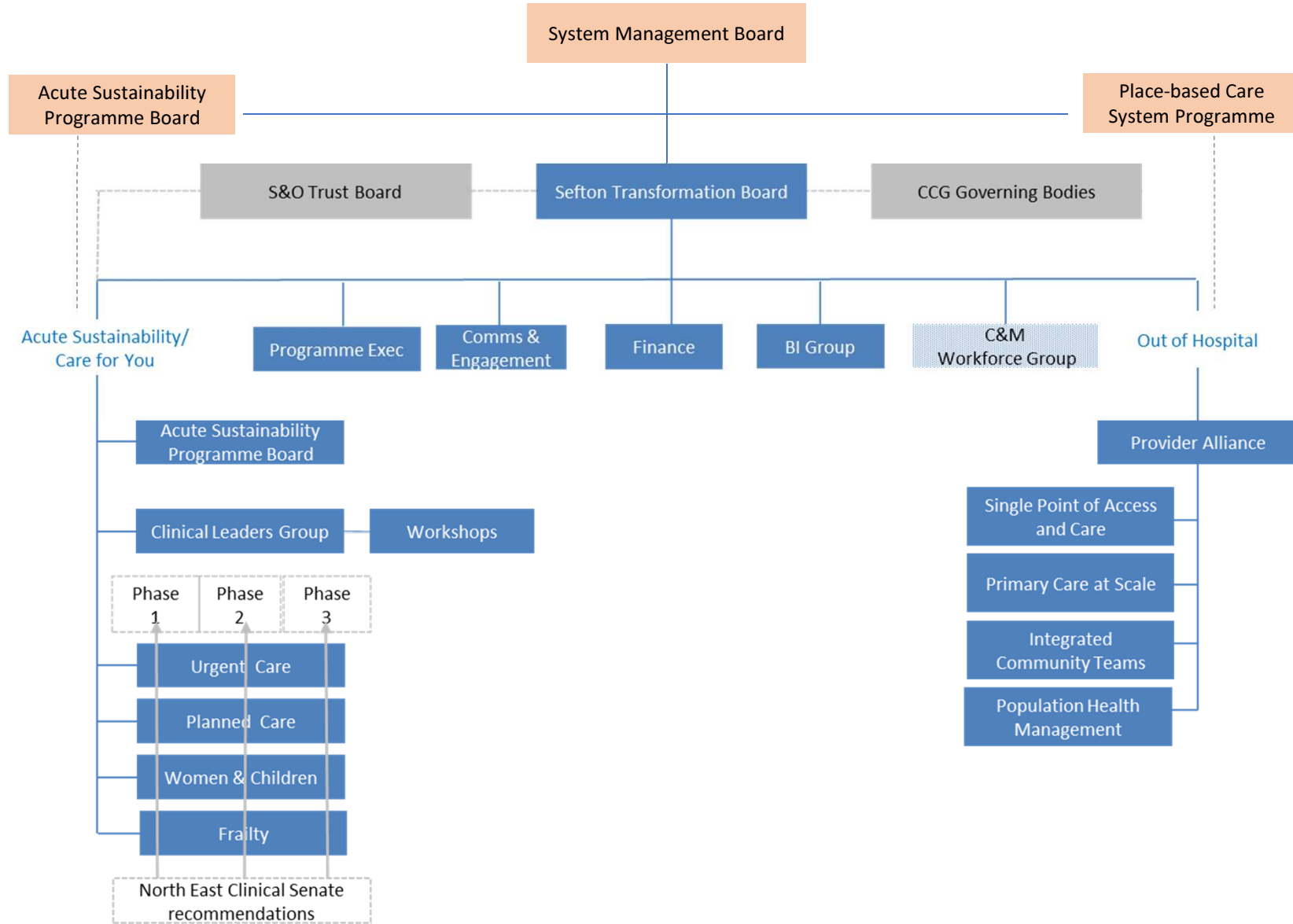
## Scenario 3: Consolidated Hot Site without Paediatric A&E, Midwife Led Unit

A full 24/7 type 1 A&E service with Midwife Led Unit & Paediatric Assessment Unit

## Scenario 4: Community Centric Model

No ED provision, Urgent Treatment Centre only, Midwifery led unit only with a Paediatric Assessment Unit only

# Delivering Transformation for Sefton and Cheshire and Mersey



# Agenda Item 5

<b>Report to:</b>	Overview and Scrutiny Committee (Adult Social Care and Health)	<b>Date of Meeting:</b>	Tuesday 4 September 2018
<b>Subject:</b>	Community Equipment Store		
<b>Report of:</b>	Director of Social Care and Health	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>	Cllr Paul Cummins Cabinet Member – Adult Social Care		
<b>Is this a Key Decision?</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary:

The review of the Community Equipment Store has now concluded. During the review, there was consultation and engagement with Citizens. Considering the findings of the review and the feedback from Citizens we now make some proposals about a new service approach. The proposed new service model is described within this report.

## Recommendations:

- 1) Note and comment on the content of the report
- 2) Note the “new model”

## Reasons for the Recommendation(s):

The new service model is proposed to improve the service provided to Citizens and the help manage the resources better.

## Alternative Options Considered and Rejected: (including any Risk Implications)

None

## What will it cost and how will it be financed?

### (A) Revenue Costs

The Council’s revenue budget for community equipment is £372.8k. There is also a £91k contribution from the Better Care Fund. To assist with revenue budget pressures in the last few years some of the equipment expenditure has been capitalised. Under the proposed service model, careful consideration of the equipment categories chosen to gift

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will need to be made to ensure maximum value is obtained from equipment purchased allowing capitalisation where possible.

## (B) Capital Costs

none

### Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>
<b>Legal Implications:</b>
<b>Equality Implications:</b> There are no equality implications.

### Contribution to the Council's Core Purpose:

<b>Protect the most vulnerable:</b> yes
<b>Facilitate confident and resilient communities:</b> yes
<b>Commission, broker and provide core services:</b> yes
<b>Place – leadership and influencer:</b> yes
<b>Drivers of change and reform:</b> yes
<b>Facilitate sustainable economic prosperity:</b> yes
<b>Greater income for social investment:</b> yes
<b>Cleaner Greener:</b> yes

### What consultations have taken place on the proposals and when?

#### (A) Internal Consultations

The Head of Corporate Resources has been consulted and any comments have been included in the report. (FD5253/18)

The Head of Regulation & Compliance has been consulted and has no comments on the report. (LD4477/18)

#### (B) External Consultations



External consultation conducted to inform the approach contained in this report.

## Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

<b>Contact Officer:</b>	Sharon Lomax
Telephone Number:	Tel: 0151 934 4900
Email Address:	sharon.lomax@sefton.gov.uk

## Appendices:

- A What equipment we provide
- B A quick guide to the store for Committee members
- C The Legal Framework for the Community Equipment Store

## Background Papers:

None

### 1. Introduction

Community Equipment is vitally important in supporting care at home. In recent years the increased focus on prevention, rehabilitation and care at home, together with an increasing ageing population has meant that the service has experience an increase in demand of 19% over an 8-year period and a 65% increase in collections in the same period.

### 2. The Section 75 Partnership Agreement

The Community Equipment Store undertakes a Health and Social Care function in that it delivers equipment to meet health needs and social care needs as such it is funded by Health via South Sefton and Southport and Formby Clinical Commissioning. The legal framework for this arrangement is a Section 75 Agreement.

### 3. Background

The review commenced in 2016 following a report to Cabinet in November 2015. The initial findings were reported then to Overview and Scrutiny in June 2017 and the Health and Wellbeing Board in the same quarter. In late Autumn 2017 Consultation took place via the Council portal and subsequent attendance at community forums.

### 4. What the review examined

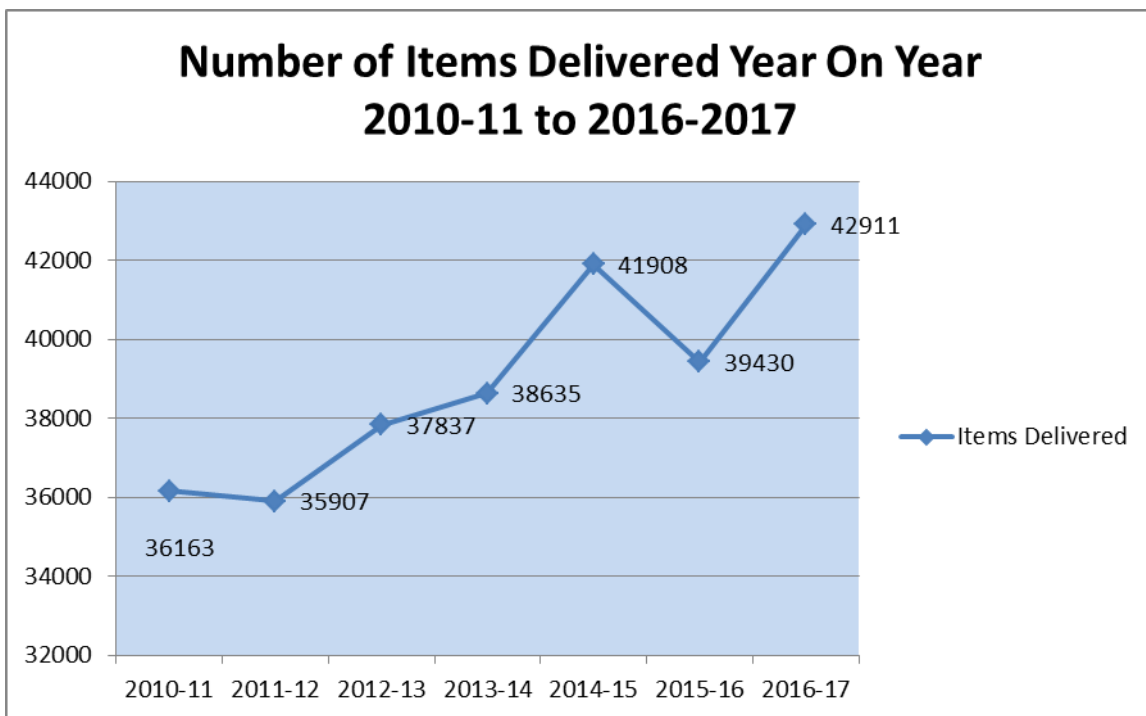
**The National Policy Context** - There has been limited policy specifically focusing on Community Equipment. In June 2006, the Department of Health launched an initiative “Transforming Community Equipment” to transform the way Community Equipment and Wheel Chair services were provided.

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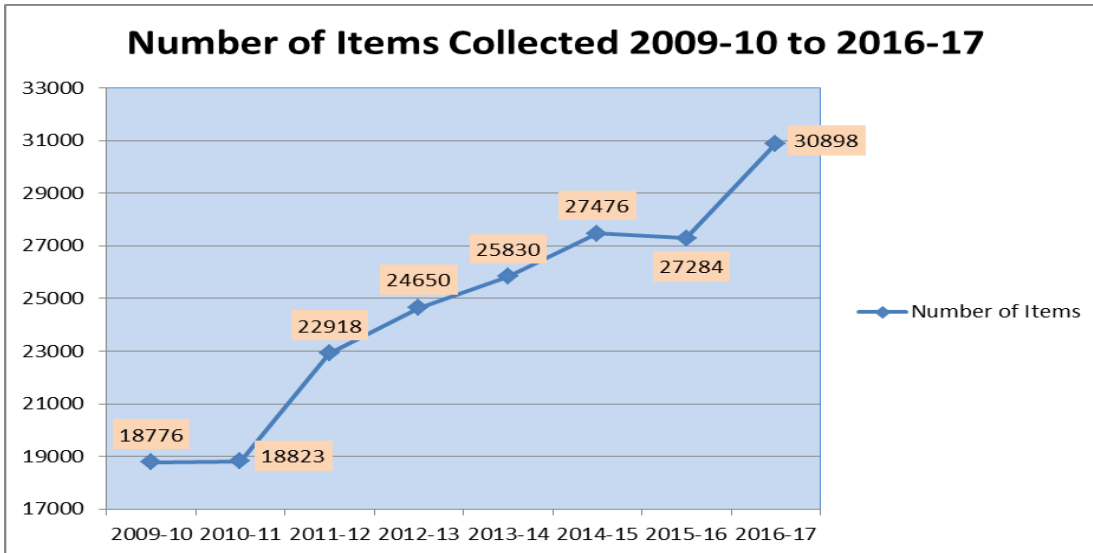
**The Local Policy Context** - The changes to funding and the policy agenda for Local Government continue to change significantly. This means that the Council must take a transformational approach to the delivery of our and partner services and as a result the role of the Council will inevitably change. This will include creating new revenue streams, new models of service delivery, new demand management methods and new operating models. Our Citizens expect public services to be delivered in a way that they recognise. In order to achieve the ambitions that are articulated through Imagine Sefton 2030, the Council, its partners and communities must work together. The impetus that the Vision brings will be a key factor in enabling the Community Equipment Service Review outcomes to be realised.

**The Legal Framework for Equipment Provision** - In terms of the Community Equipment Store there are many Acts and Regulations to be mindful of. These Acts and Regulations cover the span of duties across Health and Social Care. Others are more universal in application for example the Health and Safety at Work Act. Some of the Acts are more relevant to the assessment process prior to referral. The interpretation of the Legal Framework and the assessment processes need to be carefully considered when determining any recommendations.

**Demand for Community Equipment (both Health and Social Care) - Number of Deliveries** The chart below shows the increased demand for the number of deliveries from 2010 to 2016-17 demonstrating a 19% increase over the period. In 2010/11 the number of core stock items was reduced as small aids were removed from stock, which accounts for the drop in the number of items delivered at that time.



**Collections by number of items** - This chart shows the increased number of items collected over the period 2009-2016/17, a rise of 65% over the eight years.

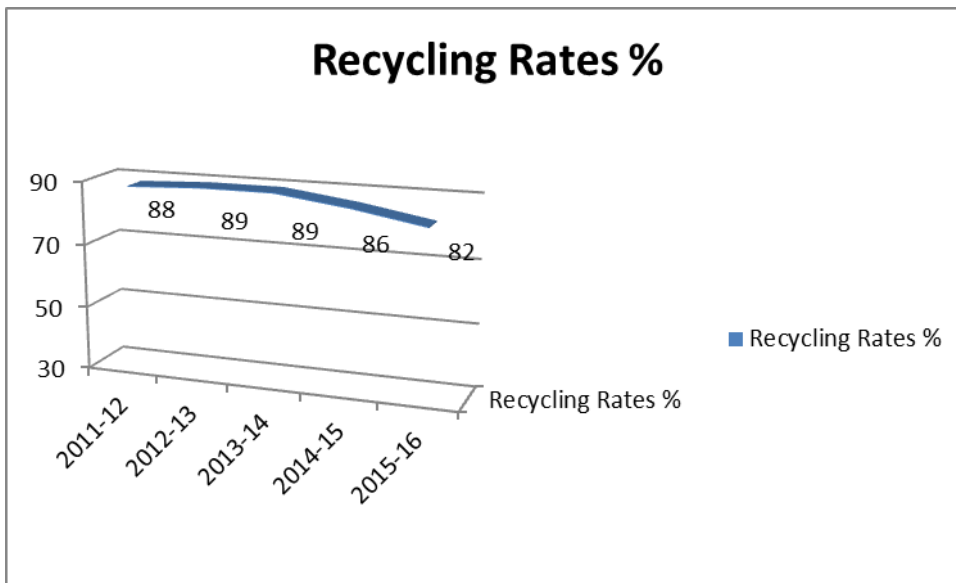


**The Budget Arrangements for the Provision of Equipment** - Over many years the demand for the equipment has been more than the Allocated Budget and has required virements from other areas to enable the provision of Equipment for health and social care needs including to enable children to access education. For health, funded equipment the CCG have increased the investment to fund equipment.

**What Equipment we provide** – The types of equipment that has been provided has been shaped by the referrers experience of what meets client need, what is available by suppliers and what is found to be cost effective and fit for purpose. The price that equipment can be purchased for is often determined by the volume of orders expected at year beginning. Predicting spend is hugely important along with sound procurement processes and decisions.

**Equipment and Recycling** - in some circumstances equipment is issued less than twice in their useful life before return and decommission. With some items, it is a question of length of time they are in use and the purpose for which they are designed. The least expensive Stock item is £1.10 with some health funded equipment can cost many thousands. overall, the equipment supplied by social care is less expensive, needs no maintenance and when returned can have been out on loan a long period.

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Some of the areas we explored are;

- a) **The increase in our older population and the increased demand for Equipment** - Although our performance is mostly within the timescales in terms of the delivery against the performance expected. We do think that our citizens expectation understandable e.g. to wait for a shower aid for potentially a week is too long.
- b) **Same Day requests for Equipment** - Nearly all the requests we receive for equipment to be delivered on the same day are from requests that are made between 12 -3 pm. However, with the high demand and no change to staffing levels it is an issue to be able deliver the equipment at a “reasonable” hour. (Some equipment for “end of life” for example a bed and mattress, is delivered after 8pm).
- c) **Constantly looking how we could do better** - The Service has put in place an operational level improvement plan. This will help progress some on the changes that can be done by working with partners better and using the combined resources and facilities better. The entire workforce is involved in this plan.

## 5. Citizen – Consultation

To ascertain the views of Citizens a consultation exercise was commenced on 21 August 2017 and ran until 29 November 2017. The reviewer also spent time attending meetings organised via Healthwatch to gain a greater understanding of Citizens views.

The aim of the consultation was to find out the experience of using the service and thoughts on:

- The option of citizens being able to collect small items of equipment from the store and/or other local places?
- The idea that we might no longer collect some equipment (that which is not usually reusable on return and relatively inexpensive to warrant collection and cleaning) when they are no longer needed?

The summary is as follows.

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70% of people who completed a questionnaire said they had positive experience  
55% of those had the equipment delivered and 45% had collected themselves either at a hospital or from the store  
61% of those were satisfied, 17% did not reply, 2% neither satisfied nor dissatisfied and 3% were dissatisfied

In the main, customers were satisfied with the Service, praising the professional attitude of the staff and the service. Some customers felt that the wait for equipment was too long and referenced opportunities for the future could include the option of a delivery date and timeslots for customers.

There were 48 comments given in relation to the choice of collecting small items of equipment. Some people would be willing to pick up equipment as they believe it would be more convenient and would like the option to pick up from somewhere local to people who are unable to collect due to mobility issues and/or someone to collect on their behalf. Those who have shown an interest to collect, would like the option to collect, rather than it be compulsory.

We asked, *What could we do to make it easy for people to collect their own equipment?*

There were 35 comments given in relation to the choice of collecting small items of equipment. The key themes are:

- Local collection points across the Borough, making use of existing local venues/amenities, for example, day centers, council buildings, centers and hospitals.
- Flexibility for collection/returns – earlier/later times to collect and drop off and weekend collections for convenience would be welcomed, along with the option of timed slots.
- Communication – emailing/texting the customers when equipment is ready to collect and creating awareness of collection points and opening times and having clear instructions.

We asked, *Do you think it makes sense to stop collecting some items?*

There were 53 comments given in relation to the choice of collecting small items of equipment. The key themes are:

- Recognition that collecting some items of equipment incurs a cost to the Council and also that if equipment is not collected it is disposed of and goes to the landfill.
- Many people suggested that the equipment could be re-used/recycled and/or donated to charity.
- If there is an expectation for people to dispose of equipment, clear information would be required as to what can be disposed of and the options available for disposal.
- Some concern over not being able to dispose of equipment as not mobile or no access to transport.

Respondents were also given the opportunity to tell us anything else about their experience of using equipment. There were 24 comments received.

- Most people had a positive experience and felt the equipment was of help to maintain independence.

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- Some people felt that the equipment was not collected fast enough and some of the equipment that people received was faulty.
- Some suggestions were given on how the service could be improved:
  - Physical and/or online catalogue
  - Emergency collection service
  - Small admin charge
  - Stickers/labels on equipment advertising which charities might be interested in the equipment.

## 6. What a Good Model Might Look Like

The offer of equipment is made following an assessment. This is a statutory obligation of both health and social care. That said, many citizens will not approach statutory services for assessment either by choice or by the fact that they are not aware and informed of this. The model thus touches on the elements that people will need on the basis that access to advice and information about equipment is useful and helpful to people along with the provision of timely equipment when needed.

### Advice and Information at an Early Stage

People need easy access to high quality information, advice and guidance about equipment and whenever possible and appropriate, they need to be able to self-serve or their Carers and families need to be able to do so on their behalf. This approach allows people to maintain control and to exercise choice at whatever point they are at in their lives. Further, it helps the Council to use its resources more effectively.

Building on this, it is essential that when people contact Adult Social Care, they are given a positive response and support to help resolve the issues they face but by emphasising what people can do for themselves, what support is available from other organisations and what support is available in the community. The aim is to ensure that people receive care and support that is appropriate and that enables independence rather than fostering dependency. This means giving information about where people could go to try and buy equipment as well as access to on line directories and web based information and advice. For example, [seftondirectory.com](http://seftondirectory.com)

There needs to be **a greater presence on the Council website** for people to know where to go and what to do.

### **We will do 4 things**

- 1) We will make it clear how equipment can help
- 2) We will give information about where to go for advice and information
- 3) We will say what the entitlement to assessment is and what to expect
- 4) We will give information about what people can they can do for themselves if they chose not to have an assessment

The new model will look at the use of the Council website to support the elements described above.

### When Equipment is needed

People need access to equipment in a timely, accessible and flexible way. By this we mean not having to wait a week for it to be delivered.

To help with timescales for delivery the store team and number of drivers has been increased by 5 new staff members. This will mean that for people who require equipment on the same day of referral will have the opportunity for that equipment to be delivered before 8pm at night rather than as is now when equipment can be delivered very late into the evening.

When equipment is requested **we don't think people should wait as long as they do currently.**

**We will do three things.**

- 1) We will enable equipment to be collected by Citizens – those who choose and are able.
- 2) We will continue to service the X satellite stores so that people leaving hospital can take the small items with them as they leave.
- 3) We will look at collections and remove the small items that are mostly not fit for reissue – this will mean that we can focus on delivery of items in a timely way.

### **When equipment is no longer needed**

When the equipment is no longer needed. There should also be **an easy and quick way to return this**, we think that some of the equipment we collect is not fit to reissue, yet we collect it. We will **stop collecting some equipment.**

**We will do four things.**

- 1) We will work out a way for people to return the small items at a suitable location. Ensuring this is a choice and is done with safety in mind.
- 2) We will gift on issue some equipment and advise as to how to and where to dispose of when no longer needed.
- 3) Some equipment will continue to be collected and we will bring into place a standard and target for collections and report to commissioners on this standard and target.
- 4) All collections will have a prearranged collection slot of a two-hour period.

### **Doing more when we visit**

People require and respond better to personalised services. The approach that works most effectively always puts users and carers at the centre and builds support round them rather than fitting people into rigid services. When delivering equipment there is an opportunity to ensure that the person is also “warm, well and connected”. A good service would ensure that at vital points it uses this opportunity to **“make every contact count”**.

**We will do two things**

- 1) All of our visiting staff will be trained in “making every contact count”
- 2) We will look at the number of contacts and assessments and visits people have before equipment is provided to make sure that we do things quickly, professionally and proportionate. This might mean staff are trained, remunerated and organised differently.

## **7. Conclusion**

The review of the store has provided the opportunity for the commissioners of health and Social Care to have a good understanding of the demand and capacity associated with the provision of equipment. This has resulted in some key improvements yet to be fully realised in terms of increase in staff resource and changes to working practices. Most importantly it is the insight from people who have

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used equipment that has been a key factor in the changes recommended. This review has also given the team working in the store an opportunity to input to the operational improvement plan. We will continue to work with Sefton Healthwatch and take account of citizens views and feedback on the experience of using the service.



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## Appendix A The equipment provided as of 2018

<b>Household</b>	<b>Beds &amp; Pressure Care</b>	<b>Bathing</b>
Perching Stool	Back rests	Bath Board
Kitchen Trolley	Feet protectors	Shower Stool
Trolley With Brakes	Flexi gel pads	Corner Shower Stool
Chair Raiser	Beds	Static Shower Chair
Furniture Raisers	Grab handles	Swivel Bather
Clip on Bases MPR	Lifting poles	Bath Step
Long Spreader Bar	Static Mattress	Bath Lift
Short Spreader Bar	Double Mattress	
Bed Raisers	Air Mattress	
High Back Chair	Pressure Cushion	
Bed Lever	Active Cushion	
2 in 1 Bed Lever	Cot Sides	
Mattress Elevator	Cot Bumpers	
<b>Hoists Stand Aids &amp; Slings</b>	<b>Bariatric</b>	<b>Transfer M&amp;H Aids</b>
Hoist	Shower Chair/Stool	Glide/slide sheets
Hoist Slings	Perching Stool	Stand Aids
Stand Aid	Glide Commode	Turners
Stand Aid Slings	Bariatric Commode	Transfer Board
<b>Toileting and Commodes</b>	<b>Wheelchairs Loans &amp; Cushions</b>	<b>Walking Aids</b>
Raised Toilet Seat	Cushions	Zimmer Frames
Toilet Frame	Wheelchair loan	Zimmer Wheels
Combi with sleeve	Wheelchair loan	Delta Walker
Glide Commode/ footrest		Lightweight Walker
Commode		Walking Stick
Male Urinal		
Bed Pan		
Female Urinal		
<b>Suction/Respiratory</b>		
Suction Machines		
Oximeter		
Nebulisers (AC2000)		

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## **Appendix B About the Community Equipment Store**

Community Equipment is vitally important in supporting people to remain independent and able to live at home. In recent years the increased focus on prevention, rehabilitation and care at home, together with an increasing population of older people and along with better survival rates for children living with long term conditions has seen increasing demand for community equipment services.

The purpose of Sefton`s Community Equipment Service is to supply, deliver, install, service, maintain, collect, clean and eventually dispose of all equipment. All equipment is provided on loan, the equipment remains the property of the Community Equipment Service for the duration of the life span of the equipment. When the equipment is no longer required it is collected and returned to the service for decontamination, and possible reissue. If it cannot be used again it is disposed of. Before equipment is disposed of it needs to be cleaned.

### **Who Sefton provides equipment to**

Equipment is provided following a comprehensive assessment by a Health or Social Care professional, registered with the Community Equipment Service, to people deemed by the professional to have a need that could be met by provision of equipment.

People must be a

- permanent resident within the geographical boundaries of Sefton for equipment funded by social care; or
- registered with a Sefton GP (includes Residential Care and excludes Nursing Home residents) for equipment funded by Health
- A “Looked after Child”, including those from other Authorities where needs can be met by core stock (specialist equipment must be sought from placing authority).

Community Equipment is not provided to people who reside in Nursing Homes or Day Centres as these services have alternate funding streams for equipment.

### **The Aims of the Service**

The aims of the service are to;

- Provide a comprehensive community equipment service which promotes personal independence and facilitates a user friendly equipment loan service.
- The service strives to ensure that all equipment provided within the community is
  - safe
  - of good quality
  - is manufactured to the highest standards
  - is delivered and installed promptly and competently
  - Decontaminated, recycled and maintained to the highest possible standards.

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## **The Types of Equipment Provided**

Over a number of years, the types of equipment that have been provided have been shaped by the referrer's experience of what meets client need, what is available by suppliers and what is found to be cost effective and fit for purpose.

The price that equipment can be purchased for is determined by the volume of orders expected at year beginning. The equipment is funded by the NHS, Social Care or funded by both, jointly.

The types of equipment are

- Beds & Pressure Care
- Toileting and Commodes
- Household (trolleys and raisers)
- Transfer M&H Aids
- Suction/Respiratory
- Hoists Stand Aids & Slings
- Wheelchairs Loans & Cushions

## **The Store Workforce**

There are 27 permanent staff all employed by Sefton Council. There are also 5 staff employed by North West Boroughs Healthcare NHS Foundation Trust based in the store and aligned to the joint function.

## **Operational Availability**

Most equipment is delivered in the Normal working day Monday to Friday 8.30am – 17.00pm. For equipment with a higher priority then there are extended hours in which equipment can be delivered. This out-of-hours service only provides specific types of equipment and the list is agreed with our health partners.

Out of Hours – deliveries The times are Monday to Thursday 17.00pm – 19.00pm  
Friday 17.00pm – 21.00pm. Saturday/Sunday/Bank Holidays 09.00am – 11.30pm.

In addition to the above out-of-hours service the SCES provides a second on-call service to facilitate emergency end-of-life care through the provision of profiling beds and appropriate mattress.

End of Life Care - The times are Monday to Friday 17.00pm – 23.00pm, Saturday-Sunday & Bank Holidays 09.00am – 23.00pm.

## **Timescales for Delivery**

When a referrer makes a request for equipment there are three timescales for delivery described as “Priority Levels”. These are:

- **Priority 1** - Target delivery within 24 - 48 hours.  
(To provide equipment for people who are terminally ill or at immediate risk of accident, injury and/or equipment essential to facilitate hospital discharge)
- **Priority 2** – Target delivery within 7 days.  
(To provide equipment for people who have an element of risk and/or to support independent living.)
- **Priority 3** - Special order/no specific timescale.

(To provide equipment for people whose specific needs cannot be met with “core stock.”)

## **Monitoring and Service Performance Targets**

The Community Equipment Service produces quarterly reports. Key reporting areas include performance against KPIs, along with updates on any audits completed in the period. Service Performance targets were set at 85% for Priority 1 and Priority 2 deliveries. There are no performance targets for “non-core” stock and collections; these are carried out as swiftly as possible following.

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## **Appendix C The Legal Framework for Equipment Provision**

In terms of the Community Equipment Store there are many Acts and Regulations that determine the legal framework in which the service operates. These Acts and Regulations cover the span of duties and functions across Health and Social Care, some regulation is more universal in application. Whilst some of the Acts are more relevant to say the assessment process these Acts influence the provision of equipment and need to be carefully considered when determining any recommendations. The key legislation is as follows;

The Care Act 2014 – This Act came into force in England in April 2015, replacing a great deal of adult social care legislation in England – including the NHS and Community Care Act 1990 and the Chronically Sick and Disabled Persons Act 1970 (although the latter continues to apply to children).

National Health Service Act 2006 – This sets out health related duties. These general duties under the NHS Act mean that the legal basis for provision of equipment by the NHS differs significantly from the provision by local authorities. Whereas local authorities function in relation to eligibility criteria, which create legally enforceable duties, this is not how the NHS works. NHS provision of equipment is determined by individual clinical judgement. In practice it may be in fact also subject to local priorities and rationing.

NHS Continuing Health Care - For adults this is defined in regulations as meaning “a package of care arranged and funded solely by the health service in England for a person aged 18 or over to meet physical or mental health needs which have arisen as a result of disability, accident or illness. “The word “solely” denotes that legal responsibility lies with the NHS. By the same token, s.22 of the Care Act 2014 forbids a local authority, under the Care Act, to meet needs by providing a facility or service that the NHS is required to provide. Putting these two legal provisions together, NHS Continuing Healthcare and National Health Service Act 2006, once NHS continuing healthcare status is established, and then it is the NHS that has responsibility for providing community equipment to people in their own homes. The CHC framework also highlights this point.

None of the Acts or regulations prevents a local authority providing equipment for a person on behalf of the NHS, even when the NHS is responsible legally for provision. This could be founded on a joint working agreement under Section 75 Agreement of the NHS Act 2006. This would then mean that the equipment was being provided by the local authority not under the Care Act 2014, but under the NHS Act 2006.

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# Agenda Item 6

<b>Report to:</b>	Overview and Scrutiny Committee (Adult Social Care and Health)	<b>Date of Meeting:</b>	4 September 2018
	Overview and Scrutiny Committee (Regulatory, Compliance and Corporate Services)		11 September 2018
	Overview and Scrutiny Committee (Regeneration and Skills)		18 September 2018
	Overview and Scrutiny Committee (Children's Services and Safeguarding)		25 September 2018
<b>Subject:</b>	Effectiveness of Local Authority Overview and Scrutiny Committees – Government Response to DCLG Select Committee Report		
<b>Report of:</b>	Head of Regulation and Compliance	<b>Wards Affected:</b>	All
<b>Cabinet Portfolio:</b>	Adult Social Care Children, Schools and Safeguarding Communities and Housing Health and Wellbeing Locality Services Planning and Building Control Regeneration and Skills Regulatory, Compliance and Corporate Services		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary:

To advise Members on the Government's response to the Communities and Local Government Select Committee report titled "Effectiveness of Local Authority Overview and Scrutiny Committees"

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## Recommendation:

That:-

- (1) the report be noted;
- (2) a further update be submitted to the Committee once the Government have published updated guidance in respect of recommendations 1 (a) to (e) and 6 and further consideration has been given to recommendation 2; and
- (3) if consultations are allowed to be undertaken as referred to in paragraph 4 then the views of the Overview and Scrutiny Management Board and individual Overview and Scrutiny Committees be obtained for inclusion in the consultation process.

## Reasons for the Recommendation(s):

To make Overview and Scrutiny Committees aware of current issues affecting local authority scrutiny functions.

## Alternative Options Considered and Rejected: (including any Risk Implications)

No alternative options have been considered.

## What will it cost and how will it be financed?

There are no direct financial implications arising from this information report. Any financial implications arising from the implementation of updated Government guidance regarding the scrutiny function will be set out in future reports at the appropriate time.

**(A) Revenue Costs** – see above

**(B) Capital Costs** – see above

## Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> None
<b>Legal Implications:</b> None
<b>Equality Implications:</b> There are no equality implications.

## Contribution to the Council's Core Purpose:

Protect the most vulnerable: None directly applicable to this report.
Facilitate confident and resilient communities: None directly applicable to this report
Commission, broker and provide core services: None directly applicable to this report.
Place – leadership and influencer: None directly applicable to this report.

Drivers of change and reform: None directly applicable to this report.
Facilitate sustainable economic prosperity: None directly applicable to this report.
Greater income for social investment: None directly applicable to this report.
Cleaner Greener: None directly applicable to this report.

## What consultations have taken place on the proposals and when?

### (A) Internal Consultations

The Head of Corporate Resources (FD 5215/18) has been consulted and notes the report indicates no direct financial implications arising for the Council. The Head of Regulation and Compliance (LD4439 /18) has been consulted and has no comments on the report.

### (B) External Consultations

Not applicable

## Implementation Date for the Decision

Immediately following the Committee meeting.

<b>Contact Officer:</b>	Paul Fraser
<b>Telephone Number:</b>	0151 934 2068
<b>Email Address:</b>	<a href="mailto:Paul.fraser@sefton.gov.uk">Paul.fraser@sefton.gov.uk</a>

## Appendices:

The following appendices are attached to this report:

- First Report of Session 2017–19 Effectiveness of local authority overview and scrutiny committees
- Government Response to the Communities and Local Government Committee First Report of Session 2017-19 on the Effectiveness of Local Authority Overview and Scrutiny Committees

## Background Papers:

There are no background papers available for inspection.

### 1. Introduction/Background

- 1.1 The Communities and Local Government (CLG) Select Committee, on 24 January, 2017 launched an inquiry into overview and scrutiny in local government; as the CLG Committee wanted to consider 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.

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1.2 The CLG Committee had noted that overview and scrutiny arrangements were introduced by the Local Government Act in 2000 as a counterweight to increasing decision-making powers of Leaders and Cabinets or directly elected mayors; and had made reference to shortcomings that had been exposed, following a number of high profile cases, including child sexual exploitation in Rotherham, poor care and high mortality rates at Mid Staffordshire NHS Foundation Trust and governance failings in Tower Hamlets.

1.3 Clive Betts MP, Chair of the CLG Committee, said:

“This inquiry is long overdue. Local authority executives have more powers than ever before but there has not been any review about how effectively the current overview and scrutiny arrangements are working since they were introduced in 2000.

Local authorities have a considerable degree of discretion when it comes to overview and scrutiny. We will examine these arrangements and consider what changes may be needed to ensure decision-makers in councils and local services are better held to account.”

## 2. Publication of the CLG Report

2.1 The report of the Select Committee, titled “Effectiveness of Local Authority Overview and Scrutiny Committees” was published by the House of Commons on 15 December 2017; and a copy of the published report is attached as **Appendix 1**.

2.2 The proposed revisions to Government guidance on Overview and Scrutiny Committees contained in the report were as follows:-

- That overview and scrutiny committees should report to an authority’s Full Council meeting rather than to the executive, mirroring the relationship between Select Committees and Parliament.
- That Scrutiny committees and the executive must be distinct and that executive councillors should not participate in scrutiny other than as witnesses, even if external partners are being scrutinised.
- That councillors working on scrutiny committees should have access to financial and performance data held by an authority, and that this access should not be restricted for reasons of commercial sensitivity.
- That scrutiny committees should be supported by officers that are able to operate with independence and offer impartial advice to committees. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts.
- That members of the public and service users have a fundamental role in the scrutiny process and that their participation should be encouraged and facilitated by councils
- That overview and scrutiny committees should be given full
- access to all financial and performance information, and have the right to call witnesses, not just from their local authorities, but from other public

bodies and private council contractors. They should be able to follow and investigate the spending of the public pound.

- That the DCLG works with the Local Government Association and the Centre for Public Scrutiny to identify councils to take part in a pilot scheme where the impact of elected chairs on scrutiny's effectiveness can be monitored and its merits considered.

### **3. Government Response to the CLG Report**

3.1 The Government's response to the CLG report was published on 12 March 2018; and the 8 CLG recommendations and accompanying Government responses are set out below in paragraphs 3.2 to 3.9. A full copy of the Government response is attached to the report as **Appendix 2**.

#### **3.2 Recommendation 1:**

Proposed revisions to Government guidance on scrutiny committees  
(Note: this recommendation was in five parts (a) to (e) and the individual recommendation and Government response are set out consecutively)

##### **Government Response:**

The Government acknowledges that the current guidance was issued in 2006 and is happy to ensure it is updated. New guidance will be published later this year.

a) That overview and scrutiny committees should report to an authority's Full Council meeting rather than to the executive, mirroring the relationship between Select Committees and Parliament.

##### **Government Response:**

a) The Government notes the evidence supplied to the Committee. Updated guidance will recommend that scrutiny committees report to the Full Council.

b) That scrutiny committees and the executive must be distinct and that executive councillors should not participate in scrutiny other than as witnesses, even if external partners are being scrutinised.

##### **Government Response:**

b) The Government accepts the need to limit the executive's involvement in the scrutiny meetings. Updated guidance will make clear that members of the executive should not participate in scrutiny other than as witnesses.

c) That councillors working on scrutiny committees should have access to financial and performance data held by an authority, and that this access should not be restricted for reasons of commercial sensitivity.

##### **Government Response:**

c) Scrutiny committees already have powers to access documents and updated guidance will stress that councils should judge each request to access sensitive documents on its merits and not refuse as a matter of course. We will also have discussions with the sector to get a better understanding of the issues some scrutiny committees appear to have in accessing information and whether there are any steps the Government could take to alleviate this.

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d) That scrutiny committees should be supported by officers that are able to operate with independence and offer impartial advice to committees. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts.

**Government Response:**

d) Updated guidance will make clear that support officers should be able to operate independently and provide impartial advice. It will also stress the need for councils to recognise and value the scrutiny function and the ways in which it can increase a council's effectiveness. However, the Government believes that each council should decide for itself how to resource scrutiny committees, including how much access to senior officers is appropriate to enable them to function effectively.

e) That members of the public and service users have a fundamental role in the scrutiny process and that their participation should be encouraged and facilitated by councils.

**Government Response:**

e) The Government fully believes that local authorities should take account of the views of the public and service users in order to shape and improve their services. Scrutiny is a vital part of this, and scrutiny committees should actively encourage public participation. Updated guidance will make this clear.

3.3

**Recommendation 2:**

That DCLG works with the Local Government Association and Centre for Public Scrutiny to identify willing councils to take part in a pilot scheme where the impact of elected chairs on scrutiny's effectiveness can be monitored and its merits considered.

**Government Response:**

The Government will give further consideration to this recommendation.

The Government fully accepts that the chair of a scrutiny committee can have a great impact on its effectiveness. As the then Minister told the Select Committee at the oral evidence session on 6 November 2017, a chair needs to have the requisite skills, knowledge and acumen to take on the functions and achieve the outcomes that the scrutiny committee needs to achieve.

The Government also accepts that, in some instances, the election, rather than the appointment, of a chair might help ensure that the right individual is ultimately selected, but feels that this is a decision for every council to make for itself - we note that the Select Committee is "wary of proposing that [election] is imposed upon authorities by Government".

A local authority is already free to elect a chair if it wishes, and the updated guidance will recommend that every council bears this in mind when deciding on a method for selecting a chair.

The Government is happy to explore with the sector how best to establish the

impact of elected chairs on scrutiny committees' effectiveness, but is not yet convinced that running pilot schemes is the best way to achieve this. The Government will therefore discuss this recommendation with the sector, including the Local Government Association and Centre for Public Scrutiny, and write to the Select Committee on this matter when we publish updated guidance.

## 3.4 **Recommendation 3:**

Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator.

### **Government Response:**

The Government does not accept this recommendation.

Many councils do not have dedicated scrutiny support staff - officers work on issues and engage with committees as part of the flow of business - so this would make quantifying the support that scrutiny committees receive very difficult. In the Government's view, the quality of the support is the more important issue.

The Government firmly believes that each individual authority is best-placed to decide for itself how to support scrutiny most effectively.

## 3.5 **Recommendation 4:**

That the Government extend the requirement of a Statutory Scrutiny Officer to all councils and specify that the post-holder should have a seniority and profile of equivalence to the council's corporate management team. To give greater prominence to the role, Statutory Scrutiny Officers should also be required to make regular reports to Full Council on the state of scrutiny, explicitly identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them.

### **Government Response:**

The Government does not accept this recommendation.

As the then Minister outlined during the oral evidence he gave to the Select Committee, decisions about the allocation of resources for the scrutiny function are best made at a local level. Each council is best-placed to know which arrangements will suit its own individual circumstances. It is not a case of one size fits all.

The key requirement for effective scrutiny is that the culture of the council is right. Where councils recognise the benefits effective scrutiny can bring, and put in place suitable arrangements, it is working well. Local authorities with a strong culture of scrutiny may invite regular reports to full council on the state of scrutiny in the council and this idea will be reflected in the updated guidance.

## 3.6 **Recommendation 5:**

The Department to put monitoring systems in place and consider whether the support to committees needs to be reviewed and refreshed. We invite the Department to write to us in a year's time detailing its assessment of the value for money of its investment in the Local Government Association and on the wider effectiveness of local authority scrutiny committees.

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## **Government Response:**

The Government does not accept this recommendation.

Local authorities are independent bodies and it is for them to ensure that their scrutiny arrangements are effective.

The Government firmly believes that every council should be able to access the training it needs to carry out its functions effectively, and recognises that Government itself has a role to play in making this happen. That is why we provide funding to the Local Government Association for sector-led improvement work. It should be noted that this funding is to support local authorities on a wide range of improvement work. It is not purely to assist with overview and scrutiny.

The funding is determined annually and for 2017/18 is £21 million. The package of work that is funded from the grant is set out in a jointly agreed Memorandum of Understanding between the Department and the Local Government Association, which is refreshed annually to ensure that it remains relevant to the sector's needs.

The Government is, of course, very keen to ensure that this funding provides value for money and that local authorities feel that the training on offer serves their needs. To this end, the Department has quarterly performance monitoring and review meetings with the Local Government Association, which are chaired by the Director-General for Local Government and Public Services.

The Government notes that not all the councillors who provided evidence to the Select Committee felt that the scrutiny training provided was as effective as they would have liked, and that the Local Government Association wrote to the Committee on 20 December 2017 to provide more information on the feedback it received on its support work.

The Government will ensure that the 2018/19 Memorandum of Understanding with the Local Government Association clearly sets out our expectation that they remain responsive to feedback they receive to ensure all training, including scrutiny training, remains relevant and effective.

3.7

## **Recommendation 6:**

Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by commercial organisations. Committees should be able to access information and require attendance at meetings from service providers and we call on DCLG to take steps to ensure this happens

## **Government Response:**

Updated guidance will remind councils of the requirements set out in regulations that allow scrutiny members to access exempt or confidential documents in certain circumstances. As mentioned in response to the Select Committee's recommendation on guidance, the Department will also have discussions with the sector to get a better understanding of the issues some scrutiny committees appear to have in accessing information and whether there are any steps the Government could take to alleviate this.



In terms of service providers' attendance at meetings, when councils are tendering contracts with external bodies they should carefully consider including requirements to ensure they are as open and transparent as appropriate. Ultimately, however, it is up to each council to decide how best to hold to account those who run its services.

## 3.8 **Recommendation 7:**

The Government to make clear how LEPs are to have democratic, and publicly visible, oversight. We recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees. In line with other public bodies, scrutiny committees should be able to require LEPs to provide information and attend committee meetings as required.

### **Government Response:**

The Government agrees on the importance of clear and transparent oversight of Local Enterprise Partnerships (LEPs). The Industrial Strategy made clear the continuing important role of LEPs in delivering local economic growth.

The MHCLG Non-Executive Director Review (published in October 2017), looked at a range of governance issues for LEPs. The Review made a series of recommendations that we have accepted in full and are now implementing. As part of this we have published guidance for LEPs on a range of issues including publication of agenda and papers for LEP Board meetings. This will make the proceedings of LEPs more transparent for local people.

The National Assurance Framework for LEPs states that democratic accountability for the decisions made by the LEP is provided through local authority leader membership of LEP Boards. In places where not all local authorities are represented directly on the LEP board it is important that their representatives have been given a mandate through arrangements which enable collective engagement with all local authority leaders. Many LEPs already go much further in allowing democratic scrutiny of their decision making.

The MHCLG Non-Executive Director Review into LEP governance and transparency explored the extent to which scrutiny was embedded into LEP decision making. The review acknowledged that each LEP had their own arrangements to reflect: legal structure, the complexity and needs of the locality and local requirements to ensure value for money; engagement; and democratic accountability. The Review concluded that it was not appropriate to be prescriptive on the specific arrangements that all LEPs needed to adopt due to the variation in LEP operating models.

The Government committed in the Industrial Strategy White Paper to reviewing the roles and responsibilities of LEPs and to bringing forward reforms to leadership, governance, accountability, financial reporting and geographical boundaries. Working with LEPs, the Government committed to set out a more clearly defined set of activities and objectives in early 2018. MHCLG will write to the Select Committee following the conclusion of this Ministerial review into LEPs to provide an update.

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## 3.9 **Recommendation 8:**

We are concerned that effective scrutiny of the Metro Mayors will be hindered by under-resourcing, and call on the Government to commit more funding for this purpose. When agreeing further devolution deals

and creating executive mayors, the Government must make clear that scrutiny is a fundamental part of any deal and that it must be adequately resourced and supported.

### **Government Response:**

The Government accepts this recommendation.

At the Budget it was announced that the government will make available to mayoral combined authorities with elected mayors a £12 million fund for 2018-19 and 2019-20, to boost the new mayors' capacity and resources. Combined Authorities could use some of this resource to ensure that scrutiny and accountability arrangements within the CAs are effectively resourced and supported.

Further to this, the recent Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017, developed with assistance from the Centre for Public Scrutiny and the National Audit Office, provides for the rules of operation for local overview and scrutiny and audit committees to robustly hold combined authorities and mayors to account. The order ensures that there are strong scrutiny arrangements in place consistently across every combined authority area and sets out clear requirements, strengthened appropriately to match the new powers and budgets being devolved, for the arrangement of overview and scrutiny and audit committees in all combined authorities.

Combined authorities are subject to existing relevant legislation applying to local authorities, including the strong finance and audit requirements around ensuring value for money and sustainability. Local democratic accountability, including through the scrutiny of directly-elected mayors, is a crucial and fundamental aspect of devolution.

## 4. **Centre for Public Scrutiny Involvement**

It has been established from a recent County/Unitary Scrutiny Network meeting involving Ed Hammond at Centre for Public Scrutiny (CfPS), that CfPS are hoping to be commissioned to help the Government produce the updated statutory Scrutiny Guidance which was promised in the response to the CLG Select Committee's report on the Effectiveness of Local Authority Scrutiny. If so, CfPS will seek to obtain the views of a wide range of interested parties during the drafting stage and there may be the possibility for the Council's Overview and Scrutiny Management Board and Committees to contribute as part of the consultation phase.



House of Commons  
Communities and Local  
Government Committee

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**Effectiveness of local  
authority overview and  
scrutiny committees**

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**First Report of Session 2017–19**

*Report, together with formal minutes relating  
to the report*

*Ordered by the House of Commons to be printed  
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# Agenda Item 6

## Communities and Local Government Committee

The Communities and Local Government Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Communities and Local Government.

### Current membership

[Mr Clive Betts MP](#) (*Labour, Sheffield South East*) (Chair)

[Mike Amesbury MP](#) (*Labour, Weaver Vale*)

[Bob Blackman MP](#) (*Conservative, Harrow East*)

[Helen Hayes MP](#) (*Labour, Dulwich and West Norwood*)

[Kevin Hollinrake MP](#) (*Conservative, Thirsk and Malton*)

[Andrew Lewer MP](#) (*Conservative, Northampton South*)

[Fiona Onasanya MP](#) (*Labour, Peterborough*)

[Mr Mark Prisk MP](#) (*Conservative, Hertford and Stortford*)

[Mary Robinson MP](#) (*Conservative, Cheadle*)

[Liz Twist MP](#) (*Labour, Blaydon*)

### Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

Committee reports are published on the Committee's website at [www.parliament.uk/clg](http://www.parliament.uk/clg) and in print by Order of the House.

Evidence relating to this report is published on the [inquiry publications page](#) of the Committee's website.

### Committee staff

The current staff of the Committee are Edward Beale (Clerk), Jenny Burch (Second Clerk), Craig Bowdery, Tamsin Maddock, Nick Taylor (Committee Specialists), Tony Catinella (Senior Committee Assistant), Eldon Gallagher (Committee Support Assistant), Gary Calder and Oliver Florence (Media Officers).

### Contacts

All correspondence should be addressed to the Clerk of the Communities and Local Government Committee, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 4972; the Committee's email address is [clgcom@parliament.uk](mailto:clgcom@parliament.uk).

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## Summary

Overview and scrutiny committees were introduced by the Local Government Act 2000 and were tasked with acting as a counterweight to the increased centralised power of the new executive arrangements. Whilst some authorities were not covered by the changes brought in by the Act, the Leader and Cabinet system is the predominant model of governance in English local authorities. However, since the Localism Act 2011, councils have had the option of reverting to the committee system of governance. Some authorities that have chosen to do so have expressed dissatisfaction with the new executive arrangements, including concern at the limited effectiveness of scrutiny. Noting these concerns, and that there has not been a comprehensive assessment of how scrutiny committees operate, we decided to conduct this inquiry. The terms of reference placed an emphasis on considering factors such as the ability of committees to hold decision-makers to account, the impact of party politics on scrutiny, resourcing of committees and the ability of council scrutiny committees to have oversight of services delivered by external organisations.

We have found that the most significant factor in determining whether or not scrutiny committees are effective is the organisational culture of a particular council. Having a positive culture where it is universally recognised that scrutiny can play a productive part in the decision-making process is vital and such an approach is common in all of the examples of effective scrutiny that we identified. Senior councillors from both the administration and the opposition, and senior council officers, have a responsibility to set the tone and create an environment that welcomes constructive challenge and democratic accountability. When this does not happen and individuals seek to marginalise scrutiny, there is a risk of damaging the council's reputation, and missing opportunities to use scrutiny to improve service outcomes. In extreme cases, ineffective scrutiny can contribute to severe service failures.

Our inquiry has identified a number of ways that establishing a positive culture can be made easier. For example, in many authorities, there is no parity of esteem between the executive and scrutiny functions, with a common perception among both members and officers being that the former is more important than the latter. We argue that this relationship should be more balanced and that in order to do so, scrutiny should have a greater independence from the executive. One way that this can be achieved is to change the lines of accountability, with scrutiny committees reporting to Full Council meetings, rather than the executive. We also consider how scrutiny committee chairs might have greater independence in order to dispel any suggestion that they are influenced by partisan motivations. Whilst we believe that there are many effective and impartial scrutiny chairs working across the country, we are concerned that how chairs are appointed can have the potential to contribute to lessening the independence and legitimacy of the scrutiny process.

Organisational culture also impacts upon another important aspect of effective scrutiny: access of committees to the information they need to carry out their work. We heard about committees submitting Freedom of Information requests to their own authorities and of officers seeking to withhold information to blunt scrutiny's effectiveness. We believe that there is no justification for such practices, that doing so is in conflict with the

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principles of democratic accountability, and only serves to prevent scrutiny committees from contributing to service improvement. We have particular concerns regarding the overzealous classification of information as being commercially sensitive.

We also considered the provision of staff support to committees. Whilst ensuring that sufficient resources are in place is of course important, we note that if there is a culture within the council of directors not valuing scrutiny, then focussing on staff numbers will not have an impact. We are concerned that in too many authorities, supporting the executive is the over-riding priority, despite the fact that in a time of limited resources, scrutiny's role is more important than ever. We also consider the skills needed to support scrutiny committees, and note that many officers combine their support of scrutiny with other functions such as clerking committees or executive support. It is apparent that there are many officers working in scrutiny that have the required skills, and some are able to combine them with the different skill set required to be efficient and accurate committee clerks. However, we heard too many examples of officers working on scrutiny who did not possess the necessary skills. Decisions relating to the resourcing of scrutiny often reflect the profile that the function has within an authority. The Localism Act 2011 created a requirement for all upper tier authorities to create a statutory role of designated lead scrutiny officer to promote scrutiny across the organisation. We have found that the statutory scrutiny officer role has proven to be largely ineffective as the profile of the role does not remotely reflect the importance of other local authority statutory roles. We believe that the statutory scrutiny officer position needs to be significantly strengthened and should be a requirement for all authorities.

We believe that scrutiny committees are ideally placed and have a democratic mandate to review any public services in their area. However, we have found that there can sometimes be a conflict between commercial and democratic interests, with commercial providers not always recognising that they have entered into a contract with a democratic organisation with a necessity for public oversight. We believe that scrutiny's powers in this area need to be strengthened to at least match the powers it has to scrutinise local health bodies. We also call on councils to consider at what point to involve scrutiny when it is conducting a major procurement exercise. It is imperative that council executives involve scrutiny at a time when contracts are still being developed, so that all parties understand that the service will still have democratic oversight despite being delivered by a commercial entity. We also heard about the public oversight of Local Economic Partnerships (LEPs), and have significant concerns that public scrutiny of LEPs seems to be the exception rather than rule. Therefore, we recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees.

We recognise that the mayoral combined authorities are in their infancy, but given the significance of organisational culture in effective scrutiny, it is important that we included them in our inquiry to ensure that the correct tone is set from the outset. We are therefore concerned by the evidence we heard about an apparent secondary role for scrutiny in combined authorities. Mayors are responsible for delivering services and improvements for millions of residents, but oversight of their performance is currently hindered by limited resources. We therefore call on the Government to ensure that funding is available for this purpose. We also argue that when agreeing further



devolution deals and creating executive mayors, the Government must make it clear that scrutiny is a fundamental part of any deal and must be adequately resourced and supported.

## Introduction

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1. This inquiry was initially launched in January 2017 by our predecessor committee. However, the dissolution of Parliament and the General Election prevented any oral evidence sessions from taking place. Following the Committee's reconstitution, we considered carefully which issues we should initially pursue in our work and how best we could build on the work of our predecessors. It was clear to us from the level of interest and concern expressed in the evidence received that the effectiveness of overview and scrutiny committees in local authorities was something that we should investigate as an immediate priority. We therefore relaunched the inquiry in September 2017 and undertook to take account of the wealth of written evidence provided by councils, officers, members and stakeholders prior to the election.

2. We are extremely grateful to everyone who contributed to our inquiry. Scrutiny varies significantly across the country, and the level of interest in the inquiry has enabled us to hear from a wide range of authorities and form a representative picture of local authority scrutiny in England. To assist us in forming this picture, and to ensure we spoke with as many authorities as possible, we supplemented our oral evidence sessions with a less formal workshop event in October 2017. Our workshop was attended by over 45 councillors and officers working in scrutiny across the country and we thank them all for their attendance and contributions.

3. This report will consider why scrutiny is important and what the role of scrutiny committees should be in local authorities. We do not believe that certain models should be imposed on councils, but we do believe that there should be an organisational culture that welcomes constructive challenge and has a common recognition of the value of scrutiny, both in terms of policy development and oversight of services. In order to achieve this, we believe that scrutiny committees must be independent and able to form their own conclusions based on robust and reliable data, and that decision-makers should not seek to obstruct their role by withholding information. We also consider the role of the public in local scrutiny, both in terms of their participation in committees' work and in how scrutiny committees can represent their interests to service providers, even when those providers are external commercial organisations. The final chapter of this report considers the role of scrutiny in the recently created mayoral combined authorities in an attempt to help these organisations to establish positive working practices as early as possible. Throughout this report we call on the Government to revise the guidance on scrutiny that it issues local authorities. For clarity, the specific points that we believe should be covered by such a revision are listed below.

## Proposed revisions to Government guidance on scrutiny committees

- That overview and scrutiny committees should report to an authority's Full Council meeting rather than to the executive, mirroring the relationship between Select Committees and Parliament.
- That scrutiny committees and the executive must be distinct and that executive councillors should not participate in scrutiny other than as witnesses, even if external partners are being scrutinised.
- That councillors working on scrutiny committees should have access to financial and performance data held by an authority, and that this access should not be restricted for reasons of commercial sensitivity.
- That scrutiny committees should be supported by officers that are able to operate with independence and offer impartial advice to committees. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts.
- That members of the public and service users have a fundamental role in the scrutiny process and that their participation should be encouraged and facilitated by councils.

## 1 The role of scrutiny

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4. Before considering whether scrutiny committees are working effectively, it is important to consider what their role is and what effective scrutiny looks like. Local authorities are currently facing a number of challenges and competing demands, from an ageing population to budget shortfalls to promoting local growth in an often-hostile economic environment. It is therefore imperative that all expenditure is considered carefully and its impact is measured. However, measuring the impact of overview and scrutiny committees can be a significant challenge. Whilst identifying ‘good’ scrutiny is not always possible, the consequences of ineffectual scrutiny can be extreme and very apparent.

5. The Francis Report<sup>1</sup> was published in 2013 following failings at the Mid Staffordshire NHS Trust. Whilst the failings were not attributed to local committees, the report was critical of local authority health scrutiny, highlighting a lack of understanding and grip on local healthcare issues by the members, little real interrogation and an over-willingness to accept explanations. Similarly, the Casey Report<sup>2</sup> in 2015 on Rotherham Council cited particular failings in Rotherham’s approach to scrutiny, noting that “Inspectors saw regular reports to the Cabinet and Scrutiny committees, but not the effective challenge we would expect from elected Members.”<sup>3</sup> The report also found that scrutiny had been undermined by an organisational culture that did not value scrutiny and that committees were not able to access the information they needed to hold the executive to account. Mid Staffordshire and Rotherham are two of the most high-profile failures of overview and scrutiny committees, but the issues raised in the two reports can easily occur in other local authorities, and we consider some of them in this report.

6. Overview and scrutiny committees were created by the Local Government Act 2000 and were designed to off-set increased centralised power established by the new executive arrangements. The Act replaced the committee system whereby decisions were made either by meetings of the full council or in cross-party committees which managed council services. For proponents of the committee system, one of its strengths was that all members had an active role in decision-making. However, as Professor Colin Copus from De Montfort University told us, it was “an illusion of power. If you put your hands up at the end of a meeting you feel, “I am powerful. I am making something happen”. I am sure I am not giving any trade secrets away, but most of those decisions are made two nights before in the majority party group meetings.”<sup>4</sup> With the exception of councils with a population under 85,000, the 2000 Act created a requirement for authorities to establish an executive of a leader, or elected mayor, and cabinet members.<sup>5</sup> Mirroring the relationship between Parliament and government, the Act also required the non-executive members of councils to scrutinise the executive by creating at least one overview and scrutiny committee.

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1 Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry, [HC947](#), February 2013

2 Report of Inspection of Rotherham Metropolitan Borough Council, [HC1050](#), February 2015

3 Report of Inspection of Rotherham Metropolitan Borough Council, [HC1050](#), February 2015 p65

4 Q38

5 There was also initially an option for Mayor and council manager executive, but this was later repealed. Smaller authorities were able to retain the committee system, as long as there was at least one overview and scrutiny committee. The Localism Act 2011 extended this option to all authorities, but the requirement of a designated scrutiny committee was removed.

However, beyond some statutory requirements (for example designating committees to scrutinise health bodies, crime and disorder strategies, and flood risk management), how councils deliver scrutiny is a matter of local discretion.

7. Some councils have multiple committees that broadly align with departmental functions, while others have fewer formal committees but make greater use of time-limited task and finish groups. Similarly, as the Centre for Public Scrutiny (CfPS) identifies, different councils use different labels for their scrutiny work, including “select committees, policy development committees, or a number of other names. The use of different terminology can prove confusing [but] This is probably a good thing—it reflects the fact that scrutiny has a different role in different places, which reflects local need rather than arbitrary national standards”.<sup>6</sup> Throughout this report references to ‘scrutiny’ and ‘scrutiny committees’ mean all committees and work associated with the overview and scrutiny committees required by the Local Government Act 2000.

8. Whilst acknowledging that scrutiny fulfils different roles in different areas, we believe that at its best, scrutiny holds executives to account, monitors decisions affecting local residents and contributes to the formation of policy. We therefore support CfPS’s four principles of good scrutiny, in that it:

- Provides a constructive “critical friend” challenge;
- Amplifies the voices and concerns of the public;
- Is led by independent people who take responsibility for their role;
- Drives improvement in public services.<sup>7</sup>

9. We believe that as well as reacting to decisions and proposals from local decision makers, effective scrutiny can also be proactive and help to set a policy agenda. For example, Birmingham City Council’s Education and Vulnerable Children Overview and Scrutiny Committee carried out a review of the council’s work to tackle child sexual exploitation. As a result of the Committee’s work, the executive responded and addressed the issues raised:

The committee heard much harrowing evidence but produced a hard hitting report containing 19 strong recommendations. As a result of the report extra resources were allocated to the team co-ordinating CSE on behalf of the city. The council also undertook to strengthen its approach to safeguarding children by reviewing its statement of licensing and being more pro-active in using its executive powers of “the protection of children from harm”.<sup>8</sup>

10. Pre-decision scrutiny is also a vital part of a committee’s role. By commenting on and contributing to a decision before it has been made, scrutiny committees are able to offer executives the benefit of their ability to focus on an issue in greater depth over a longer period of time. For example, the London Borough of Merton’s Children and Young People Overview and Scrutiny Panel considered a site proposal for a new secondary school. As a

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6 Centre for Public Scrutiny ([OSG098](#)) para 6

7 Centre for Public Scrutiny ([OSG098](#)) para 38

8 Birmingham City Council ([OSG087](#)) part 3

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result of its work, the Panel was “able to provide a detailed reference to Cabinet focusing on how to optimise use of the selected site and mitigate any negative impact”, helping the Cabinet to make a more informed and considered decision.<sup>9</sup>

11. The role of scrutiny has evolved since its inception. The 2000 Act empowers committees to review decisions made by the executive and to make reports and recommendations for the executive’s consideration. In the seventeen years since, the way in which scrutiny committees perform their function has understandably changed. One such way has been an increase in scrutiny of external bodies, most notably health bodies. Councils have delivered services through increasingly varied partnership arrangements - including contracting to private companies, creating arms-length bodies or working with other public bodies - and scrutiny has responded by adjusting how it scrutinises the issues that matter to local residents. The Department for Communities and Local Government (DCLG) highlights that “To support local councils adopting good practice, the Department for Communities and Local Government issues statutory guidance, to which councils must have regard when developing their localist scrutiny arrangements.”<sup>10</sup> This guidance was last issued in 2006<sup>11</sup> and predates several legislative changes as well as changes to ways of working such as an increasing focus on external scrutiny and public participation (both discussed later in this report). When we asked Marcus Jones MP, Minister for Local Government, about the guidance, he told us:

It has been some time since we looked at the guidance on scrutiny ... The initial evidence that you have taken indicates that in many places scrutiny is working well, but there are also instances in which overview and scrutiny committees could improve. It is therefore important that once we see the outcome of this Committee in the report that you provide, I take those recommendations very seriously. If there are areas where it is sensible and pertinent to update the guidance, we will certainly consider that.<sup>12</sup>

12. We welcome the Minister’s willingness to consider our recommendations carefully. We believe that there are many instances across the country where scrutiny committees are operating effectively and acting as a voice for their communities, however there remains room for improvement for too many and we believe that updated guidance from the Department is long overdue. ***We therefore recommend that the guidance issued to councils by DCLG on overview and scrutiny committees is revised and reissued to take account of scrutiny’s evolving role.***

13. Throughout our investigations, we heard about a range of positive examples of effective scrutiny, some of which we have referenced in this report. ***We call on the Local Government Association to consider how it can best provide a mechanism for the sharing of innovation and best practice across the scrutiny sector to enable committees to learn from one another. We recognise that how scrutiny committees operate is a matter of local discretion, but urge local authorities to take note of the findings of this report and consider their approach.***

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9 London Borough of Merton ([OSG037](#)) page 12

10 Department for Communities and Local Government ([OSG122](#)) para 5

11 Department for Communities and Local Government, [New council constitutions: guidance to English Authorities](#) (May 2006)

12 Q111

## 2 Party politics and organisational culture

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### Organisational culture

14. As discussed above, councils across the country deliver scrutiny in a wide range of different ways. We are of the view that whichever model of scrutiny a council adopts it is far less important than the culture of an organisation. Council leaders, both politicians and officials, have a responsibility to set the tone and create an environment that welcomes constructive challenge and democratic accountability. Jacqui McKinlay from the CfPS explained to us:

If you have buy-in to scrutiny at the top of the organisation—that is the leader, the cabinet and the chief executive—it tends to follow that scrutiny is resourced ... However, if you do not get buy-in to a scrutiny approach—that openness and transparency and the willingness to be questioned, seeing the value of scrutiny—it tends to follow that it is not resourced as well and you do not get that parity of esteem ... If your leadership is closed to that sort of challenge, it does not just affect scrutiny; it affects a lot of how the organisation is run.<sup>13</sup>

15. The Minister for Local Government echoed this view when he told us:

I think that where scrutiny is done properly in local authorities that have the right culture, and where scrutiny is taken seriously, it can perform an excellent function in relation to how the executive works by holding them to account and putting them in a position where they probably make decisions that are more in the interests of the people they represent and local residents than they otherwise might be.<sup>14</sup>

16. All of the examples of effective scrutiny that we have heard about have in common an organisational culture whereby the inherent value of the scrutiny process is recognised and supported. Senior councillors and officers that seek to side-line scrutiny can therefore miss out on the positive contributions that scrutiny is capable of, and put at risk a vital assurance framework for service delivery. The Nottingham City Council Overview and Scrutiny Committee explains that:

there can be a perception that overview and scrutiny is an ‘add on’ rather than an integral part of the organisation’s governance arrangements... [with the executive arrangements] there can be a tendency for council officers to feel that they are primarily accountable to one councillor which risks overlooking the important role of other councillors, including those engaged in scrutiny activities, within the decision making structure. As a result the function is not always afforded the prominence it deserves and opportunities to make the most of its potential can be missed.<sup>15</sup>

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13 Q15

14 Q109

15 Nottingham City Council Overview and Scrutiny Committee ([OSG024](#)) para 1.3



# Agenda Item 6

## The relationship between scrutiny and the executive

17. We are concerned that the relationship between scrutiny and the executive has a tendency to become too unbalanced. With decision-making powers centralised in the executive, scrutiny can be seen as the less-important branch of a council's structure. Professor Copus highlighted that there is no parity of esteem in the eyes of many councillors:

One of the things I have noted in all of the work I have done on scrutiny since 2002 is I have only ever once come across a councillor who said, "If you offered me a place in the cabinet, I would reject it. I want to stay a chair of scrutiny". I am sure there are more than the one I have met, but that is an indication.<sup>16</sup>

18. Professor Copus argued that this imbalance in esteem is also reflected in council officers:

I found many officers will know the council leader's name and the name of the portfolio-holder for their particular area of interest, but they might not know the scrutiny chairperson's name. Once you start to see that, you see the whole thing begin to crumble.<sup>17</sup>

19. If neither councillors or officers explicitly recognise the importance of the scrutiny function, then it cannot be effective. Part of the challenge lies in identifying what effective scrutiny actually looks like, as discussed earlier in this report, as councils are more likely to allocate diminishing resources to functions where there can be a quantifiable impact. **However, all responsible council leaderships should recognise the potential added value that scrutiny can bring, and heed the lessons of high profile failures of scrutiny such as those in Mid Staffordshire and Rotherham.**

20. Council leaderships have a responsibility to foster an environment that welcomes constructive challenge and debate. However, opposition parties also have a key role to play in creating a positive organisational culture. We agree with the Minister who told us that:

At the end of the day, if an opposition takes a reasonable view on these things and treats the executive with respect, but challenges them when challenge is necessary, rather than just for the sake of challenge, I think you can get to a situation where you have—not much of an agreement politically, probably, but there could be mutual respect. That would serve the scrutiny function well.<sup>18</sup>

## The role of Full Council

21. Parliamentary select committees have a well-established independence from the executive in that they do not report to the Government, but to the House of Commons as a whole. In contrast, it is less clear where local authority scrutiny committees report to, with most reporting to the executive that they are charged with scrutinising. The Institute

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16 Q4  
17 Q15  
18 Q137



of Local Government Studies (INLOGOV) at the University of Birmingham argues that it should be made clear in guidance that scrutiny reports and belongs to Full Council, not the executive:

As of now, most scrutiny committees report to the Executive—with only some inviting the scrutiny chair and members who have written a report to present it. A few present reports to the full council. When they do so, this has the opportunity to create a relevant and interesting debate on a matter of local concern which has been investigated in depth by a group of councillors. Such a debate enables other councillors to see what scrutiny has done, and to add their own experiences. Councils should be required to have Reports from scrutiny on all council agendas.<sup>19</sup>

22. Cllr Mary Evans told us that she welcomed the suggestion that scrutiny should be accountable to Full Council.<sup>20</sup> We also heard from Cllr John Cotton from Birmingham City Council, whose scrutiny committees do report to Full Council. He told us that:

speaking from Birmingham’s perspective, due to the fact that everything reports through to full council we have been able to preserve some of that independence of approach, but from the conversations I have been having that certainly needs to be echoed in other authorities.<sup>21</sup>

***23. To reflect scrutiny’s independent voice and role as a voice for the community, we believe that scrutiny committees should report to Full Council rather than the executive and call on the Government to make this clear in revised and reissued guidance. When scrutiny committees publish formal recommendations and conclusions, these should be considered by a meeting of the Full Council, with the executive response reported to a subsequent Full Council within two months.***

## The impact of party politics

24. Scrutiny committees must have an independent voice and be able to make evidence-based conclusions while avoiding political point-scoring. In order to do this, they need to be sufficiently resourced, have access to information (both discussed in greater detail below) and operate in an apolitical, impartial way. Committees of local councillors will always be aware of party politics, but sometimes this can have too great an influence and act as a barrier to effective scrutiny. Jacqui McKinlay from the CfPS told us that “We often say that local government scrutiny is a perfect system until you add politics to it. In our last survey, 75% of people say that party politics affects scrutiny.”<sup>22</sup> Professor Copus also recognised the party-political dynamic to scrutiny when he described to us:

members from opposing political parties, one seeing their role as using scrutiny to attack the executive and the other seeing it as a forum in which to defend the executive. If that is the interaction, you are not going to get executive accountability ... In terms of a lot of the issues that are problematic for overview and scrutiny, the interplay of party politics is often at the

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19 Institute of Local Government Studies, The University of Birmingham ([OSG053](#)) page 6  
 20 Q68  
 21 Q68  
 22 Q12

# Agenda Item 6

heart of it. I will quite often hear councillors, even from majority groups, admitting that one of the reasons scrutiny is not as effective as it can be is because of the relationship between the opposing groups.<sup>23</sup>

25. The Local Government Act 2000, and the guidance issued by DCLG, specifies that members of a council's executive cannot also be members of overview and scrutiny committees. A Private Members' Bill in 2009<sup>24</sup> made provisions to allow executive members to sit on committees during scrutiny of external bodies (on the basis that in such instances, it was not the executive that was being scrutinised). The Bill did not pass through the House of Commons, and we are wary of any such attempts to dilute the distinction between executive and scrutiny functions. We heard of instances at the workshop of executive councillors effectively chairing scrutiny committee meetings where the NHS was under scrutiny, and are concerned by such practices. **We believe that executive members should attend meetings of scrutiny committees only when invited to do so as witnesses and to answer questions from the committee. Any greater involvement by the executive, especially sitting at the committee table with the committee, risks unnecessary politicisation of meetings and can reduce the effectiveness of scrutiny by diminishing the role of scrutiny members. We therefore recommend that DCLG strengthens the guidance to councils to promote political impartiality and preserve the distinction between scrutiny and the executive.**

## Committee chairing arrangements

26. Political impartiality can also be encouraged through the process for appointing chairs of committees. Overview and scrutiny committees are required to have a membership that reflects the political balance of a local authority, but there are a range of different approaches for appointing the chairs and vice chairs of committees. Many authorities specify that committee chairs must come from opposition parties, others allocate chair positions proportionally among the parties on the council and others reserve all committee chair positions for the majority party. The Centre for Public Scrutiny states that:

Legally, the Chairing and membership of overview and scrutiny committees is a matter for a council's Annual General Meeting in May. Practically, Chairing in particular is entirely at the discretion of the majority party. Majority parties can, if they wish, reserve all committee chairships (and vicechairships) to themselves ... the practice of reserving all positions of responsibility to the majority party is something which usually happens by default, and can harm perceptions of scrutiny's credibility and impartiality.<sup>25</sup>

27. Chairs from a majority party that are effectively appointed by their executive are just as capable at delivering impartial and effective scrutiny as an opposition councillor, but we have concerns that sometimes chairs can be chosen so as to cause as little disruption as possible for their Leaders. **It is vital that the role of scrutiny chair is respected and viewed by all as being a key part of the decision-making process, rather than as a form of political patronage.**

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23 Q12

24 [Local Authorities \(Overview and Scrutiny\) Bill 2009–10](#)

25 [Centre for Public Scrutiny \(OSG098\)](#) paras 130–132

28. Cllr Mary Evans, chair of the scrutiny committee at Suffolk County Council, told us of her efforts to keep party politics out of scrutiny as a chair from a party with a sizeable majority: “We do it by involving the membership of the scrutiny committee at every point of an inquiry ... we had a workshop just after our elections in May to look at what our forward work programme would be. The membership together has picked the programme.”<sup>26</sup> When asked whether the size of her party’s majority made this easier, Cllr Evans explained that “When I first chaired scrutiny, in 2015, we had a majority of only one. I wanted to work across the committee. I did not have the luxury of a large majority ... We try to be as open and transparent as scrutiny should be, so the membership is engaged and involved in every aspect of the inquiry.”<sup>27</sup> Cllr John Cotton, lead scrutiny member at Birmingham City Council, is also a scrutiny chair from a majority party and he told us that whilst it is important to acknowledge the role of party politics, scrutiny works best when non-partisan:

In terms of the discharge of the scrutiny function, certainly we proceed on a very non-partisan basis. All of our full scrutiny reports go to full council. I can only recall one occasion in the last 15 years where we have had a minority report because there has been a partisan division. Frequently those reports are moved by the chair and seconded by a member from an opposition party. You then have collective ownership of those recommendations, because they are taken by full council. The scrutiny process draws its strength from the fact that we have those inputs from members across the piece ... There is a little bit of grit in the system, if you like, which comes from the party-political roots of members, which you do not want to remove entirely.<sup>28</sup>

29. Cllr Sean Fitzsimons, chair of the Scrutiny and Overview Committee at Croydon Council, echoed this view when he told us that as a chair from a majority party that made critical recommendations of his executive “you have to go along with it if you believe that scrutiny is a function of the backbenches and that you have to put aside your party loyalties in the short term.”<sup>29</sup> However, Cllr Fitzsimons argued that scrutiny is at risk of becoming more partisan and that the process for choosing a chair needed consideration:

My worry is that, as people have drifted away, over time, from what the original aspect of overview and scrutiny was, party politics have played a greater role. If I was looking at this issue, I would look at the political culture of each political party. In the Labour group, under the standing orders of the national party, [scrutiny chairs are] not appointed by the leadership of the Labour group, so I am independent of my leader, so I have a little bit of leeway. My two best chairs that I ever had from the opposition group were so good at scrutiny that they were sacked by their political leader when he was in power. Within the Conservative group, chairs of scrutiny can be appointed effectively by the leader of the council or by the cabinet, and I do think the political cultures of the parties really influence it.<sup>30</sup>

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26 Q65

27 Q66

28 Q66

29 Q66

30 Q66

# Agenda Item 6

30. **We believe that there are many effective and impartial scrutiny chairs working across the country, but we are concerned that how chairs are appointed has the potential to contribute to lessening the independence of scrutiny committees and weakening the legitimacy of the scrutiny process. Even if impropriety does not occur, we believe that an insufficient distance between executive and scrutiny can create a perception of impropriety.** We note, for example, the views of the Erewash Labour Group:

The Scrutiny Committee in this Authority protects the Executive rather than holding them to account. If they are ever held to account it is within the privacy of their own Political Group Meetings which are not open to the public. Most of the important decisions are first made in the Group Meetings ... The opposition have made some very sensible suggestions during Scrutiny debates only to be told “We have already decided this.” Cabinet Members may not attend Scrutiny Meeting unless by the invitation of the Chair. This rule was brought in to stop Cabinet Members exerting any undue pressure on members by their presence. Now they simply exert pressure in other ways such as by the choice of member selection and also the selection of the chair.<sup>31</sup>

31. It is clear to us that scrutiny chairs must be seen to be independently minded and take full account of the evidence considered by the committee. We note the evidence from the Minister who outlined the Government’s prescription that chairs of scrutiny in the new mayoral combined authorities must be from a different political party to the executive mayor in order to encourage effective challenge.<sup>32</sup> Similarly Newcastle City Council where all scrutiny chairs are opposition party members, states that:

This has taken place under administrations of different parties and we believe that it adds to the clout, effectiveness and independence of the scrutiny process; it gives opposition parties a formally-recognised role in the decision-making process of the authority as a whole, more effective access to officers, and arguably better uses their skills and expertise for the benefit of the council.<sup>33</sup>

32. In 2010, recommendations from the Reform of the House of Commons Committee’s report ‘Rebuilding the House’<sup>34</sup> were implemented to change the way Parliament worked. One such recommendation was the introduction of elections for select committee chairs by a secret ballot of all MPs. In 2015, the Institute for Government published an assessment of parliamentary select committees and their impact in the 2010–15 Parliament. The report found that electing chairs had helped select committees to grow in stature and be more effective:

Every chair we spoke to told us that, since the introduction of elections for committee chairs, they had felt greater confidence and legitimacy in undertaking committee work because they knew they had the support of their peers rather than pure political patronage.<sup>35</sup>

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31 Erewash Labour Group ([OSG013](#)) page 1

32 Q131

33 Newcastle City Council ([OSG015](#)) para 10

34 Reform of the House of Commons Select Committee, First Report of Session 2008–09, [Rebuilding the House](#), HC1117

35 Institute for Government, [Select Committees under Scrutiny: The impact of parliamentary committee inquiries on government](#) (June 2015), page 34

33. The positive impact of elected chairs for parliamentary committees has led some to suggest that local authority scrutiny chairs should also be elected by their peers. Under such a system scrutiny chairs, regardless of whether they come from the majority party or the opposition, are more likely to have the requisite skills and enthusiasm for scrutiny by virtue of the election process. Electing chairs would also dispel the notion that being appointed scrutiny chair is a consolation prize for members not appointed to the cabinet. The CfPS argue that:

such a process would encourage those seeking nomination and election as chairs to set out clearly how they would carry out their role; it would also mean that they would be held to account by their peers on their ability to do so. The legitimacy and credibility that would come from this election could also embolden chairs to act more independently<sup>36</sup>

34. When we asked the Minister about the prospect of electing scrutiny chairs, he was concerned that doing so could actually increase political pressures, but stated that “The important thing is that we have the right person chairing a scrutiny committee with the requisite skills, knowledge and acumen to take on the functions and achieve the outcomes that the scrutiny committee needs to achieve.”<sup>37</sup>

**35. We believe that there is great merit in exploring ways of enhancing the independence and legitimacy of scrutiny chairs such as a secret ballot of non-executive councillors. However, we are wary of proposing that it be imposed upon authorities by government. We therefore recommend that DCLG works with the LGA and CfPS to identify willing councils to take part in a pilot scheme where the impact of elected chairs on scrutiny’s effectiveness can be monitored and its merits considered.**

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36 Centre for Public Scrutiny ([OSG098](#)) para 133

37 Q138

## 3 Accessing information

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36. Fostering the positive organisational culture discussed in the previous chapter can also determine another important aspect of effective scrutiny: access to information. When we asked Jacqui McKinlay whether scrutiny committees are able to access the information they need, she told us that:

The very determined ones can. I met one last week that had put an FOI request in to its own organisation in order to get the information. You should not have to do that, but there are ways there. There needs to be persuasion and influence in order to say, “This is an issue around flooding”, or whatever it might be, “that is really important”.<sup>38</sup>

37. **Scrutiny committees that are seeking information should never need to be ‘determined’ to view information held by its own authority, and there is no justification for a committee having to resort to using Freedom of Information powers to access the information that it needs, especially from its own organisation. There are too many examples of councils being uncooperative and obstructive.** For example a submission from a spouse of a scrutiny chair argues that it can seem to not be in council officers’ interests to divulge information freely:

There is an element of ‘silosism’ within the Authority whereby Directors or Heads of Service do not release, explain or otherwise divulge their operational objectives, strategies or tactics for fear of being challenged. This makes it almost impossible to scrutinise, for after all how can one scrutinise what you don’t know? There is also a reluctance by officers to divulge operational (in)efficiencies in case it shows that there is an excess of staff ratios for particular tasks. It leads to obfuscation of such measures in order to protect their fiefdom.<sup>39</sup>

38. Similarly, the Minister told us of the example of an authority to which he used to belong and how culture can affect councillors’ ability to scrutinise:

When I was in opposition on the district authority of which I was a member, the controlling group at the time had this unfortunate situation where they used to bring out their budget at the budget-setting council in March. They used to bring it out through the cabinet at 4 o’clock. That mini-meeting used to finish at 5 and then we used to go straight into the full council at 6 to approve the budget. Where you have that type of culture, even if you have resource and access to information, you are not going to get the outcomes that are in people’s best interests.<sup>40</sup>

39. Professor Copus highlighted to us another challenge for scrutiny committees seeking to understand an issue:

I often think, “If someone is willing to give you something you have just asked for, what are they hiding? Why are they being overly enthusiastic?” It is because it is not causing them any problems. The information that

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38 Q31

39 Anonymous submission ([OSG006](#))

40 Q119



scrutiny really needs is the stuff that people are a little bit more reluctant to hand over, whether that is the council itself or an external body. I hear quite often ... of councillors using FOIs against their own council for the want of any other way. It is a sign of an immense frustration among members that they have to do that.<sup>41</sup>

## Commercial confidentiality

40. A particular challenge for councillors wishing to access information in order to scrutinise an issue is related to commercial confidentiality. Jacqui McKinlay told us that “Every councillor I meet will talk about the barrier of commercial confidentiality. They will talk about, “We cannot give that information” and a lack of transparency.”<sup>42</sup> Local authorities are required by statute to publish all information relating to decisions taken and service delivery, however there are certain categories of information that they can withhold. For example information relating to an individual’s circumstances is considered exempt, as is information relating to the financial or business affairs of any particular person - including the authority holding that information. As a consequence, many councils argue that publicly releasing specific details of a contract or a procurement framework such as cost or the details of rival bidders for a contract are withheld on the basis that such information is commercially sensitive and exempt from the access to information rules. Professor Copus told us that:

Commercial confidentiality is always another cloak behind which people who do not want to provide information can hide. There is a need for a much tighter definition of what is acceptable as an exemption for commercial confidentiality. It is not just not wanting to tell somebody what they have asked you. There needs to be a much tighter definition for scrutiny purposes.<sup>43</sup>

41. Whilst we acknowledge that it is not always in the public interest for local authorities to publish all information and make it available to the public, we cannot see a justification for withholding such information from councillors. Councillors have regular access to exempt or confidential information, often distinguished on agendas by use of different colour paper. As Cllr Marianne Overton told us, “Councils are used to dealing with confidential information, and we recognise if it is on pink paper it is confidential. There is no question about it. There should not be any problem with sharing information with elected members. We are already under rules.”<sup>44</sup> **Councils should be reminded that there should always be an assumption of transparency wherever possible, and that councillors scrutinising services need access to all financial and performance information held by the authority.**

42. Legislation dictates what information should and should not be released to councillors. Regulations in 2012<sup>45</sup> clarified the position and granted additional access rights to members of overview and scrutiny committees. The Regulations state that

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41 Q32

42 Q30

43 Q32

44 Q32

45 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 ([SI2089](#))

scrutiny members can access any confidential material if they can demonstrate a ‘need to know’ in that it relates to any action or decision that that member is reviewing or scrutinising, or on any subject included on a scrutiny work programme. **We do not believe that there should be any restrictions on scrutiny members’ access to information based on commercial sensitivity issues. Limiting rights of access to items already under consideration for scrutiny limits committees’ ability to identify issues that might warrant further investigation in future, and reinforces scrutiny’s subservience to the executive. Current legislation effectively requires scrutiny councillors to establish that they have a ‘need to know’ in order to access confidential or exempt information, with many councils interpreting this as not automatically including scrutiny committees. We believe that scrutiny committees should be seen as having an automatic need to know, and that the Government should make this clear through revised guidance.**

## Getting data from multiple sources and external advisors

43. Council officers are the primary source of information for many committees, however if they do not present the full picture, then those committees can get very limited assurances about the service they are scrutinising. Whilst scrutiny should be able have access to whatever information it needs, this also serves to emphasise the importance of scrutiny committees seeking to use data from multiple sources and challenge that which they are told. Professor Copus described to us how effective scrutiny should operate:

In some councils ... they are too reliant on officers and too reliant on a single source of advice. In too many councils the flexibility that scrutiny has over the committee system is not used ... sometimes, when you examine scrutiny agendas and scrutiny reports, and observe scrutiny meetings, what you see is a committee, and a one-off event that leads to not very much. In other councils, those that have really supported and understood scrutiny, you get a process ... Where you get scrutiny viewed as not a single event but a process, then the outcomes are much more effective, and there is a greater access to a wider range. What scrutiny should be doing is not taking one source of evidence and going, “That is from the officers. Great. That is okay. We agree the recommendations”. They should be looking at conflicting evidence. There is always conflicting evidence with big policy issues. They need to sift that evidence.<sup>46</sup>

44. Cllr Marianne Overton, Leader of the Independent Group of the LGA, agreed that effective committees seek to triangulate data to build a fuller picture: “That is part of what scrutiny is about ... one of the issues about scrutiny is that the whole point is that you can call all kinds of different witnesses ... You are not just sitting, looking at the papers that you have been fed.”<sup>47</sup> We are concerned that too many committees are overly reliant upon the testimonies of council officers, and that they do not make wider use of external witnesses. Very few councils have the resources to provide independent support to both the executive and scrutiny, and in light of the uneven balance between the two functions discussed earlier, most resources are prioritised upon the executive. This means that officers working in a service department are supporting executive members to develop and implement decisions, and the same officers are then supporting scrutiny committees as

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46 Q28

47 Q28



they seek to understand the impact of decisions and performance of departments. Whilst departmental officers may be able to distinguish the two roles and cater their support accordingly, we are concerned that too few councils are hearing alternative perspectives. However, we acknowledge that councils are operating on reduced budgets and that making use of specialist advisors can come at too high a cost for many committees. The LGA explains that:

Employing specialist external advice as part of oversight and scrutiny arrangements is not common ... Where councils do bring in external experts, it is because specific knowledge and skills are needed that are not available in house. Procuring specialist advice comes at a cost and, given the pressures on council budgets, not all committees have funding available to increase their standard staffing compliment, commission professional advice, secure external witnesses or even refresh recruitment of co-optees.<sup>48</sup>

45. We are disappointed that committees do not make greater use of expert witnesses. At the informal workshop event hosted by the Committee, we spoke with councillors and officers on their use of experts such as local academics. One attendee told us that it could sometimes be possible to engage a local academic at the start of an inquiry to help members understand an issue, but it was seldom possible to sustain this engagement throughout the life of an inquiry. ***We note that few committees make regular use of external experts and call on councils to seek to engage local academics, and encourage universities to play a greater role in local scrutiny.***

## Service users' perspective and public experiences

46. While recognising the constraints that committees operate under, we believe that it is possible to bring in a wider range of perspectives for limited expenditure, and that the benefits of doing so are significant. We note, for example, the case study presented by the LGA of Brighton & Hove City Council's scrutiny panel on equality for the transgender community:

The panel's review was underpinned by an effective and sensitive engagement strategy enabling the views of a hard to reach community to inform recommendations for action. The panel worked in partnership with the Council's Communities team, the city's LGBT Health Improvement Partnership, and a local charity which supported transgender people, co-opting experts to help better inform the process, and directly engaging through community events and specially designed workshops. A significant amount of time was devoted to the consultation process which was pivotal in helping to build up trust. The Panel's findings were well received by the transgender community and partners, with all 37 recommendations adopted by the Cabinet.<sup>49</sup>

47. Bringing in the perspectives of service users undoubtedly leads to more effective scrutiny, both in developing policy such as the example from Brighton & Hove and in monitoring services. Officers from the London Borough of Hackney described an example of effective scrutiny in their monitoring of services for disabled children in the borough.

48 Local Government Association ([OSG081](#)) paras 10.1–10.3

49 Local Government Association ([OSG081](#)) paras 13.8 – 13.10

# Agenda Item 6

22 Effectiveness of local authority overview and scrutiny committees

Rather than only using the testimony of the council officers delivering the service, “A major part of the evidence base for this review was the views of parents and carers of disabled children, as well as disabled children and young people themselves about the services they receive and the barriers they face in accessing current services.”<sup>50</sup> **We commend such examples of committees engaging with service users when forming their understanding of a given subject, and encourage scrutiny committees across the country to consider how the information they receive from officers can be complemented and contrasted by the views and experiences of service users.**

## 4 Resources

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### Reducing council budgets

48. Local government has experienced significant reductions in funding in recent years, leading many authorities to choose to reduce their scrutiny budgets. Whilst understandable in the context of wider reductions, it is regrettable that the resources allocated to scrutiny have decreased so much. The Centre for Public Scrutiny (CfPS) explains that:

There are now significantly fewer “dedicated” scrutiny officers employed by English councils. In 2015 this dropped below one full time equivalent officer post providing policy support to scrutiny per council. In many councils, there might be only 0.2 or 0.3 FTE to carry out this role—or nothing at all. (We would describe a “dedicated” scrutiny officer as one whose sole duties involve providing policy advice to scrutiny councillors.)<sup>51</sup>

49. Cllr John Cotton from Birmingham City Council also described a significant reduction in resources in recent years:

if I look at staffing for scrutiny in Birmingham, if we go back to 2010–11, we had 19.4 full-time equivalent staff. We are now working with 8.2, so there has clearly been a substantial reduction and we have seen a similar reduction in the number of committees and so forth ... it does come back to this issue that, if you value something, you have to invest in it.<sup>52</sup>

50. Birmingham City Council explain that this reduction in resources has matched a reduction in the amount of scrutiny carried out:

Birmingham has had five standing O&S Committees for the last two years, whereas there were on average ten committees in the ten years prior to that. Whilst this is line with the reduction in council budgets overall, it should be noted that the main impacts are the negative effect on the breadth and depth of work that can be covered by each committee, plus the reduced capacity to research, reach out to external partners and to residents and service users—and so to “act as a voice for local service users”.<sup>53</sup>

### Officer support models and required skill sets

51. The CfPS also note that increasingly the officers providing day to day support to scrutiny committees are those whose role is combined with wider democratic services functions or with a corporate policy or strategy role.<sup>54</sup> Whilst those working in combined roles are able to provide effective support to scrutiny, there is a significant risk that non-scrutiny functions can take precedence. For example, democratic services officers supporting scrutiny must balance effective guidance, research and advice with the immediate time pressures and statutory deadlines of agenda publication and meeting administration. In such roles there is a risk that scrutiny is relegated to an ‘add-on’ that is only done once

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51 Centre for Public Scrutiny ([OSG098](#)) para 100

52 Q46

53 Birmingham City Council ([OSG087](#)) page 6

54 Centre for Public Scrutiny ([OSG098](#)) paras 101–105

# Agenda Item 6

all other tasks are complete. Several officers attending our workshop expressed this view, with one officer explaining that she worked full time but her time was split with a wider corporate policy role and she estimated that no more than a quarter of her time was spent working on scrutiny matters. The ability of council officers to effectively support scrutiny can often depend entirely upon the personalities and enthusiasm of those officers. For example, when we asked Cllr Mary Evans from Suffolk County Council whether she felt that she had sufficient officer support, she told us: “I would say, “Yes, but”. Yes, we are adequately resourced, but it depends upon the fact that we have two extremely dedicated and experienced scrutiny officers who are working at full stretch.”<sup>55</sup>

52. We heard evidence that the skill sets of officers is just as important as the number of officers allocated to support scrutiny. Professor Copus for example told us that when considering whether an authority’s scrutiny function is effective, he asks:

Is the scrutiny function well supported by officers and by the right sort of officers? I used to be a committee clerk, so I am not decrying that grand profession, but scrutiny committees need access to policy officers; they need access to people who can manipulate statistics, for example. They need the right sort of support.<sup>56</sup>

53. Jacqui McKinlay also highlighted that certain skills are needed to effectively support scrutiny. She told us that:

We used to say a dedicated scrutiny officer [was the optimum approach, but] ... As long as they have the passion, dedication and commitment to the principle of scrutiny and the specialist skills to do it, I would say we should leave councils to configure how that happens. We do need to acknowledge that we do now have the internet, and the days of research and how that happens have changed. However, it is wrong to presume that councillors themselves will have the time and the capacity to do the level of research that is sometimes needed to do good scrutiny on complex issues. Fundamentally, it needs the bedrock of good scrutiny skills within the team to do that.<sup>57</sup>

54. From speaking with officers and councillors at our workshop, it is apparent that there are many officers working in scrutiny that have these skills, and some are able to combine them with the different skill set required to be efficient and accurate committee clerks. However, we heard too many examples of officers working on scrutiny who did not possess the necessary skills. One councillor told us that in her authority scrutiny officers had become little more than diary clerks, with reports and data now coming from the service departments across the council, which were invariably overly optimistic about performance and unchallenging of the status quo.

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55 Q45

56 Q4

57 Q23

## Scrutiny's profile and parity with the executive

55. Whilst we regret that the level of resources allocated to scrutiny has diminished, we believe that the bigger issue relates to our earlier conclusions on organisational culture. In this respect, we agree with Cllr Sean Fitzsimons from Croydon Council who told us:

Yes, it clearly does make a difference where the level of resource is, but it is too easy to put the blame on scrutiny not being at its best because we do not have the right officer or the right amount of resource in place. To me, it is clear that it is the power relationship between scrutiny, the executive and the officers. That really is the focus of where strengths and weaknesses are. You could have a very well-resourced scrutiny with officers who know their subject, but if you cannot get the chief executive or the executive director of a department to feel that you have a legitimate role, you can bang your head against the wall for as long as you like. For me, resources would come if we had that power balance right, rather than starting to look at resources first.<sup>58</sup>

56. We are concerned that in many councils, there is no parity of esteem between scrutiny and the executive. Resources and status are disproportionately focussed around Leaders and Cabinet Members, with scrutiny too often treated as an afterthought. Professor Copus told us that:

in many councils, scrutiny lacks a parity of esteem with the executive. As a consequence, resources and focus are placed on the executive. For example, chief executives will find the time and have little problem in working directly with a council leader or with the cabinet. Expecting a chief executive then to work with the scrutiny process is always somewhat problematic. As soon as you differentiate between scrutiny and the executive with its officer base and its officer support, you start to chip away at the esteem that scrutiny has. One way around that, without expecting chief executives to work with every scrutiny committee, is to make sure that the scrutiny function has the resources to be able to produce evidence-based policy suggestions that the executive want to take on board, because they recognise scrutiny has done something they have not, which is spend three or four months looking at a particular issue in detail; cabinets cannot do that.<sup>59</sup>

57. As well as the disproportionate allocation of resources, we are also concerned that the uneven relationship between executives and scrutiny committees means that those officers supporting scrutiny can find themselves conflicted. Scrutiny officers can find themselves in the position of having to balance corporate or administration priorities with the challenge role of scrutiny, conscious that those they are scrutinising can make decisions regarding future resourcing and their personal employment prospects. Advice from officers must be impartial and free from executive influence. Cllr Fitzsimons told us that:

You have to trust your officers and you also have to understand that they will have careers outside scrutiny ... We need to make certain that they do not become part of the rock-throwing contingent, and that they are not seen

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58 Q45

59 Q15

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as part of the group of officers supporting councillors who are making life difficult. I believe officers can be impartial, but they need to network and to network strongly within the council. If you really want to know what is going on in a department, you need an officer advising you in scrutiny who has those contacts within that highways department, as well as being good with the figures and being able to produce a report. You need impartiality, but you also need great networking skills.<sup>60</sup>

58. We believe that if a local authority does not adequately resource the scrutiny function, such impartiality is harder to ensure. With officers supporting both the executive and scrutiny, there is a significant risk that real or perceived conflicts of interests can occur. For example, an officer from a London Borough explained that in her authority following reductions in scrutiny support, designated senior officers from service departments act as ‘scrutiny champions’:

The scrutiny champion’s role includes supporting the committee with finalising its work programme for the municipal year, and includes directing departmental officers to produce the scoping report for the area the Committee will undertake an ‘in-depth’ scrutiny review on in that year. As the same officers provide direct support to the executive, one can immediately see the defect in this model—officers supporting the scrutiny function are not independent of, and separate from, those being scrutinised.<sup>61</sup>

## Allocating resources

59. Councils are under extreme budgetary pressures, but we are concerned that decisions regarding the resourcing of overview and scrutiny can be politically motivated. Professor Copus told us that:

In some councils, councillors have said to me, “It is a deliberate ploy that we under-resource scrutiny so that it cannot do anything and it cannot challenge the executive. It has very little role to play.” Because of the financial constraint, supporting scrutiny is a soft and obvious target for reductions. It is a false economy, because good, effective scrutiny can save councils money, and indeed save other organisations money as well.<sup>62</sup>

60. When we asked the Minister about resourcing scrutiny committees, he told us:

What we have to consider here is that we have not got a scrutiny function that is in the pockets of the executive and the senior management team. We need a scrutiny function where those senior officers have a relationship with the scrutiny function and the people conducting the scrutiny get to see how the executive works and understand the executive, but that does not take away the fact that we need to make sure that scrutiny committees are properly resourced. That is not necessarily, in certain places, about having a

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60 Q53

61 An officer from a London Borough ([OSG091](#)) para 3

62 Q22

dedicated officer; it is more about having access to the information, support and, at times, research, to make sure that they do a good job of scrutinising the executive.<sup>63</sup>

61. **We acknowledge that scrutiny resources have diminished in light of wider local authority reductions. However, it is imperative that scrutiny committees have access to independent and impartial policy advice that is as free from executive influence as possible. We are concerned that in too many councils, supporting the executive is the over-riding priority, with little regard for the scrutiny function. This is despite the fact that at a time of limited resources, scrutiny’s role is more important than ever.**

*62. We therefore call on the Government to place a strong priority in revised and reissued guidance to local authorities that scrutiny committees must be supported by officers that can operate with independence and provide impartial advice to scrutiny councillors. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts. Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator. We also call on councils to consider carefully their resourcing of scrutiny committees and to satisfy themselves that they are sufficiently supported by people with the right skills and experience.*

## The role of the Statutory Scrutiny Officer

63. The Localism Act 2011 created a requirement for all upper tier authorities to create a statutory role of designated scrutiny officer to promote scrutiny across the organisation. The Act does not require that the officer be of a certain seniority, or be someone that works primarily supporting scrutiny. The Institute of Local Government Studies (INLOGOV) at the University of Birmingham explains that:

The intention was to champion and embrace the role of scrutiny. In reality, in most councils, the designated post-holder, while willing, is a shadow of the other posts required by legislation—the Head of Paid Service, Section 151 Officer, and Monitoring Officer. It is seldom an officer with a level of seniority sufficient to ensure that scrutiny is taken seriously when the Executive (both cabinet members and senior council staff) seek to close ranks.<sup>64</sup>

64. We believe that the role of a statutory ‘champion’ of scrutiny is extremely important in helping to create a positive organisational culture for an authority. However, we are concerned that the creation of this role has resulted in too many instances of Statutory Scrutiny Officers fulfilling the role in name only, with little actual activity. At our workshop, councillors described to us how Statutory Scrutiny Officers were often ‘too low down the food chain’, while officers told us of the need for a higher profile for the role, arguing that officers from across the council should know who their Statutory Scrutiny Officer is in the same way they do for monitoring officers. We agree with INLOGOV that the creation of the post has “proved largely ineffective”<sup>65</sup> and believe that reform

63 Q114

64 The Institute of Local Government Studies, The University of Birmingham ([OSG053](#)) page 6

65 The Institute of Local Government Studies, The University of Birmingham ([OSG053](#)), page 1



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is needed in order to achieve the aspirations of the Localism Act 2011. The Association of Democratic Services Officers (ADSO) argue that the profile of the Statutory Scrutiny Officer role should be on a par with the Statutory Monitoring Officer<sup>66</sup> and the County and Unitary Councils' Officer Overview and Scrutiny Network argue that the requirement for a Statutory Scrutiny Officer should be extended to all councils.<sup>67</sup> We note the positive example of Stevenage Borough Council choosing to fund a scrutiny officer despite not being covered by the provisions of the Act:

Some years ago this authority created a post of Scrutiny Officer and this has greatly helped with the running of an effective scrutiny function. We have prioritised this over other funding options. It is increasingly difficult to do so as this is not a statutory function at a District level, and the further funding cuts we face over the next three years place extreme pressure on existing budgets.<sup>68</sup>

***65. We recommend that the Government extend the requirement of a Statutory Scrutiny Officer to all councils and specify that the post-holder should have a seniority and profile of equivalence to the council's corporate management team. To give greater prominence to the role, Statutory Scrutiny Officers should also be required to make regular reports to Full Council on the state of scrutiny, explicitly identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them.***

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66 Association of Democratic Services Officers ([OSG123](#)) page 7

67 Council and Unitary Councils' Officer Overview and Scrutiny Network ([OSG114](#)) para 8.1

68 Stevenage Borough Council ([OSG060](#)) page 1



## 5 Member training and skills

### The importance of training

66. Unlike the quasi-judicial council committees of planning and licensing, members of scrutiny committees are not required to have any specialist skills or knowledge. We have heard evidence suggesting that this can hinder the effectiveness of committees, and are concerned that some councillors might not take their scrutiny role as seriously as others. For example, an anonymous spouse of a scrutiny chair states that:

Whilst most Authorities have educational classes for members they are not well attended for the following reasons. Members who are in full time employment are not willing to attend in their ‘nonworking hours’; those who are long standing members think it beneath them and those who work for a political party are ‘instructed’ by the party’s position on the subject.<sup>69</sup>

67. If scrutiny members are not fully prepared and able to ask relevant questions, the committee will not be able to fully interrogate an issue and committee meetings can become little more than educational sessions for councillors to learn about a service, rather than scrutinise it. An officer from a London Borough explains that scrutiny meetings are:

typically between scrutiny members and senior officers where the temptation to ask questions to simply learn more about a subject matter is greater ... The Council’s Member Development Officer, together with Democratic Services Officers, do arrange training for scrutiny members when opportunities arise; but this has proved insufficient as members infrequently display the required level of listening and questioning skills to make scrutiny impactful. Too many discussions at meetings are based on requests for more information, without expressing why it is required or how it will facilitate good scrutiny.<sup>70</sup>

68. Jacqui McKinlay from CfPS explained that training for scrutiny members usually fell into one of two categories:

One is the generic skills element—questioning skills, and understanding data and performance management information. We then also run training, which is around children’s services, understanding health and social care integration, whatever it might be. We are getting into the nitty-gritty then to give people enough knowledge... [However,] it is about who comes forward and accesses that. The people who come forward and access that tend to come from good organisations.<sup>71</sup>

### The suitability of training provided

69. Without the legal requirement for training such as on quasi-judicial committees, councils are not able to ensure that scrutiny members have all of the skills or knowledge

69 Anonymous submission ([OSG006](#))

70 An officer from a London Borough ([OSG091](#)) para 10

71 Q30

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that they need to deliver effective scrutiny, and those that need it most are the least likely to engage. However, we also note the view of Professor Copus, who highlighted that the value of councillors is that they are lay persons:

There is a danger that we end up training councillors to be elected officers, and that has to be avoided. Officers are there to do their role. Councillors require a different type of skill and training. I am a great fan of council officers and I am not unfairly criticising them, but in many cases the training that is provided to members is what officers need members to understand, rather than what members need to understand.<sup>72</sup>

70. We agree that councillors require a different type of training from officers and that knowing a subject is not sufficient to ensure good scrutiny. The ability to question effectively, as well as actively listen to responses, is fundamental to successful scrutiny. Cllr Fitzsimons told us:

Indeed, some of the simpler questions are some of the most pertinent questions going. Someone coming in not knowing too much about a subject can almost get more from a session than someone who has drifted into data nirvana or something like that, where they are really drilling down and finding out why this figure does not match this other one.<sup>73</sup>

## The quality of training available and DCLG oversight

71. We are concerned that there is no mechanism to ascertain whether scrutiny councillors are able to fulfil their vital role or that the training they do receive is fit for purpose. We asked councillors about the training and support that they had received from the Local Government Association (LGA), and responses were mixed. Cllr Fitzsimons for example told us:

the LGA runs some really interesting courses, which I have attended. They outsource some of it to the Centre for Public Scrutiny. I am not particularly a fan of the way they do things, and their training has not really moved on for a long time. The skills training that a councillor has for a meeting about questioning-and-answering skills are good training sessions.<sup>74</sup>

72. He argued that fundamental requirements for training included more emphasis on a self-reflective approach:

I remember going to do a training session with the London Borough of Richmond in 2006, and my challenge to the councillors who were doing scrutiny was, “How much backbone do you have?” and I just do not see that within the training. Are you willing to ask difficult questions? Are you willing, in your own political group, after you have done a scrutiny meeting, to have people say to you, “You were a bit harsh on the leader”? They do not get that self-reflective type training about, “What is your role? Are you really going to hold to account?”<sup>75</sup>

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72 Q32  
73 Q59  
74 Q64  
75 Q64

73. Cllr Fitzsimons also criticised national conferences and networking events for having an insufficient emphasis on frontline scrutiny members:

You do not see ordinary councillors leading the events ... ultimately the LGA is focused on the executive and their whole setup. Scrutiny, I believe, is an add-on, and that is just a reflection of the way it works, because the people who are influential in LGA are more likely to be council leaders and cabinet members than the ordinary scrutiny people. Individual training is good, but overall I do not think it is hitting the mark.<sup>76</sup>

74. The Minister told us that the Department allocated £21 million to the LGA “so that it could support various activities to improve the governance in local authorities; and it is why we are absolutely committed to working with the LGA and its delivery partners—organisations such as the Centre for Public Scrutiny”.<sup>77</sup> DCLG states that:

The Government does not monitor the effectiveness of overview and scrutiny committees—which is a matter for the authorities themselves. However, the Secretary of State may intervene in authorities which have failed in their best value duty, as happened in 2014 in Tower Hamlets and in 2015 in Rotherham.<sup>78</sup>

75. We are concerned that DCLG gives the LGA £21 million each year to support scrutiny, but does not appear to monitor the impact of this support or whether this investment represents best value. When we questioned the Minister about his Department’s monitoring of scrutiny effectiveness and the extent to which this was delegated to the LGA, he told us that DCLG “will look very carefully at the recommendations that are made by the Committee.”<sup>79</sup>

**76. It is incumbent upon councils to ensure that scrutiny members have enough prior subject knowledge to prevent meetings becoming information exchanges at the expense of thorough scrutiny. Listening and questioning skills are essential, as well as the capacity to constructively critique the executive rather than following party lines. *In the absence of DCLG monitoring, we are not satisfied that the training provided by the LGA and its partners always meets the needs of scrutiny councillors, and call on the Department to put monitoring systems in place and consider whether the support to committees needs to be reviewed and refreshed. We invite the Department to write to us in a year’s time detailing its assessment of the value for money of its investment in the LGA and on the wider effectiveness of local authority scrutiny committees.***

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76 Q64

77 Q113

78 Department for Communities and Local Government ([OSG122](#)) para 19

79 Q125

## 6 The role of the public

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77. Earlier in this report, we discussed the need for scrutiny committees to have greater legitimacy and independence from their executives. A key way of delivering this is to ensure that members of the public and local stakeholders play a prominent role in scrutiny. By involving residents in scrutiny, the potential for a partisan approach lessens and committees are able to hear directly from those whose interests they are representing. Many local authorities have been very successful in directly involving their residents through open meetings, standing agenda items and public appeals for scrutiny topics. Other authorities, and indeed parliamentary select committees, can learn from such positive examples.

### Case studies of public engagement

78. Devon County Council argues that “Scrutiny serves as almost the only bastion of opportunity for local people to voice an opinion on changes to a wide range of services, not just those provided by the Council.” The authority also cites an example where scrutiny considered a national issue which had a local manifestation. Search and Rescue services were previously provided by RAF Chivenor, but when this changed “Local People were very concerned about the loss of the service and scrutiny reviewed the evidence in an independent way. The subsequent report helped to reassure local people that the evidence supported the change as well as to establish a baseline from which to challenge future incidents.”<sup>80</sup>

79. At its most effective, we believe that scrutiny amplifies the concerns of local residents and of service users. A positive example of this is in Exeter where the City Council established a ‘Dementia Friendly Council’ task and finish group. As part of its work, the group “invited members of the Torbay Dementia Leadership Group to visit the Customer Service Centre to observe the front line service and facilities from the point of view of a person with dementia and to see if the Council could make any improvements to the existing customer experience.” Subsequent recommendations to improve the service have since been made.<sup>81</sup>

80. At our workshop with councillors and officers, one councillor explained that she did not like the term ‘public engagement’ and instead preferred to think of it as ‘listen and learn’. This approach was evident in the example of Surrey County Council, cited by the LGA.<sup>82</sup> Surrey conducted extensive pre-decision scrutiny of the authority’s cycling strategy to help inform the final strategy. Following an independent consultation, it was apparent that there were mixed views on the proposals within the strategy and a joint meeting of two scrutiny committees was held to consider them, with a public forum to allow residents to express their views. The outcome was a better-informed and more successful strategy:

Having heard and considered the voice and concerns of the public on the Council’s proposed Cycling Strategy, the committees made recommendations to ensure the final strategy was acceptable to Surrey residents. These included: ensuring benefits for local businesses; including

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80 Devon County Council ([OSG008](#)) page 2

81 Exeter City Council ([OSG011](#)) para 7

82 Local Government Association ([OSG081](#)) paras 13.5–13.7

cycling infrastructure schemes on highways maintenance programmes; lobbying central government so that unregulated events were regulated; working with boroughs & districts to develop cycling plans; and amending the strategy to ensure roads would only be closed with strong local support.<sup>83</sup>

## Digital engagement

81. The examples above are illustrations of the value that greater public involvement can bring both to the scrutiny process and an authority's decision making process. However, we are also aware that the majority of scrutiny committees across the country are not well-attended by the public. Involving the public in scrutiny is time and resource intensive, but the rewards can be significant. In this context, it should also be noted that many members of the public do not want to engage with public services in the same way that they used to. Digital engagement is becoming increasingly important, with some councils embracing new media better than others (for example the twitter feed of Doncaster Metropolitan Borough Council recently received national attention for effective engagement regarding the naming of two gritters<sup>84</sup>). Jacqui McKinlay told us:

There are some real challenges about what public engagement looks like in the future. It is not necessarily the village hall where we are expecting people to turn up on a wet Wednesday. We need to start to accept that when we engage with people they do not necessarily always speak the same language as we do, particularly on contentious issues. People are very angry. They are very upset. In scrutiny and public services generally, we have to think about what engagement looks like in the future. We are also in a digital and social media world where the conversations now, probably in the last six months, are happening in WhatsApp. They were happening in Facebook earlier. That is something that scrutiny is really going to have to manage if it is going to stay relevant and part of the dialogue.<sup>85</sup>

**82. *The Government should promote the role of the public in scrutiny in revised and reissued guidance to authorities, and encourage council leaderships to allocate sufficient resources to enable it to happen. Councils should also take note of the issues discussed elsewhere in this report regarding raising the profile and prominence of the scrutiny process, and in so doing encourage more members of the public to participate in local scrutiny. Consideration also need to be given to the role of digital engagement, and we believe that local authorities should commit time and resources to effective digital engagement strategies. The LGA should also consider how it can best share examples of best practice of digital engagement to the wider sector.***

83 Local Government Association ([OSG081](#)) paras 13.5–13.7

84 "[David Plowie or Spread Mercury? Council asks public to name its new gritters](#)", The Telegraph, 17 November 2017

85 Q39

## 7 Scrutinising public services provided by external bodies

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### The conflict between commercial and democratic interests

83. We heard a lot of evidence that scrutiny committees are increasingly scrutinising external providers of council services, both in an attempt to avoid politically ‘difficult’ subjects and as a reflection that services are being delivered in increasingly diverse ways.<sup>86</sup> We believe that scrutiny committees are ideally placed, and have a democratic mandate, to review any public services in their area. However, we have heard of too many instances where committees are not able to access the information held by providers, or the council itself, for reasons of commercial sensitivity (as further discussed in Chapter 3 of this report). Jacqui McKinlay from CfPS told us that there can be an “unbelievable barrier” with commercial organisations as they “do not recognise they are contracting with a democratic organisation that has democratic governance processes.”<sup>87</sup>

84. The conflict between commercial and democratic interests means that many companies are not set up to accommodate public accountability. This is in contrast with health services, which have a more established history of engagement (backed up by legislative requirements). The London Borough of Hackney explains that:

Health scrutiny has been luckier than other areas in that the duties to attend meetings and engage with scrutiny are well established and accepted. For health scrutiny in Hackney there is an understanding that if invited to attend to be held to account on an issue, the invitation cannot be refused. Where service providers have appeared reluctant to attend scrutiny is often linked to their accountability to local government and whether their management structures are local. We have found where structures are regional or national and the organisation has very limited local accountability there can be difficulty with engagement in the local scrutiny function.<sup>88</sup>

### Scrutiny powers in relation to external organisations

85. Overview and scrutiny committees have a range of powers that enable them to conduct scrutiny of external organisations. The Health and Social Care Act 2012 gives local authorities the power to scrutinise health bodies and providers in their area or set up joint committees to do so. They can also require members or officers of local health bodies to provide information and to attend health scrutiny meetings to answer questions. Scrutiny also has powers with regard to the delivery of crime and disorder strategies, with those bodies which are delivering such strategies also being required to attend meetings and respond to committee reports. However, for all other organisations delivering public services, be they public bodies or commercial entities, their participation depends upon their willingness of both parties to do so and the ability of scrutiny committees to forge a positive working relationship. Attitudes to local scrutiny are varied, as Cllr Sean Fitzsimons from Croydon Council explained to us:

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86 See for example Q9

87 Q30

88 Overview and Scrutiny Team, London Borough of Hackney ([OSG110](#)) para 11



I would say that the smaller the organisation the better they are at coming along. The most difficult one I ever dealt with was probably the Metropolitan Police. Borough commanders do not think we have any legitimacy. Sometimes, you can see they are thinking about other things. As someone who has sat on a riot review panel, led by a judge, to get someone there was an effort. They may want to come and talk about a certain thing, but the moment you ask them anything specific it is like, "I cannot talk about it". Policing is a really difficult area, and it is actually within our remit. The fire brigade has been quite a useful organisation, and they are quite keen. The ambulance service is desperate to turn up.<sup>89</sup>

### Scrutinising council contracts

86. A significant obstacle to effective scrutiny of commercial providers is an over-zealous classification of information as being commercially sensitive (as discussed in relation to council-held information in paragraph 40). Council officers are wary of sharing the terms of contracts as they do not want to prejudice future procurements, and contractors do not always see why they should share information. As discussed earlier in this report, we can see no reason for withholding confidential information from scrutiny councillors, who can then consider it in a private session if necessary. We believe that councils and their contractors need to be better at building in democratic oversight from the outset of a contract. We note for example the views of Cllr Fitzsimons, who argued that scrutiny often gets involved in contracting situations too late:

It is only when the major recommendations can go to cabinet that you can say, "I am unhappy with that and I will bring it in." My experience, particularly in my local authority, is that the failure of the authority, at the time, to engage in scrutiny early on in the process so that we could help shape the outcomes meant that a decision had been taken by the relevant cabinet member, and really it allowed itself to drift into party political flag-waving, to say, "We are just not happy with the letting of this contract." If we had been allowed to look at it six months or a year beforehand, we may have been able to have had some influence for the betterment of the service. I have found that contractors are quite keen to talk, but what it again goes back to is how comfortable the executive is having their decisions challenged, when they may have done 18 months or two years of private work on it and they think they already have the answer.<sup>90</sup>

87. It is imperative that executives consider the role of scrutiny at a time when external contracts are still being developed, so that both parties understand that the service will still have democratic oversight, despite being delivered by a commercial entity. Scrutiny committees have a unique democratic mandate to have oversight of local services, and contracting arrangements do not change this. We therefore support the recommendations made by the scrutiny committee at Suffolk County Council, as described to us by Cllr Evans:

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89 Q77

90 Q52

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We had a task and finish group that did a lot of work on procurement and contracting, and we are asking that, in future, when the council signs any contracts, those people who are making the contract are aware that we could well expect to see them in front of scrutiny at some point. They cannot sign a contract with the authority and expect never to be put on the spot and be accountable.<sup>91</sup>

88. We heard examples where committees had successfully engaged external providers, such at Suffolk County Council where the contractors for highways and for social care come to scrutiny willingly.<sup>92</sup> However this is not always the case and such variance is an issue of concern for us. We are of the view that scrutiny committees must be able to scrutinise the services provided to residents and utilise their democratic mandate and we therefore agree with the Minister, who told us:

When councils put contracts out to external bodies, they should look at that in the context of how open and transparent those arrangements can be. That can quite often be difficult because of commercial confidentiality, but, as I say, that should not be a cover-all for everything. I think that that should be considered in the context of when a contract is let, in terms of making sure that a particular provider can be called to a scrutiny committee. However, when a particular local authority lets a contract to a particular company, I do not think it should lead to a situation where that particular local authority is able to sit back and just blame its contractor. The local authority in question should, when tendering out, put together a process over which it has a level of control that enables it to scrutinise a particular contractor and take enforcement action should that contract not be fulfilled.<sup>93</sup>

## Following the ‘council pound’

89. The CfPS highlight the difficulties that scrutiny committees can have monitoring services delivered in partnership, and notes that scrutiny has been effective when its formal powers give it a ‘foot in the door’:

We would therefore like to see these powers balanced across the whole local public service landscape. We would like to see the law changed and consolidated, to reflect the realities that local authorities now face—particularly the fact that much council business is now transacted in partnership. We would like to see an approach which uses the “council pound” as the starting point for where scrutiny may intervene—that is to say, that scrutiny would have power and responsibilities to oversee taxpayer-funded services where those services are funded, wholly or in part, by local authorities.<sup>94</sup>

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91 Q50

92 Q52

93 Q148

94 Centre for Public Scrutiny ([OSG098](#)) paras 149–151



90. *Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by commercial organisations. Committees should be able to access information and require attendance at meetings from service providers and we call on DCLG to take steps to ensure this happens. We support the CfPS proposal that committees must be able to 'follow the council pound' and have the power to oversee all taxpayer-funded services.*

### Scrutiny of Local Economic Partnerships

91. We are also extremely concerned at the apparent lack of democratic oversight of Local Economic Partnerships (LEPs). There are 39 LEPs in operation across England, tasked with the important role of promoting local economic growth and job creation. However, we fear that they vary greatly in quality and performance, and that there is no public assurance framework, other than any information they themselves choose to publish. LEPs have been charged with delivering vital services for local communities and do so using public money, and so it is therefore right and proper that committees of elected councillors should be able to hold them to account for their performance. LEPs are key partners of mayoral combined authorities and we note that the relationship in London seems established. Jennette Arnold OBE AM, Chair of the London Assembly, told us:

The responsibility for the LEPs falls within the Mayor's economic strategy, so for us the buck stops with the Mayor. He then has a LEP board. There are local authority councillors and businesspeople on that. There is a Deputy Mayor who is charged with business and economic growth in London. Both members of that LEP board and that Deputy Mayor have appeared in front of our Economy Committee. We also had questions about skills, because skills was linked, so our education panel raised questions. Business as usual for us is that where there is a pound of London's money being spent, we will follow that and we will raise any issues as relevant.<sup>95</sup>

92. We applaud this approach and welcome the oversight of the London LEP provided by the London Assembly. In the next chapter we will consider the role of scrutiny in combined authorities, where we have concerns over the capacity of the newer organisations. Their relative infancy when compared to the London Assembly is reflected in unclear relationships with their local LEPs. Cllr Peter Hughes, Chair of the West Midlands Combined Authority Overview and Scrutiny Committee, told us:

There are non-voting LEP representatives on the board of the combined authority and there has been since the day it started. I have LEP representatives on the Overview and Scrutiny Committee. Again, they are non-constituent members, as are some of the rural authorities. Their commitment to overview and scrutiny and to audit is patchy, to say the least. There is one big authority or LEP area that does not contribute to scrutiny or audit ... We have not done so yet, but I am sure before the 12 months are up that the LEP involvement in the combined authority's work will be looked at.<sup>96</sup>

95 Q103

96 Qq104-106

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93. Whilst we welcome the established arrangements in London and the intentions of the newer mayoral combined authorities, we are concerned that there are limited arrangements in place for other parts of the country. We do note that examples exist, and call for such arrangements to be put in place across the country. Wiltshire Council states that:

Wiltshire Council is one of the few local authorities nationally to have a OS task group actively engaging with the region's Local Enterprise Partnership, providing extra public accountability to the LEP funding spent within the county. All LEP reports and expenditure are published to facilitate further scrutiny by members of the public.<sup>97</sup>

94. In October 2017, a review of LEP governance arrangements was published by DCLG. The review makes a number of recommendations and noted that while many LEPs have robust assurance frameworks, approaches vary. For example, LEPs are required to publish a conflict of interest policy and the review found that "Whilst LEPs comply with this requirement, the content of policies and approach to publication varies considerably and is dependent on the overall cultural approach within the organisation."<sup>98</sup> The review also noted that:

A number of LEPs, but not all, refer to the role of scrutiny in overseeing their performance and effectiveness. Some LEPs are scrutinised from time to time by their accountable body Overview and Scrutiny function. This is an area for further development which would give increased independent assurance. Given the different structures across LEPs it is not appropriate to specify any particular approach to scrutiny. It is an area which could benefit from the sharing of good practice/'what works' to assist LEPs in shaping their own proposals.<sup>99</sup>

95. When we asked the Minister about the democratic oversight of LEPs, he told us that local authorities will usually have representation on LEP boards and that expenditure will often be monitored by the lead authority's Section 151 finance officer. When we asked him about more public methods of scrutiny, he told us that:

in terms of the scrutiny there are ways in which a LEP can be scrutinised. At this point I do not believe that those arrangements need to be changed, but I will certainly be interested—I know you have asked this of a number of the witnesses at this Committee—in their views on local enterprise partnerships. Certainly that will be a Government consideration once the Committee has submitted its report.<sup>100</sup>

***96. In light of our concerns regarding public oversight of LEPs, we call on the Government to make clear how these organisations are to have democratic, and publicly visible, oversight. We recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees. In line with other public bodies, scrutiny committees should be able to require LEPs to provide information and attend committee meetings as required.***

97 Wiltshire Council ([OSG034](#)) para 10

98 Department for Communities and Local Government, [Review of Local Enterprise Partnership Governance and Transparency](#) (October 2017), para 6.1

99 Department for Communities and Local Government, [Review of Local Enterprise Partnership Governance and Transparency](#) (October 2017), para 9.3

100 Q146

## 8 Scrutiny in combined authorities

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97. We recognise that the mayoral combined authorities are in their infancy, but given how important organisational culture is, it is important that we include them in our inquiry to ensure that the correct tone is set from the outset. We are therefore concerned by the evidence we heard about an apparent secondary role for scrutiny. Mayors will be responsible for delivering services and improvements for millions of residents, but oversight of their performance will be hindered by limited resources.

### The London Assembly

98. The London Assembly has 25 members elected to hold the Mayor of London to account and to investigate any issues of importance to Londoners. London Assembly Members are elected at the same time as the Mayor, with eleven representing the whole capital and fourteen elected by constituencies. The Mayor holds all executive power and the Assembly's ability to override decisions is limited to amending budgets and rejecting statutory strategies. The most visible accountability tool is Mayor's Question Time, when the Mayor of London is required to appear in public before the Assembly ten times a year to answer for decisions made and their outcome. Oversight is also provided by ten thematic scrutiny committees. In 2016/17 the London Assembly controlled a budget of £7.2 million, of which £1.5 million was allocated to scrutiny and investigations, with the remainder used for other member services and democratic services functions. This compares with the Mayor's budget of around £16 billion.<sup>101</sup> The Chair of the Assembly, Jennette Arnold, told us:

You will see that we have been learning and changing over the last 16 years. I would say we are a much more robust body than we were, say, eight years previously because we have taken on learning. We set out to make sure that the centrepiece of our work, which is detailed scrutiny, is evidence-based, well resourced and is disseminated as widely as possible. We have two tracks: the first track is to follow the Mayor, i.e. we ensure mayoral accountability; and the other track we have is about any issue of public concern to London. I would say the combined authorities should look and see the clarity that we have. This is what good scrutiny looks like: it is separate; it has its own officers; it has its own budget; and there is money that is required to do that work.<sup>102</sup>

### The mayoral combined authorities

99. We welcome and applaud the approach of the London Assembly, however the wide discrepancy in the approach to scrutiny in the newer mayoral combined authorities which has come to light during our inquiry is an issue of concern. Combined authorities have a far smaller budget and do not have an equivalent body to the London Assembly, with scrutiny instead being performed by members of the constituent councils. The Local Government Research Unit at De Montfort University argue that:

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101 London Assembly, [The London Assembly Annual Report 2016–17](#), page 57

102 Q83

# Agenda Item 6

An opportunity was missed in the creation of combined authorities—because of the focus on leadership—to recreate a London Assembly style directly elected body with the responsibility to hold the mayor of any combined authority (and other organisations) to account. A directly elected scrutiny body with its own staff and resources may seem an expensive innovation, but ... serious governance failures resulting in damage to public services and the public can occur where O&S is inadequate or fails.<sup>103</sup>

100. In contrast with the London Assembly, Cllr Peter Hughes of the West Midlands Combined Authority told us:

The regulations for the combined authority actually state “a scrutiny officer”, as it stands at the moment. This has been the case for the last 18 months. The combined authority scrutiny chair, whether it is me or anybody else, is supported by a part-time person who is lent out from our own authority. That is the case across all of the other issues. Effectively, the West Midlands Combined Authority is run on the basis of good will and people, chief executives and directors, giving up their time. That is exactly the same with scrutiny. At the moment, we have a person who is lent, with no financial refund to Sandwell, to the combined authority. That has not yet been formalised.<sup>104</sup>

101. We recognise that the resourcing levels are not necessarily decisions for the combined authorities themselves, with Government funding dictating that they be organisations with minimal overheads. However, we also acknowledge that the absence of an allocated budget or a directly-elected scrutiny body does not mean that the approach to scrutiny in combined authorities is necessarily wrong. Cllr Hughes for example told us how he will be measuring the effectiveness of his committee:

Part of scrutiny is not just the questioning and scrutiny aspect of it; it is also that we are adding value to the work of the combined authority. As you have just said, it is in the very early stages at the moment. We feel that we can actually add value to some of the policy decisions that are being taken or being formed by actually taking specific pieces of work and drilling down and calling upon evidence from the local authorities beneath us to add value to the work of the combined authority itself.<sup>105</sup>

102. Susan Ford, Scrutiny Manager of the Greater Manchester Combined Authority, also told us that successful scrutiny in Greater Manchester will enable the Mayor and officers to:

understand the value that scrutiny can bring, and... sense-checking what might cause issues in particular districts and bringing that kind of wealth of in-depth knowledge that scrutiny members bring in with them. The scrutiny function also has a duty to the public to try to simplify some of what can be seen as a very complicated governance arrangement. Having different governance arrangements across different devolved areas has not helped. Mayors in different city region areas have different powers, so

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103 Local Government Research Unit, De Montfort University ([OSG022](#)) para 4

104 Q87

105 Q85

there is a duty to members of the public. There is also a duty to broaden the engagement in terms of thinking about things like younger people and the way in which elected members actually engage with their constituents. We have to support them to be able to make devolution governance and decision-making intelligible.<sup>106</sup>

103. We raised the issue of scrutiny of combined authority mayors with the Minister, who argued that the scrutiny arrangements were sufficient:

I consider that the scrutiny arrangements in that sense are stronger than they are for local authorities ... Certainly the powers that were being transferred to Mayors were generally powers that hitherto had been held by Secretaries of State and, therefore, on a virtually daily basis when this House was sitting there was a method, potentially, of scrutinising the decisions that were being made, and their outcomes ... That said, and I have mentioned this a number of times, I do not think there is any room, in this sense, for complacency. I would say that, in the same way as we are now talking about the scrutiny arrangements from the Local Government Act 2000 having bedded in ... the question is: should there now be more changes to update things because time moves on? There will legitimately be the question, as time moves on: how have those scrutiny arrangements worked? Do we need to change anything going forward to make sure that we are responding to circumstances that arise?<sup>107</sup>

104. We welcome the approach to scrutiny by new mayoral combined authorities such as the West Midlands and Greater Manchester, but we are concerned that such positive intentions are being undermined by under-resourcing. This is not a criticism of the combined authorities - which have been established to be capital rich but revenue poor - as they do not have the funding for higher operating costs. However, we would welcome a stronger role for scrutiny in combined authorities, reflecting the Minister's point that the Mayors now have powers hitherto held by Secretaries of State. ***We are concerned that effective scrutiny of the Metro Mayors will be hindered by under-resourcing, and call on the Government to commit more funding for this purpose. When agreeing further devolution deals and creating executive mayors, the Government must make clear that scrutiny is a fundamental part of any deal and that it must be adequately resourced and supported.***

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106 Q85

107 Qq131-132

## Conclusions and recommendations

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### The role of scrutiny

1. *We therefore recommend that the guidance issued to councils by DCLG on overview and scrutiny committees is revised and reissued to take account of scrutiny's evolving role. (Paragraph 12)*
2. *We call on the Local Government Association to consider how it can best provide a mechanism for the sharing of innovation and best practice across the scrutiny sector to enable committees to learn from one another. We recognise that how scrutiny committees operate is a matter of local discretion, but urge local authorities to take note of the findings of this report and consider their approach. (Paragraph 13)*

### Party politics and organisational culture

3. However, all responsible council leaderships should recognise the potential added value that scrutiny can bring, and heed the lessons of high profile failures of scrutiny such as those in Mid Staffordshire and Rotherham. (Paragraph 19)
4. *To reflect scrutiny's independent voice and role as a voice for the community, we believe that scrutiny committees should report to Full Council rather than the executive and call on the Government to make this clear in revised and reissued guidance. When scrutiny committees publish formal recommendations and conclusions, these should be considered by a meeting of the Full Council, with the executive response reported to a subsequent Full Council within two months. (Paragraph 23)*
5. We believe that executive members should attend meetings of scrutiny committees only when invited to do so as witnesses and to answer questions from the committee. Any greater involvement by the executive, especially sitting at the committee table with the committee, risks unnecessary politicisation of meetings and can reduce the effectiveness of scrutiny by diminishing the role of scrutiny members. *We therefore recommend that DCLG strengthens the guidance to councils to promote political impartiality and preserve the distinction between scrutiny and the executive. (Paragraph 25)*
6. It is vital that the role of scrutiny chair is respected and viewed by all as being a key part of the decision-making process, rather than as a form of political patronage. (Paragraph 27)
7. We believe that there are many effective and impartial scrutiny chairs working across the country, but we are concerned that how chairs are appointed has the potential to contribute to lessening the independence of scrutiny committees and weakening the legitimacy of the scrutiny process. Even if impropriety does not occur, we believe that an insufficient distance between executive and scrutiny can create a perception of impropriety. (Paragraph 30)
8. We believe that there is great merit in exploring ways of enhancing the independence and legitimacy of scrutiny chairs such as a secret ballot of non-executive councillors. However, we are wary of proposing that it be imposed upon authorities by government.



*We therefore recommend that DCLG works with the LGA and CfPS to identify willing councils to take part in a pilot scheme where the impact of elected chairs on scrutiny's effectiveness can be monitored and its merits considered.* (Paragraph 35)

## Accessing information

9. Scrutiny committees that are seeking information should never need to be 'determined' to view information held by its own authority, and there is no justification for a committee having to resort to using Freedom of Information powers to access the information that it needs, especially from its own organisation. There are too many examples of councils being uncooperative and obstructive. (Paragraph 37)
10. Councils should be reminded that there should always be an assumption of transparency wherever possible, and that councillors scrutinising services need access to all financial and performance information held by the authority. (Paragraph 41)
11. We do not believe that there should be any restrictions on scrutiny members' access to information based on commercial sensitivity issues. Limiting rights of access to items already under consideration for scrutiny limits committees' ability to identify issues that might warrant further investigation in future, and reinforces scrutiny's subservience to the executive. *Current legislation effectively requires scrutiny councillors to establish that they have a 'need to know' in order to access confidential or exempt information, with many councils interpreting this as not automatically including scrutiny committees. We believe that scrutiny committees should be seen as having an automatic need to know, and that the Government should make this clear through revised guidance.* (Paragraph 42)
12. *We note that few committees make regular use of external experts and call on councils to seek to engage local academics, and encourage universities to play a greater role in local scrutiny.* (Paragraph 45)
13. We commend such examples of committees engaging with service users when forming their understanding of a given subject, and encourage scrutiny committees across the country to consider how the information they receive from officers can be complemented and contrasted by the views and experiences of service users. (Paragraph 47)

## Resources

14. We acknowledge that scrutiny resources have diminished in light of wider local authority reductions. However, it is imperative that scrutiny committees have access to independent and impartial policy advice that is as free from executive influence as possible. We are concerned that in too many councils, supporting the executive is the over-riding priority, with little regard for the scrutiny function. This is despite the fact that at a time of limited resources, scrutiny's role is more important than ever. (Paragraph 61)

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## 44 Effectiveness of local authority overview and scrutiny committees

15. *We therefore call on the Government to place a strong priority in revised and reissued guidance to local authorities that scrutiny committees must be supported by officers that can operate with independence and provide impartial advice to scrutiny councillors. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts. Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator. We also call on councils to consider carefully their resourcing of scrutiny committees and to satisfy themselves that they are sufficiently supported by people with the right skills and experience. (Paragraph 62)*
16. *We recommend that the Government extend the requirement of a Statutory Scrutiny Officer to all councils and specify that the post-holder should have a seniority and profile of equivalence to the council's corporate management team. To give greater prominence to the role, Statutory Scrutiny Officers should also be required to make regular reports to Full Council on the state of scrutiny, explicitly identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them. (Paragraph 65)*

### Member training and skills

17. *It is incumbent upon councils to ensure that scrutiny members have enough prior subject knowledge to prevent meetings becoming information exchanges at the expense of thorough scrutiny. Listening and questioning skills are essential, as well as the capacity to constructively critique the executive rather than following party lines. In the absence of DCLG monitoring, we are not satisfied that the training provided by the LGA and its partners always meets the needs of scrutiny councillors, and call on the Department to put monitoring systems in place and consider whether the support to committees needs to be reviewed and refreshed. We invite the Department to write to us in a year's time detailing its assessment of the value for money of its investment in the LGA and on the wider effectiveness of local authority scrutiny committees. (Paragraph 76)*

### The role of the public

18. *The Government should promote the role of the public in scrutiny in revised and reissued guidance to authorities, and encourage council leaderships to allocate sufficient resources to enable it to happen. Councils should also take note of the issues discussed elsewhere in this report regarding raising the profile and prominence of the scrutiny process, and in so doing encourage more members of the public to participate in local scrutiny. Consideration also need to be given to the role of digital engagement, and we believe that local authorities should commit time and resources to effective digital engagement strategies. The LGA should also consider how it can best share examples of best practise of digital engagement to the wider sector. (Paragraph 82)*

### Scrutinising public services provided by external bodies

19. *Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by*



*commercial organisations. Committees should be able to access information and require attendance at meetings from service providers and we call on DCLG to take steps to ensure this happens. We support the CfPS proposal that committees must be able to 'follow the council pound' and have the power to oversee all taxpayer-funded services. (Paragraph 90)*

20. *In light of our concerns regarding public oversight of LEPs, we call on the Government to make clear how these organisations are to have democratic, and publicly visible, oversight. We recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees. In line with other public bodies, scrutiny committees should be able to require LEPs to provide information and attend committee meetings as required. (Paragraph 96)*

## Scrutiny in combined authorities

21. *We are concerned that effective scrutiny of the Metro Mayors will be hindered by under-resourcing, and call on the Government to commit more funding for this purpose. When agreeing further devolution deals and creating executive mayors, the Government must make clear that scrutiny is a fundamental part of any deal and that it must be adequately resourced and supported. (Paragraph 104)*

## Annex: summary of discussions at an informal workshop with councillors and officers

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As part of the inquiry, the Committee hosted a workshop in October 2017 attended by over 45 council officers and councillors from across the country. Split into four groups, attendees discussed their experiences of overview and scrutiny, with each group considering three questions. The following provides an edited summary of the discussions held and is not intended to be verbatim minutes. Comments are not attributed to individuals or organisations, but seek to reflect the variety of statements made and opinions expressed. This summary and its content does not necessarily reflect the views of the Committee, or all of the attendees present at the workshop.

### *Q1) Do local authority scrutiny committees operate with political independence and in a non-partisan way*

#### **Officers:**

- Scrutiny is only non-partisan on the surface: most of the discussion and debate takes place in group meetings, which officers and the public cannot see
- Scrutiny chairs often don't want to challenge their Leaders, so do more external scrutiny or pick 'safe' topics that are less controversial
- The ways that committee chairs are appointed means that chairs more likely to 'keep quiet', use the role as a way to prepare for a Cabinet position, or see it as a consolation prize for not being in the Cabinet
- Personalities of chairs and the ability to work well with executive colleagues is key
- Officers in combined roles struggle to adequately support scrutiny: the roles of scrutiny officer and committee clerk are fundamentally different with different skill sets needed
- Clerking a committee changes how officers are treated, with the value placed on their expertise and guidance lessened so they are treated as little more than admin assistants
- Task and finish groups are less partisan and work effectively cross-party. However, witness sessions are usually held in private with only the reporting of findings being in public. External scrutiny is also less partisan, and so can achieve much more while enthusing councillors
- Third party organisations can sometimes be reluctant to be scrutinised by lay persons. It takes significant time to build positive relationships
- There should be debate at Full Council for topic selection for scrutiny committees
- Committees need more power to force changes on executives

- There is too much executive control over what is scrutinised
- In some local authorities, cabinet members and the Leader attend health scrutiny meetings when the NHS is being scrutinised and sometimes lead the questioning of witnesses
- Appointment of members to scrutiny committees is in the hand of controlling political groups, so there will never be full independence

## **Councillors:**

- Focussing on the impact we want, like improved health and wellbeing, gets rid of the party-political aspect because we've agreed on what we want to achieve
- The better the quality of the opposition, the better the contribution it makes. Currently, we have a very weak opposition and I don't think they understand the difference between scrutiny and opposition
- One problem is engagement of one's own backbenchers to participate in scrutiny. It's often the poor relation, and shouldn't be
- Is aiming for political independence realistic and necessary? If you have people from both sides on committee, as long as they challenge effectively, that's all that matters
- I want to know about value for money, so I ask awkward questions. Politics comes into it when members score points to get votes. It suits my nature to be challenging and ask probing questions. But you need knowledge of subject to do this. A lot of colleagues don't have this
- The role of the Leader is key: they have to believe in good governance. Scrutiny's success depends on the attitude of the Leader, who needs to recognise that good scrutiny reflects on the reputation of council. Too many Leaders seek to block scrutiny
- Scrutiny is improved in authorities where scrutiny reports go to Full Council and not the executive
- Officers have to be supportive of scrutiny. It's not just about the Leader
- Some chairs can be fiercely independent regardless of which party has control. An effective chair of a scrutiny committee need to be apolitical and work collaboratively across party lines. A lot depends on the group of individuals on the committee
- A lack of political independence is often more pronounced in small shire district councils where there is often too much domination by strong leaders and executives
- There is a problem with committees lacking teeth - the executive will often not listen regardless of what scrutiny committees say

# Agenda Item 6

- Joint scrutiny often works well, sometimes with different chairs. Working groups also increase political independence
- Decisions on who will chair a committee is often whipped vote, and there is considerable remuneration which binds chairs' approach
- The executive has control over scrutiny funding and budgets which is a big problem

*Q2) Do officers and members working on scrutiny have sufficient resources, expertise and knowledge to deliver effective scrutiny?*

## **Officers:**

- Limited access to expertise is a bigger issue than resources: committees struggle to access expert advisors and find it hard to build relationships
- Scrutiny support is often combined with wider a corporate policy role, meaning officers often spend relatively little of their time actually working on scrutiny
- There is a tension in trying to scrutinise people with whom you might later seek to work with or for
- The reduced resources allocated to scrutiny has led to a corresponding reduction in scrutiny committees: local authorities cannot have committees that mirror each portfolio like in Parliament, leading to committees with extremely large remits
- Districts need to work better with upper tier authorities: on their own, districts are limited in what they can influence
- Scrutiny has fewer resources, but increasingly wide remits: it's not possible to do everything justice
- Health scrutiny has a huge workload so committees often struggle to do much more than the statutory requirements
- Scrutiny has become much leaner, but this is not necessarily a bad thing: it is more focussed now so that it achieves more impact and demands greater attention
- Accessing outside experts is easier in London as they are always relatively nearby
- Questioning skills for members are key, and remain the biggest training need
- Getting input from external experts such as academics is possible at the start of an inquiry, but sustaining this engagement throughout an inquiry is difficult
- There should be a separate budget for scrutiny, commissioning research and recommending options
- In authorities that are reducing staff numbers for budgetary reasons, more resources for scrutiny is often unrealistic

- In many councils, there are enough resources, but they aren't allocated appropriately: there needs to be a top-down reallocation of resources, with more priority given to the scrutiny team
- There is often a lot of resistance to scrutiny at the senior officer level. Many actively seek to keep scrutiny to a minimum, as they don't want to be challenged in what they're doing
- Information requested from senior officers is often sanitised or of limited usefulness. Officers need to realise they work for all councillors, not just the executive

## **Councillors:**

- I'm not impressed by the quality of members. They need more training—it's only then they have the knowledge to ask probing questions
- We have people on our Committee with no expertise
- The way round the resource problem is to get members to do more work themselves.
- It is incumbent on members who chair committees and task and finish groups to take on knowledge and expertise and motivate other members to do so too
- The clerks don't prepare papers, someone from the relevant department (e.g. health and social care) does it
- We have found that scrutiny officers have taken on the role of being nothing more than glorified diary clerks. We need to motivate them to become more involved in the background and research. If you rely on reports from individual departments, they are too optimistic
- The key is understanding which questions to ask
- It's about the officers understanding the key role of scrutiny and not seeing it as a nuisance
- Commercial confidentiality is a big issue which impedes scrutiny committees
- Investment in member development is insufficient, but also hampered by large turnover of committee members
- Individual committees often have too wide a remit to cover individual issues sufficiently
- There is a growing trend to merge scrutiny function with corporate policy team. This negatively impacts on scrutiny because of conflicts of interest among officers
- Too many scrutiny committees remain talking shops. There should be more emphasis on measuring how effective scrutiny is in influencing policy and decisions
- Scrutiny staff must be completely separated from the executive

# Agenda Item 6

- There has been a trend towards fewer members on scrutiny committees in recent years. This has negatively affected good scrutiny
- To give scrutiny more agency scrutiny reviews should be regularly produced which go to the full council for consideration
- More focus of scrutiny committees should be placed on upstream policy formation

*Q3) If you could make a single change, what would you change about the way scrutiny in your authority operates?*

**Officers:**

- The whole process should be more independent of departmental officers: chairs are reluctant to challenge or disagree with senior officers
- Having opposition chairs would get much better engagement and input from other members
- More members need to actually read their committee papers—however some officers make the papers intentionally long to dissuade members from doing so
- There is a capacity issue for ‘double-hatted’ councillors, and those who work in outside employment
- With meetings being held in the evenings, discussions can go on quite late: with many of the best councillors having demanding day jobs, it’s unrealistic to expect high performance
- Scrutiny committees should share expected questions with witnesses before meetings to ensure all information is available in advance: it shouldn’t be a closed-book exam as some officers can deflect questions by promising to look into an issue and write back later
- Scrutiny in general needs a higher profile, including the role of statutory scrutiny officer: people across the council should know who it is with their status being far closer to that of the monitoring officer
- Scrutiny has become too broad and complex over the years: it is not achievable to do everything asked of it. There needs to be a clear remit for scrutiny with up to date guidance from Government
- Scrutiny will only succeed if the Leader and Chief Executive think it is important—strong scrutiny chairs and strong scrutiny managers are required when they do not
- Ensuring legislation is enforced regarding undue interference from the Leader and cabinet
- Resident-led commissions help to improve scrutiny. Broadening the scrutiny process out to involve the public and prominent campaign groups, inviting them onto task groups, or to serve as chairs of commissions

- There should be an independent secretariat for scrutiny committees with separate ring-fenced budget, independent of the council, to create greater organisational autonomy
- Councils should be able to compel witnesses to attend from publicly funded bodies, such as housing associations
- Legislation relating to scrutiny powers should be simplified, putting them all into one place
- Removing conflicts of interests where scrutiny committees are supported by officers responsible for the policies that are being scrutinised

## **Councillors:**

- Better selection of candidates to be councillors, as well as improving their calibre through training
- We need full time councillors: the part time nature of the role means variable quality
- It should be constitutionally established that scrutiny is on a level with cabinet
- Greater public involvement: if you want to be effective, what really changes a Leader's mind is people and residents, and if you don't get them to meetings, you won't make changes
- Statutory Scrutiny Officers are too low down the food chain to influence people. This statutory post has to be a similar level and have access to the corporate management level
- We've also got to make use of modern technology. It's about getting the message out through facebook and twitter
- One of the changes is taking meetings out in the community
- Political groups need to treat each other with fairness and respect
- Completely disconnect all aspects of scrutiny (formation, governance, resources) from the executive
- Increase connection with residents and public through co-opted members. More witnesses and public evidence sessions
- Clearer feedback loops to quantify scrutiny influence
- Council leadership should be assessed on how they take into account work of scrutiny committees, for example through annual report on scrutiny considered by full Council or annual evidence sessions with cabinet members
- Allocate chairs on the basis of political proportionality
- All scrutiny work should be considered by Full Council, rather than the cabinet

# Agenda Item 6

52 Effectiveness of local authority overview and scrutiny committees

## Formal Minutes

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**Monday 11 December 2017**

Members present:

Mr Clive Betts, in the Chair

Mike Amesbury	Fiona Onasanya
Bob Blackman	Mark Prisk
Helen Hayes	Mary Robinson
Kevin Hollinrake	Liz Twist
Andrew Lewer	

Draft Report (*Effectiveness of local authority overview and scrutiny committees*) proposed by the Chair, brought up and read.

*Ordered*, That the Draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 104 read and agreed to.

Summary agreed to.

Annex agreed to.

*Resolved*, That the Report be the First Report of the Committee to the House.

*Ordered*, That the Chair make the Report to the House.

*Ordered*, That embargoed copies of the Report be made available, in accordance with the provisions of Standing Order No. 134.

[Adjourned until Monday 18 December at 2.15 p.m.]



## Witnesses

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The following witnesses gave evidence. Transcripts can be viewed on the [inquiry publications page](#) of the Committee's website.

### Monday 16 October 2017

*Question number*

**Professor Colin Copus**, Director of the Local Governance Research Unit, De Montfort University; **Jacqui McKinlay**, Chief Executive, Centre for Public Scrutiny (CfPS); **Councillor Marianne Overton**, Leader of the Independent Group, Local Government Association

[Q1-43](#)

### Monday 30 October 2017

**Councillor Mary Evans**, Chair of Scrutiny Committee, Suffolk County Council; **Councillor Sean Fitzsimons**, Chair of Scrutiny and Overview Committee, Croydon Council; **Councillor John Cotton**, Lead Scrutiny Member, Birmingham City Council

[Q44-82](#)

**Jennette Arnold OBE AM**, Chair, London Assembly; **Ed Williams**, Executive Director, Secretariat, London Assembly; **Susan Ford**, Scrutiny Manager, Greater Manchester Combined Authority; **Councillor Peter Hughes**, Chair, Overview and Scrutiny Committee, West Midlands Combined Authority

[Q83-107](#)

### Monday 6 November 2017

**Marcus Jones MP**, Minister for Local Government, Department for Communities and Local Government

[Q108-152](#)

# Agenda Item 6

54 Effectiveness of local authority overview and scrutiny committees

## Published written evidence

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The following written evidence was received and can be viewed on the [inquiry publications page](#) of the Committee's website.

OSG numbers are generated by the evidence processing system and so may not be complete.

- 1 B4RDS (Broadband for Rural Devon & Somerset) ([OSG0006](#))
- 2 Birmingham City Council ([OSG0002](#))
- 3 Chester Community Voice UK ([OSG0022](#))
- 4 Councillor Tony Dawson ([OSG0019](#))
- 5 Dr Laurence Ferry ([OSG0017](#))
- 6 Dr Linda Miller ([OSG0018](#))
- 7 F&G BUILDERS LTD ([OSG0005](#))
- 8 Gwen Swinburn ([OSG0015](#))
- 9 Heston Residents' Association ([OSG0008](#))
- 10 Local Government and Social Care Ombudsman ([OSG0007](#))
- 11 MNRAG ([OSG0020](#))
- 12 Mr Bryan Rylands ([OSG0003](#))
- 13 Mr Mark Baynes ([OSG0009](#))
- 14 Mr Stephen Butters ([OSG0001](#))
- 15 Ms Christine Boyd ([OSG0013](#))
- 16 Ms Jacqueline Thompson ([OSG0012](#))
- 17 Nicolette Boater ([OSG0016](#))
- 18 North Lincolnshire Council ([OSG0021](#))
- 19 Research for Action ([OSG0014](#))
- 20 Susan Hedley ([OSG0004](#))

The following written evidence was received in the last Parliament by the previous Committee for this inquiry and can be viewed on the [inquiry publications page](#) of the Committee's website.

- 1 A Journalist ([OSG0004](#))
- 2 ADSO ([OSG0123](#))
- 3 An Officer from a London Borough ([OSG0091](#))
- 4 Anonymous ([OSG0006](#))
- 5 Anonymous ([OSG0065](#))
- 6 Anonymous ([OSG0103](#))
- 7 Bedford Borough Conservative Group ([OSG0069](#))
- 8 Birmingham City Council ([OSG0087](#))
- 9 Bournemouth Borough Council ([OSG0071](#))
- 10 Bracknell Forest Council ([OSG0010](#))
- 11 Bristol City Council ([OSG0082](#))
- 12 Broadland District Council ([OSG0014](#))
- 13 Cardiff Business School ([OSG0056](#))
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# **Government Response to the Communities and Local Government Committee First Report of Session 2017-19 on the Effectiveness of Local Authority Overview and Scrutiny Committees**

Presented to Parliament  
by the Secretary of State for  
Housing, Communities and Local Government  
by Command of Her Majesty

March 2018

CM 9569

# Agenda Item 6



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Any enquiries regarding this publication should be sent to us at

Ministry of Housing, Communities and Local Government  
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## **Government Response to the Communities and Local Government Committee First Report of Session 2017–19 on the Effectiveness of Local Authority Overview and Scrutiny Committees**

### **Introduction**

In September 2017, the Communities and Local Government Select Committee relaunched the inquiry into the effectiveness of local authority overview and scrutiny committees that had been started by its predecessor earlier that year. The Select Committee published its report on 15 December 2017: <https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/369/36902.htm>.

The Government will be looking at further ways to extend and improve transparency and is grateful both to the Committee for its consideration of the effectiveness of overview and scrutiny committees and to all those organisations and individuals who provided oral and written evidence.

Scrutiny can play a vital role in ensuring local accountability on a wide range of local issues. It is one of the key checks and balances in the system and the Government is committed to ensuring councils are aware of its importance, understand the benefits effective scrutiny can bring and have access to best practice to inform their thinking.

The Government firmly believes that every council is best-placed to decide which scrutiny arrangements suit its individual circumstances, and so is committed to ensuring that they have the flexibility they need to put those arrangements in place.

The Government is pleased the Select Committee acknowledges overview and scrutiny is functioning effectively in many local authorities and that committees are playing a key role in helping executives develop and review policy. The Government accepts, however, that in some councils scrutiny is not functioning as well as might be expected.

The Select Committee has made a number of recommendations, most, but not all, of which are for the Government to consider. The response in the following pages addresses only those recommendations aimed at the Government.

### **Recommendation 1: Proposed revisions to Government guidance on scrutiny committees (Page 7)**

- a) That overview and scrutiny committees should report to an authority's Full Council meeting rather than to the executive, mirroring the relationship between Select Committees and Parliament.**
- b) That scrutiny committees and the executive must be distinct and that executive councillors should not participate in scrutiny other than as witnesses, even if external partners are being scrutinised.**
- c) That councillors working on scrutiny committees should have access to financial and performance data held by an authority, and that this access should not be restricted for reasons of commercial sensitivity.**

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- d) That scrutiny committees should be supported by officers that are able to operate with independence and offer impartial advice to committees. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts.
- e) That members of the public and service users have a fundamental role in the scrutiny process and that their participation should be encouraged and facilitated by councils.

## **Government Response:**

The Government acknowledges that the current guidance was issued in 2006 and is happy to ensure it is updated. New guidance will be published later this year.

- a) The Government notes the evidence supplied to the Committee. Updated guidance will recommend that scrutiny committees report to the Full Council.
- b) The Government accepts the need to limit the executive's involvement in the scrutiny meetings. Updated guidance will make clear that members of the executive should not participate in scrutiny other than as witnesses.
- c) Scrutiny committees already have powers to access documents and updated guidance will stress that councils should judge each request to access sensitive documents on its merits and not refuse as a matter of course. We will also have discussions with the sector to get a better understanding of the issues some scrutiny committees appear to have in accessing information and whether there are any steps the Government could take to alleviate this.
- d) Updated guidance will make clear that support officers should be able to operate independently and provide impartial advice. It will also stress the need for councils to recognise and value the scrutiny function and the ways in which it can increase a council's effectiveness. However, the Government believes that each council should decide for itself how to resource scrutiny committees, including how much access to senior officers is appropriate to enable them to function effectively.
- e) The Government fully believes that local authorities should take account of the views of the public and service users in order to shape and improve their services. Scrutiny is a vital part of this, and scrutiny committees should actively encourage public participation. Updated guidance will make this clear.

**Recommendation 2: That DCLG works with the Local Government Association and Centre for Public Scrutiny to identify willing councils to take part in a pilot scheme where the impact of elected chairs on scrutiny's effectiveness can be monitored and its merits considered (Paragraph 35).**

## **Government Response:**

The Government will give further consideration to this recommendation.

The Government fully accepts that the chair of a scrutiny committee can have a great impact on its effectiveness. As the then Minister told the Select Committee at the oral evidence session on 6 November 2017, a chair needs to have the requisite skills, knowledge and acumen to take on the functions and achieve the outcomes that the scrutiny committee needs to achieve.

The Government also accepts that, in some instances, the election, rather than the appointment, of a chair might help ensure that the right individual is ultimately selected, but feels that this is a decision for every council to make for itself - we note that the Select Committee is "wary of proposing that [election] is imposed upon authorities by Government".

A local authority is already free to elect a chair if it wishes, and the updated guidance will recommend that every council bears this in mind when deciding on a method for selecting a chair.

The Government is happy to explore with the sector how best to establish the impact of elected chairs on scrutiny committees' effectiveness, but is not yet convinced that running pilot schemes is the best way to achieve this. The Government will therefore discuss this recommendation with the sector, including the Local Government Association and Centre for Public Scrutiny, and write to the Select Committee on this matter when we publish updated guidance.

**Recommendation 3: Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator (Paragraph 62)**

**Government Response:**

The Government does not accept this recommendation.

Many councils do not have dedicated scrutiny support staff - officers work on issues and engage with committees as part of the flow of business - so this would make quantifying the support that scrutiny committees receive very difficult. In the Government's view, the quality of the support is the more important issue.

The Government firmly believes that each individual authority is best-placed to decide for itself how to support scrutiny most effectively.

**Recommendation 4: That the Government extend the requirement of a Statutory Scrutiny Officer to all councils and specify that the post-holder should have a seniority and profile of equivalence to the council's corporate management team. To give greater prominence to the role, Statutory Scrutiny Officers should also be required to make regular reports to Full Council on the state of scrutiny, explicitly identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them (Paragraph 65).**

**Government Response:**

The Government does not accept this recommendation.

As the then Minister outlined during the oral evidence he gave to the Select Committee, decisions about the allocation of resources for the scrutiny function are best made at a local level. Each council is best-placed to know which arrangements will suit its own individual circumstances. It is not a case of one size fits all.

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The key requirement for effective scrutiny is that the culture of the council is right. Where councils recognise the benefits effective scrutiny can bring, and put in place suitable arrangements, it is working well. Local authorities with a strong culture of scrutiny may invite regular reports to full council on the state of scrutiny in the council and this idea will be reflected in the updated guidance.

**Recommendation 5: The Department to put monitoring systems in place and consider whether the support to committees needs to be reviewed and refreshed. We invite the Department to write to us in a year's time detailing its assessment of the value for money of its investment in the Local Government Association and on the wider effectiveness of local authority scrutiny committees (Paragraph 76).**

## **Government Response:**

The Government does not accept this recommendation. Local authorities are independent bodies and it is for them to ensure that their scrutiny arrangements are effective.

The Government firmly believes that every council should be able to access the training it needs to carry out its functions effectively, and recognises that Government itself has a role to play in making this happen. That is why we provide funding to the Local Government Association for sector-led improvement work. It should be noted that this funding is to support local authorities on a wide range of improvement work. It is not purely to assist with overview and scrutiny.

The funding is determined annually and for 2017/18 is £21 million. The package of work that is funded from the grant is set out in a jointly agreed Memorandum of Understanding between the Department and the Local Government Association, which is refreshed annually to ensure that it remains relevant to the sector's needs.

The Government is, of course, very keen to ensure that this funding provides value for money and that local authorities feel that the training on offer serves their needs. To this end, the Department has quarterly performance monitoring and review meetings with the Local Government Association, which are chaired by the Director-General for Local Government and Public Services.

The Government notes that not all the councillors who provided evidence to the Select Committee felt that the scrutiny training provided was as effective as they would have liked, and that the Local Government Association wrote to the Committee on 20 December 2017 to provide more information on the feedback it received on its support work.

The Government will ensure that the 2018/19 Memorandum of Understanding with the Local Government Association clearly sets out our expectation that they remain responsive to feedback they receive to ensure all training, including scrutiny training, remains relevant and effective.

**Recommendation 6: Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by commercial organisations. Committees should be able to access information and require attendance at meetings from service providers and we call on DCLG to take steps to ensure this happens (Paragraph 90).**

## **Government Response:**

Updated guidance will remind councils of the requirements set out in regulations that allow scrutiny members to access exempt or confidential documents in certain circumstances. As mentioned in response to the Select Committee's recommendation on guidance, the Department will also have discussions with the sector to get a better understanding of the issues some scrutiny committees appear to have in accessing information and whether there are any steps the Government could take to alleviate this.

In terms of service providers' attendance at meetings, when councils are tendering contracts with external bodies they should carefully consider including requirements to ensure they are as open and transparent as appropriate. Ultimately, however, it is up to each council to decide how best to hold to account those who run its services.

**Recommendation 7: The Government to make clear how LEPs are to have democratic, and publicly visible, oversight. We recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees. In line with other public bodies, scrutiny committees should be able to require LEPs to provide information and attend committee meetings as required (Paragraph 96).**

#### **Government Response:**

The Government agrees on the importance of clear and transparent oversight of Local Enterprise Partnerships (LEPs). The Industrial Strategy made clear the continuing important role of LEPs in delivering local economic growth.

The MHCLG Non-Executive Director Review (published in October 2017), looked at a range of governance issues for LEPs. The Review made a series of recommendations that we have accepted in full and are now implementing. As part of this we have published guidance for LEPs on a range of issues including publication of agenda and papers for LEP Board meetings. This will make the proceedings of LEPs more transparent for local people.

The National Assurance Framework for LEPs states that democratic accountability for the decisions made by the LEP is provided through local authority leader membership of LEP Boards. In places where not all local authorities are represented directly on the LEP board it is important that their representatives have been given a mandate through arrangements which enable collective engagement with all local authority leaders. Many LEPs already go much further in allowing democratic scrutiny of their decision making.

The MHCLG Non-Executive Director Review into LEP governance and transparency explored the extent to which scrutiny was embedded into LEP decision making. The review acknowledged that each LEP had their own arrangements to reflect: legal structure, the complexity and needs of the locality and local requirements to ensure value for money; engagement; and democratic accountability. The Review concluded that it was not appropriate to be prescriptive on the specific arrangements that all LEPs needed to adopt due to the variation in LEP operating models.

The Government committed in the Industrial Strategy White Paper to reviewing the roles and responsibilities of LEPs and to bringing forward reforms to leadership, governance, accountability, financial reporting and geographical boundaries. Working with LEPs, the Government committed to set out a more clearly defined set of activities and objectives in early 2018. MHCLG will write to the Select Committee following the conclusion of this Ministerial review into LEPs to provide an update.

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**Recommendation 8: We are concerned that effective scrutiny of the Metro Mayors will be hindered by under-resourcing, and call on the Government to commit more funding for this purpose. When agreeing further devolution deals and creating executive mayors, the Government must make clear that scrutiny is a fundamental part of any deal and that it must be adequately resourced and supported. (Paragraph 104)**

## **Government Response:**

The Government accepts this recommendation.

At the Budget it was announced that the government will make available to mayoral combined authorities with elected mayors a £12 million fund for 2018-19 and 2019-20, to boost the new mayors' capacity and resources. Combined Authorities could use some of this resource to ensure that scrutiny and accountability arrangements within the CAs are effectively resourced and supported.

Further to this, the recent Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017, developed with assistance from the Centre for Public Scrutiny and the National Audit Office, provides for the rules of operation for local overview and scrutiny and audit committees to robustly hold combined authorities and mayors to account. The order ensures that there are strong scrutiny arrangements in place consistently across every combined authority area and sets out clear requirements, strengthened appropriately to match the new powers and budgets being devolved, for the arrangement of overview and scrutiny and audit committees in all combined authorities.

Combined authorities are subject to existing relevant legislation applying to local authorities, including the strong finance and audit requirements around ensuring value for money and sustainability. Local democratic accountability, including through the scrutiny of directly-elected mayors, is a crucial and fundamental aspect of devolution.

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**Scrutiny Briefing Report to:** Overview and Scrutiny Committee  
(Adult Social Care and Health)

**Date of Meeting:** 4 September 2018

**Subject:** Update Report of Fiona Taylor, Chief Officer

**Organisation:** NHS South Sefton CCG and NHS Southport and Formby CCG

**Contact Officer:** Lyn Cooke

**Tel:** 0151 317 8456

**Email:** [lyn.cooke@southseftonccg.nhs.uk](mailto:lyn.cooke@southseftonccg.nhs.uk)

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## **Purpose/Summary**

To provide Members of the Committee with an update about the work of NHS South Sefton CCG and NHS Southport and Formby CCG.

## **Recommendation(s)**

Members of the Overview and Scrutiny Committee (Adult Social Care and Health) are requested to receive this report.

## **Update for Overview and Scrutiny Committee (Adult Social Care) September 2018**

*If you would like more information about any of the items contained in this update, if you have any questions about local health services, or any particular issues you would like to raise, please call 0151 317 8456.*

### **Latest CCG assessments highlight 'innovative' work in Sefton**

Both CCGs in Sefton have been praised in the latest annual assessment by NHS England for their innovative work in caring for some of the most vulnerable in our community. The Improvement and Assessment Framework (IAF) results for 2017-2018 were published in July. The IAF assesses CCGs against 51 wide ranging performance indicators in areas including financial management, clinical quality and leadership. The CCGs have each maintained a 'requires improvement' rating despite operating in an increasingly challenging environment. Highlighting key areas of strength and good practice, the assessment congratulated the CCGs on successfully implementing the Integrated Community Reablement and Assessment Service (ICRAS), which it recognised will meet the needs of some of the CCGs' most vulnerable patients. In addition, NHS Southport and Formby CCG was praised for 'notable' improvements in cancer care, whilst NHS South Sefton CCG was congratulated for further 'innovative' practice through the Care Home innovation Programme, known as CHIP. Key areas of improvement for both CCGs include services around mental health and aspects of unplanned care, such as Delayed Transfers of Care. The overarching IAF results were followed in mid August with individual scores for cancer and maternity services. Both CCGs were rated 'good' against measures for cancer targets and 'requires improvement' for maternity services.

### **Update on financial performance**

Both CCGs have continued to work on their financial plans, which address how they intend to return to meeting business operating rules in future years. Each CCG is predicting their position at the end of the financial year will be around £4m from their agreed closing target, so their longer term plans look at addressing this for future financial years and focus heavily on their quality innovation productivity and prevention programme. In addition, the CCGs are working with other commissioners and providers as part of the Sefton Transformation Programme to secure long term sustainability. Importantly, whilst the CCGs continue to explore every efficiency opportunity their priority is to ensure the quality and safety of services they commission is maintained.



## **Annual reviews focus on transformation**

Combined annual general meetings and Big Chat engagement events for each CCG are taking place in September. The meetings are a chance for residents to hear about the CCGs' work to transform services as part of Sefton Health and Care Partnership and give their views about the plans. This year, there will be a marketplace of stalls promoting the range of health and wellbeing support available locally, which people will be able to browse before the main programme begins. The CCGs' performance and achievements from 2017-2018 will be on display and copies of their annual reports will be available for people to pick up at the events.

- NHS Southport and Formby CCG – Tuesday 11 September, 1pm to 4.30pm, Clifton Hotel, Southport
- NHS South Sefton CCG - Thursday 27 September, 1pm to 4.30pm, Bootle Cricket Club

Anyone wishing to attend is asked to call 0151 317 8456 to book their place or visit each CCG website for further options and information.

## **Good results for primary care in latest GP patient survey**

The July 2018 national patient survey highlights good overall results for Sefton practices. Two practices have made it into the top 10 for Merseyside. They are 15 Sefton Road in south Sefton and the Christina Hartley Medical Practice in Southport. Both CCGs compare favourably to local and national counterparts for providing good overall experience. The survey, carried out by Ipsos MORI, invites patients to rate their practice for its performance across a range of categories from ease of making an appointment to support to help patients better manage long term conditions.

## **Extended access scheme prepares to launch**

Providers have been appointed to run the new extended access scheme in Sefton from 1 October 2018, as part of the nationally directed service. The two GP Federations in Sefton have been awarded separate contracts to run each service following a recent procurement. They are now working on their mobilisation plans to be ready for the 'go live' date, and the CCGs are working closely with them to ensure patients views inform their plans on how the services are delivered. Updates will be provided as this work progresses.

## **Community anti-coagulation services**

From 30 July 2018 the Royal Liverpool & Broadgreen University Hospital NHS Trust and Aintree University Hospital Foundation NHS Trust will jointly run the Sefton wide community anti-coagulation service following a re-procurement process. Patients will not experience any change to the service or to the venues it is currently delivered from as a result of this contractual change. It does however, mean that in future patients will also be able to choose from the additional venue of the Royal Hospital for their appointment if they prefer. The aim of the new service is to build on the already successful model for the community based management of patients taking oral anticoagulants. The partnership will enable greater flexibility and enhancements to the service over time, whilst providing patients with continuity of care from existing staff and venues.

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## **NHS England nurses ‘impressed’ during visit to Sefton**

The CCGs’ hosted a visit from two of the most senior nurses in England during July to showcase the good work going on across health in Sefton to improve the quality of care for patients. Hilary Garratt, CBE director of nursing at NHS England / deputy chief nursing officer England and Margaret Kitching, director of nursing at NHS England North / interim chief nurse at NHS Improvement, spent a day in the borough at the invitation of the CCGs’ and say they were impressed with the good work going on in the borough. They began with a tour of the intermediate care service at ‘Ward 35’, run by Mersey Care NHS Foundation Trust, where they spoke with frontline staff who care for patients referred to the ward for further rehabilitation after being discharged from hospital. They also heard about more areas of quality improvement work being carried out by Mersey Care’s other community based teams. The visitors then spent some time with the CCGs’ quality team to hear about the work they do to provide assurance around the safety, effectiveness and patient experience of the services commissioned. Hilary and Margaret’s visit concluded with meeting of representatives from other Merseyside CCGs and provider organisations, where they were able to hear more about how we work together towards improving and transforming the care of our residents in Sefton.

## **Safeguarding and looked after children inspection**

At the end of July, inspectors from the Care Quality Commission carried out a week long review of the quality of health services for looked after children and the effectiveness of safeguarding arrangements for all children in Sefton. The review focused on services commissioned by the CCGs and NHS England will evaluate the experiences and outcomes for children, young people and their families who receive health services within the borough. Whilst the scope of the review did not cover the Local Safeguarding Children Board or Sefton Council, it may comment on those health services commissioned by the local authority. Inspectors were welcomed to the borough with a presentation from chief officer, Fiona Taylor who gave an overview of Sefton as a place and the CCGs’ work with partners and providers to commission safeguarding and looked after children services. Representatives from Sefton Council and service providers were present at the introductory session to answer questions and queries. During the week, inspectors went out to meet with providers, to look at how they deliver care and support for some of our most vulnerable children and young people. The review team’s report is expected later in the summer.

## **Young people have their say on local NHS**

Your Youth Health Day in July saw pupils from Maricourt Catholic High School in Maghull and Southport’s Stanley High School work with Sefton Young Advisors, to learn which local NHS service is best for them if they are unwell or want some advice on their health and wellbeing. The event was organised by the CCGs’ joint Engagement and Patient Experience Group (EPEG), which brings together representatives from organisations including Sefton Council, Healthwatch Sefton and Sefton Council for Voluntary Service (CVS) to look at how the CCGs can better involve residents and partners in their work. Health commissioners were joined at the Formby event by staff from Sefton council to hear young people’s views about health care. The event saw pupils taken through everyday scenarios, how to lead a healthier lifestyle, and which NHS service to consider for a range of medical issues, ranging from when to get advice from local pharmacists and the NHS111 phone service for minor conditions, to when to call 999.

## Next governing body meetings

Anyone with an interest in local health services is welcome to attend the CCGs governing body meetings, held in public on a bi-monthly basis. The next meetings take place in September and start at 1pm at the following venues and dates:

- NHS Southport and Formby CCG – Wednesday 5 September 2018, Family Life Centre, Ash St, Southport, Merseyside, PR8 6JH
- NHS South Sefton CCG - Thursday 6 September 2018, 3rd floor boardroom, Merton House, Stanley Rd, Bootle, L20 3DL

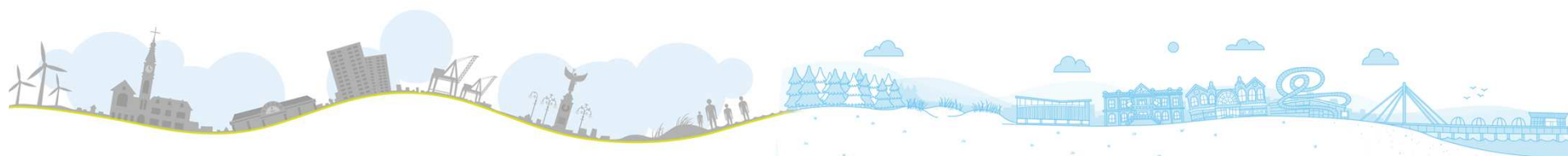
Visit the CCGs' websites for more about their work [www.southseftonccg.nhs.uk](http://www.southseftonccg.nhs.uk) or [www.southportandformbyccg.nhs.uk](http://www.southportandformbyccg.nhs.uk), follow them on Twitter [@NHSSSCCG](https://twitter.com/NHSSSCCG) or [@NHSSFCCG](https://twitter.com/NHSSFCCG) or see a range of short films on You Tube for [NHSSSCCG](https://www.youtube.com/channel/UC...) or [NHS SFCCG](https://www.youtube.com/channel/UC...)

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# Main Provider Performance – August 2018

The following slides present performance against key strategic, NHS constitution, quality and safety indicators for the main providers the two CCGs commission from.

Time periods vary for the indicators presented, and are indicated in the tables.



# Southport & Formby CCG



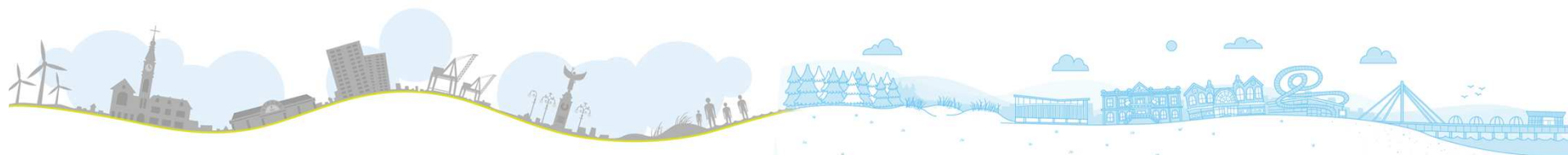
South Sefton Clinical Commissioning Group  
Southport and Formby Clinical Commissioning Group

Key Performance Area	Time Period	Performance	Target	Trend
A&E 4hour Waits, All Types (Southport & Ormskirk, cumulative YTD)	May-18	87.2%	83.4% (STP trajectory)	
Cancer 2 Week Waits (Southport & Ormskirk, cumulative YTD)	May-18	93.8%	93%	
Cancer 62 Day - Screening (Southport & Ormskirk Cumulative YTD)	May-18	50.0%	90%	
Cancer 31 Day (Southport & Ormskirk, cumulative YTD)	May-18	99.3%	96%	
RTT -18 Weeks Incomplete (Southport & Ormskirk, in month snapshot position)	May-18	94.3%	92%	
C.Difficile (Southport & Ormskirk, cumulative YTD)	May-18	2	6 (year to date) 35 (year end)	
MRSA (Southport & Ormskirk, cumulative YTD)	May-18	0	0	
Stroke (80% of Pts spending 90% of time on Stroke Unit, Southport & Ormskirk, monthly snapshot position)	May-18	52.9%	80%	
% TIA assessed and treated within 24 hours (Southport & Ormskirk, monthly snapshot position)	May-18	0.0%	60%	
Ambulance Category 1 Mean 7 minute response time (CCG LEVEL)	May-18	10 Mins 46 Secs	<=7 Minutes	
Mental Health: Care Programme Approach (Quarterly)	Mar-18	76.9%	95%	
Mental Health: IAPT 15% Access (CCG LEVEL)	May-18	1.16%	1.4% per month Qtr 1-3 1.58% per month Qtr 4	
Mental Health: IAPT 50% Recovery (CCG LEVEL)	May-18	49.7%	50%	
Mental Health: IAPT waiting <6 weeks (Quarterly)	Mar-18	99.3%	75%	
Mental Health: IAPT waiting <18 weeks (Quarterly)	Mar-18	99.7%	90%	



# Southport & Ormskirk Friends & Family

Measure	Time Period	Southport & Ormskirk	England Average	Trend
Inpatient – response	May-18	18.8%	24.9%	
Inpatient Recommended	May-18	93.0%	96.0%	
Inpatient Not Recommended	May-18	1.0%	1.0%	
A&E – response	May-18	1.3%	12.9%	
A&E Recommended	May-18	66.0%	87.0%	
A&E Not Recommended	May-18	22.0%	8.0%	



Key Performance Area	Time Period	Performance	Target	Trend
A&E 4hour Waits, All Types (Aintree)	May-18	85.5%	84.4% (STP trajectory)	
Cancer 2 Week Waits (Aintree)	May-18	89.0%	93%	
Cancer 62 Day - Screening (Aintree)	May-18	81.0%	90%	
Cancer 31 Day (Aintree)	May-18	97.1%	96%	
RTT -18 Weeks Incomplete (Aintree)	May-18	90.5%	92%	
C.Difficile (Aintree)	May-18	6	8 (year to date) 45 (year end)	
MRSA (Aintree)	May-18	1	0	
Stroke (80% of Pts spending 90% of time on Stroke Unit) (Aintree)	May-18	66.7%	80%	
% TIA assessed and treated within 24 hours (Aintree)	May-18	100%	60%	
Ambulance Category 1 Mean 7 minute response time (CCG LEVEL)	May-18	8 Mins 41 Secs	<=7 Minutes	
Mental Health: Care Programme Approach (Quarterly)	Mar-18	92.9%	95%	
Mental Health: IAPT 15% Access (CCG LEVEL)	May-18	1.16%	1.4% per month Qtr 1-3 1.58% per month Qtr 4	
Mental Health: IAPT 50% Recovery (CCG LEVEL)	May-18	50.3%	50%	
Mental Health: IAPT waiting <6 weeks (Quarterly)	Mar-18	100.0%	75%	
Mental Health: IAPT waiting <18 weeks (Quarterly)	Mar-18	100.0%	90%	





# Aintree University Friends & Family

Measure	Time Period	Aintree	England Average	Trend
Inpatient – response	May-18	20.6%	24.9%	
Inpatient Recommended	May-18	92.0%	96.0%	
Inpatient Not Recommended	May-18	5.0%	1.0%	
A&E – response	May-18	16.9%	12.9%	
A&E Recommended	May-18	84.0%	87.0%	
A&E Not Recommended	May-18	9.0%	8.0%	



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# Agenda Item 9

<b>Report to:</b>	Overview and Scrutiny Committee  (Adult Social Care and Health)	<b>Date of Meeting:</b>	4 September 2018
<b>Subject:</b>	Cabinet Member Reports – July - August 2018		
<b>Report of:</b>	Head of Regulation and Compliance	<b>Wards Affected:</b>	All
<b>Cabinet Portfolio:</b>	Adult Social Care Health and Wellbeing		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary:

To submit the Cabinet Member – Adult Social Care and the Cabinet Member - Health and Wellbeing reports relating to the remit of the Overview and Scrutiny Committee.

## Recommendation:

That the Cabinet Member - Adult Social Care and the Cabinet Member - Health and Wellbeing reports relating to the remit of the Overview and Scrutiny Committee be noted.

## Reasons for the Recommendation:

In order to keep Overview and Scrutiny Members informed, the Overview and Scrutiny Management Board has agreed for relevant Cabinet Member Reports to be submitted to appropriate Overview and Scrutiny Committees.

## Alternative Options Considered and Rejected:

No alternative options have been considered because the Overview and Scrutiny Management Board has agreed for relevant Cabinet Member Reports to be submitted to appropriate Overview and Scrutiny Committees.

## What will it cost and how will it be financed?

Any financial implications associated with the Cabinet Member reports which are referred to in this update are contained within the respective reports.

# Agenda Item 9

(A) **Revenue Costs** – see above

(B) **Capital Costs** – see above

## Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>
<b>Legal Implications:</b>
<b>Equality Implications:</b> There are no equality implications.

## Contribution to the Council's Core Purpose:

Protect the most vulnerable: None directly applicable to this report. The Cabinet Member update provides information on activity within Councillor Cummins' and Councillor Moncur's portfolios during the previous three-month period. Any reports relevant to their portfolios considered by the Cabinet, Cabinet Member or Committees during this period would contain information as to how such reports contributed to the Council's Core Purpose.
Facilitate confident and resilient communities: As above
Commission, broker and provide core services: As above
Place – leadership and influencer: As above
Drivers of change and reform: As above
Facilitate sustainable economic prosperity: As above
Greater income for social investment: As above
Cleaner Greener: As above

## What consultations have taken place on the proposals and when?

### (A) **Internal Consultations**

The Cabinet Member Update Reports are not subject to FD/LD consultation. Any specific financial and legal implications associated with any subsequent reports arising from the attached Cabinet Member update reports will be included in those reports as appropriate

## (B) External Consultations

Not applicable

### Implementation Date for the Decision

Immediately following the Committee meeting.

<b>Contact Officer:</b>	Debbie Campbell
Telephone Number:	0151 934 2254
Email Address:	<a href="mailto:debbie.campbell@sefton.gov.uk">debbie.campbell@sefton.gov.uk</a>

### Appendices:

The following appendices are attached to this report:-

Appendix A - Cabinet Member - Adult Social Care - update report

Appendix B - Cabinet Member – Health and Wellbeing – update report

### Background Papers:

There are no background papers available for inspection.

#### 1. Introduction/Background

- 1.1 In order to keep Overview and Scrutiny Members informed, the Overview and Scrutiny Management Board has agreed for relevant Cabinet Member Reports to be submitted to appropriate Overview and Scrutiny Committees.
- 1.2 Attached to this report, for information, are the most recent Cabinet Member reports for the Adult Social Care and Health and Wellbeing portfolios.
- 1.3 Members will note that the latter report also contains an update on the Green Sefton element of the Cabinet Member – Health and Wellbeing’s portfolio; and that this report will also be considered by the Overview and Scrutiny Committee (Regeneration and Skills) on 18 September 2018. The Overview and Scrutiny Management Board, at its meeting to be held on 25 September 2018, will consider which Overview and Scrutiny Committee issues associated with Green Sefton should be reported to. Following determination by the Management Board on the Green Sefton element of the Cabinet Member – Health and Wellbeing’s portfolio, the update will be reported to the appropriate Overview and Scrutiny Committee in the future.

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<b>CABINET MEMBER UPDATE REPORT</b>		
<b>Overview and Scrutiny (Adult Social Care and Health) - 4<sup>th</sup> September 2018</b>		
<b>Councillor</b>	<b>Portfolio</b>	<b>Period of Report</b>
<b>Paul Cummins</b>	<b>Adult Social Care</b>	<b>July/Aug 2018</b>

### **Delayed Transfers of Care and Interface with Aintree Hospital**

At the February meeting of the Accident and Emergency Executive Delivery Board it was agreed that Newton Europe, a consultancy company, would be asked to undertake a detailed review of delayed transfers of care at Aintree Hospital. South Sefton Clinical Commissioning Group led on the work at Aintree but with recognition of the need for collaboration with the multiple commissioning and provider stakeholders who support this system.

Sefton’s Adult Social Care hospital teams were actively involved in the workstream and it is hoped that the work will lead to improved processes and better outcomes for older people when they are discharged from hospital.

The report concluded that there are two workstreams which will need to be actioned. Each workstream is led by a strategic leader from across the health and social care system:

Sue Rogers and Deborah Butcher (Liverpool and Sefton) will be leading on commissioning ‘out of hospital’ services across the region.

Beth Weston (Chief Operating Officer, Aintree Hospital) will lead on process and decision making, supported by officers from Sefton, Knowsley and Liverpool Councils.

### **Domiciliary Care Contracts**

I would like to update you on the implementation of the new Domiciliary Care Contracts. As you may be aware, these started on 1st August 2018. New providers are: Castle Rock, ICare, and Local Solutions. These domiciliary care agencies will be the lead domiciliary care providers for Sefton, supported by other accredited spot contract care agencies. To allow further time, owing to issues being experienced with two outgoing providers, the contracts in these areas have been extended with a new commencement date of 3<sup>rd</sup> September 2108. This will allow sufficient time for the new providers to recruit and the TUPE information to be formulated. One area in the north of the borough transferred on 1<sup>st</sup> August 2018.

Officers are engaging in regular meetings with the incumbent care agencies to ensure a smooth transition of services and have provided reassurance that the majority of care staff and service users will transfer to the new suppliers. This piece of work is obviously very complex and a culmination of several months of tendering. The new providers will be contacting people who use services over the next few weeks, and so there may be queries via Cabinet Members regarding this matter.

Peter Moore is the lead officer for this piece of work, that has been undertaken by his team in collaboration with Knowsley Council.

### **Sefton New Directions (SND)**

#### **James Dixon Court**

Plans are progressing in relation to updating the building and to remodel the service. It is hoped that the service will be supporting with respite care and 'step down from hospital' as well as a focus on long term care for older people. Work is ongoing with SND around developing the models. A task and finish group has been set up to progress the use of seven step up/down beds and to develop the process for the use of these.

The Strategic Capital Investment Group has approved capital to support these improvements and the work will be completed in October and will contribute to:

- Redecorating bedrooms
- Profiling beds
- A kitchenette to enable people to practice daily living activities before they return home

### **Consultation Plans**

Consultation is currently being undertaken with Adult Social Care Direct Payment recipients regarding the implementation of two different fee rates. This will not disadvantage people who use Direct Payments, as it will better reflect the arrangements people have for commissioning their care.

### **Consultation Plans on "The Lives We Want to Lead"**

The Local Government Association (LGA) has recently launched a 'Green Paper for Adult Social Care and Wellbeing' ahead of the Government's own Green Paper which has been delayed until Autumn and will be published at the same time as the proposed NHS plan.

The LGA decided not to wait until the Autumn and unveiled their biggest ever eight-week consultation on how best to pay for care and support for adults and unpaid carers.

The consultation will end on 26<sup>th</sup> September and officers are arranging small events to capture feedback which will be sent to the LGA. Details of how to get involved will be circulated, but the website is as follows: <https://futureofadultsocialcare.co.uk>



The Green paper is consulting on the following areas:

*What is the role of Councils in improving health and wellbeing?*

*What is Adult Social Care and why is it important?*

*Decision making on Adult Social Care at local level versus central decision making*

*Funding for Adult Social Care*

*What are the options for change?*

*How should we pay for these changes?*

### **Community Equipment Store**

This Committee will receive a report of the Community Equipment Store in respect of the Model of Service in September 2018. The plan is that the Council will commission this service on behalf of the Clinical Commissioning Group.

### **Learning Disability Partnership Board**

The first meeting of the Partnership Board was held In July. The Board will be co-chaired by a representative from People First and myself. An analysis of service gaps is already underway with a planned event in late September to involve people with learning disabilities and their carers in reviewing services, with a particular focus on access to healthcare and housing.

### **Safeguarding - Barton Park Update**

Following a lengthy trial and sentencing that took place on 13<sup>th</sup> July 2018 in respect of several named parties, reporting restrictions were lifted. Notice was subsequently issued by the Local Authority, South Sefton CCG and Southport and Formby CCG. As a result of this residents were moved out and, as of the 2<sup>nd</sup> August, all residents had been moved from the home to alternative care providers. CQC issued a Section 31 Notice to Cancel Registration in respect of the home with effect from 3<sup>rd</sup> August 2018.

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<b>Cabinet Member Update Report</b> <b>Overview and Scrutiny Committee (Adult Social Care) - 4 September 2018</b>		
Councillor	Portfolio	Period of Report
Ian Moncur	Health and Wellbeing	June - August 2018

### **Service Plan**

This Service Plan details the priority activities for Public Health and Wellbeing for the next 12 months. It includes statutory requirements to support partners such as the CCG.

The plan will need to be adaptable to the changing landscape and continually be updated as work is prioritised and reprioritised over the coming months. Our focus and approach will be one of co-production and co-collaboration within the context of wider Council commissioning priorities, as well as the emerging programmes of Public Sector Reform.

Public Health is a statutory responsibility of the local authority with the purpose of the service to ensure the best health and wellbeing outcomes for the population of Sefton. To achieve this, we must plan and implement health improvement programmes, and ensure the quality, safety and effectiveness of local services commissioned by ourselves and others that impact on health.

In addition, the service works with partners to ensure the effective use of best information, intelligence and evidence base to improve health and wellbeing, and to reduce health inequalities.

Performance against the Service Plan will be updated accordingly and will include new data as and when it is released.

### **Workplace Wellbeing Charter**

The Charter is a national award endorsed by Public Health England and is an opportunity for employers to demonstrate their commitment to the health and wellbeing of their workforce, which provides benefits for both employers and employees.

The charter provides a benchmarking tool; together with advice, guidance and resources to make improvements across eight areas:

- Leadership
- Absence Management
- Health and Safety
- Mental Health and Wellbeing
- Smoking
- Physical Activity
- Healthy Eating
- Alcohol and Substance Misuse

As part of the Early Prevention and Intervention Programme 3 (EIP3), a Sefton workforce group has been established. This includes membership from across the Council. The group has been working through the Workplace Wellbeing Charter to

benchmark activity and identify areas for improvement. A number of areas have been identified as needing development.

This includes signing up to the Time to Change mental health campaign, the development of a healthy workplace statement, including business function guidance in Sefton's alcohol and drugs policy and implementing a communications plan to engage staff members in the work and ethos of the charter.

It is planned to apply for the charter early in 2019.

### **North Mersey Collaborative**

A second North Mersey Public Health Collaborative away day took place on 8 March 2018, following on from the first event in June 2017.

There were 49 people in attendance from the three Public Health Teams across Knowsley, Liverpool, and Sefton.

The purpose of both collaborative away days was to:

- Get to know each other a bit better
- Explore opportunities for closer working and collaboration
- Maximise our collective public health capacity and resources
- Achieve the best health outcomes for our residents

Everyone was keen to see something practical result from the time out. Therefore, we intend to progress the following recommendations over the next 12 / 18 months:

**Recommendation One** – A commitment from us all to continue to proactively explore opportunities to work together.

**Recommendation Two** – The need to develop an action plan capturing leads, timescales, and next steps for each of these key areas identified:

- Infant Mortality
- Smoking at Time of Delivery
- Children and Young People Mental Health
- Obesity and Healthy Weight
- Adverse Childhood Experience
- Health in all Policies (Alcohol/Licensing/Planning)
- Air Quality

**Recommendation Three** – A commitment to repeat the North Mersey Collaborative Away Day in approximately 12 months, to reflect on progress and successes.

### **NHS Health Checks**

The NHS Health Checks programme is a systematic health risk-assessment for adults aged 40-74 years, who do not have a pre-existing condition. Provision for NHS Health Checks is a statutory function of the local authority. A new community-based model for NHS Health Checks in Sefton has been developed through engagement with residents and key stakeholders, this new model replaces the previous GP based service which was commissioned until 31 March 2018.

Thirty-four staff from across the Living Well Sefton Service have been trained to deliver NHS Health Checks. The new community model is currently being piloted by the Active Sefton Service. The pilot will run whilst details of the standard operating procedure are being finalised with support of **Page 140** the Sefton Local Medical Committee.

### **Sefton Flu Planning Update**

#### **Flu Planning Group**

Planning for seasonal flu involves collaboration and engagement with a wide range of partners from several organisations, including the CCGs, Public Health England, NHS England, and the Community Infection Control Team.

In order to support this the Sefton Flu Planning Group has been re-established. The group will meet regularly to monitor and support vaccination uptake, promote key messages around flu vaccinations and staying well during the winter months, and to monitor outbreaks in community settings. Planned actions for the group include supporting funding applications for local initiatives to improve vaccination uptake, and ensuring the right mix of vaccinations will be made available for people in Sefton. This group will report to the Sefton Health Protection Forum.

#### **Staff Flu Vaccinations**

The Sefton Public Health team commission the staff flu vaccination programme within Sefton Council. This programme has demonstrated year-on year increases in the number of staff vaccinated. To maximise staff uptake of the vaccination we will use the learning from previous staff flu campaigns. This includes recruiting and engaging with staff flu champions, ensuring that there are a wide range of dates, times and locations for the delivery of the flu vaccination and that effective communications are in place to promote the programme.

### **National Breast Screening Programme Incident**

The NHS Breast Screening Programme is commissioned by NHS England through the local public health commissioning teams with input from Public Health England - Screening and Immunisation teams. This national screening programme invites women between the ages of 50 and 70 for breast screening every three years, up to their 71st birthday.

Earlier this year Public Health England identified, that across the country, there have been long-term problems with how invitations were sent out and that some women aged between 68 and 71 may not have received an appointment for their final screen. These problems have now been rectified and new fail-safe systems introduced.

Within Sefton, the Breast Screening Service is commissioned by NHS England, as part of the Liverpool Area Screening Programme. For assurance purposes, the Sefton Council Public Health Team have been receiving regular updates from both NHS England and the Public Health England Screening and Immunisation Team, and we have been informed that 1040 women have been affected in Sefton and that all will have been contacted by the end of July 2018, and offered advice and where appropriate a breast screening appointment. We will continue to seek assurance that the National Breast Screening Programme is being delivered effectively to women in Sefton.

### **Healthy Weight Declaration**

A Local Authority Declaration on Healthy Weight has been designed and developed by the Health Equalities Group Food Active project. The Declaration sets out why tackling obesity is important and a number of pledges which local authorities can make to address obesity.

There are a number of work areas which have been progressed which support Sefton's commitment to the Healthy Weight Declaration and pledges.

These include; the production of a 'Sefton's guide to talking about weight with adults, children and families' which includes referral pathways to make it easier for health, social and community staff to provide brief advice and appropriate onward referral; the introduction of Active Sefton's whole schools approach to health weight for primary schools and the development of healthy catering and vending guidelines for Sefton Council.

Next steps include: achieving UNICEF Baby Friendly Initiative Accreditation, which is based on a set of interlinking [evidence-based](#) standards for maternity, health visiting, neonatal and children's centres services; and scoping options to encourage takeaways and cafes to provide healthier choices with a focus on areas with greatest density of outlets coupled with area deprivation.

### **Workplace Statement**

A requirement of the National Workplace Wellbeing charter is that organisations have a healthy workplace statement which sets out commitment to improving the health of the workforce including the promotion of physical activity and healthy eating. A working group involving Public Health, Active Sefton, Environmental Health, Communications and Facilities Management have developed a workplace Statement.

The following groups have been consulted with in the development of the statement; Senior Leadership Board, Healthy Weight Declaration Steering group and the EIP3 Workforce group. As part of the charter, Active Workforce Programme will continue to provide health and wellbeing education and activities available to all Sefton Local Authority employees.

### **Teenage Pregnancy Event**

Following a joint Sefton, Knowsley and Public Health England event on teenage pregnancy an Action Plan was drawn up to consider a number of issues including relationships and sex education in schools, effective ways of engaging young people in sexual health awareness, a review of C-card provision and support around second unintended pregnancy.

Public Health are now working in collaboration with the commissioned sexual health and 0 – 19 services, Sefton Youth Cabinet and Primary and Secondary School Heads to plan a response and support for the implementation of the new mandatory school's programme. Work with Sefton Sexual Health Service will help to better understand any gaps in support around second unintended pregnancy while Public Health and Sexual Health partners will be reviewing the effectiveness of the contraception offer post termination.

Outcomes from the above workstreams in conjunction with Public Health England planning guidance will be used to inform the development of a local teenage pregnancy plan.

The recent publication of Local Government Association Guidance on problem gambling outlines a number of considerations for Councils in their efforts to address problem gambling. The guidance sets out key recommendations on compliance and enforcement, location of premises and the role of Public Health. Work will now start to review Sefton Councils position against those recommendations, identify any gaps in compliance and identify key partners for delivering a response. Public Health will work with the Licensing Team to ensure that a Licensing Statement of Policy is up to date and includes reference to social responsibility.

### **Update on a System-wide Approach to Improve Falls Prevention and Care**

This briefing paper set out an initial scope and plans to develop stronger, more effective partnership working in the area of falls prevention.

Summary data on the scale, human and financial cost of falls was presented: in 2016/17 1,658 Sefton residents aged 65 and over experienced an emergency admission to hospital following a fall. After accounting for the age profile of Sefton residents the rate of falls has been higher than the English average since 2014.

Despite falls being recognised as a concern across health and care partners and residents, and the existence of a patchwork of falls services in the north and south of the borough, the brief identified a need for a falls strategic network to develop a shared understanding of need, provision and best practice.

The proposal set out relevant stakeholders, initial tasks such as data and intelligence gathering, a gap analysis against national system-wide standards, identification of priorities for change, and involvement of older people.

### **Improving Resilience to Debt in Central Southport**

This briefing provided an update on the current and future direction of this work, funded as part of a regional programme of collaborative work between universities, health partners and communities (Collaboration for Leadership in Applied Health Research and Care in the North-West Coast area of England – CLAHRC NWC). The update included information on an extension to the programme, with investment continuing until September 2019.

The primary goal of this Neighbourhood Resilience research is to explore how systems can be made more resilient by bringing local people and agencies together to discuss, problem-solve and make improvements in partnership. This is a departure from the usual emphasis placed on making individuals more resilient to life challenges. The key concepts are connectivity and empowerment. In Central Southport, this approach has been applied to 'improve access to high quality debt advice and support'.

The steering group's work included Stop Loan Sharks work with migrant workers, work with pupils and teachers to raise awareness of debt and availability of local advice services, training for resident advisers to give advice on debt support services. These now feature in an article for the World Health Organisation.

The resident advisers' and CVS facilitator's current goals were to explore new lines of inquiry and possibly produce a leaflet or online resource to reflect real experiences of problem debt, raise awareness of support options and highlight the work of the steering group on behalf of residents. Links to make this work sustainable were being considered, including ongoing work within Welfare Reform and Well Sefton.

### **Air Quality – update on developerPage 143ative with schools**

This briefing was provided with the purpose of presenting options and agreeing funding for continuation of the Clean Air Crew Air Quality educational and awareness-raising programme in schools.

A universal and targeted option were presented. Agreement was reached to invest £10,000 from Public Health to continue targeted work focusing on schools in or near Air Quality Management Areas in 2018/19.

The educational package developed by the Energy and Environmental Management Team and Southport Eco Visitor Centre is aimed at children in key stage 1 and 2 and includes an interactive website and outdoor and classroom-based learning activities and lesson plans.

### **National Clean Air Strategy Consultation – Options for Community Engagement**

This briefing set out a proposal for a community engagement event centring on the Government's Public Consultation on its draft Clean Air Strategy.

Whilst recognising the excellent work that has gone on through the air quality communications plan, this paper highlighted an opportunity for direct more engagement work in communities on the important issue of air quality.

The briefing summarised the proposal prepared for the Consultation and Engagement Panel on the preferred, face-to-face engagement option, as previously agreed through an internal options appraisal. This included a statement of the main aims: to enable members of the public to contribute to the national Clean Air Strategy Consultation, to provide information about the work of the Council, and to promote day to day choices that reduce air pollution.

Information presented for feedback and comment included details of the anticipated scale and venue for the event; an outline programme featuring presentations and round-table discussions; anticipated officer inputs and other resources, key external partners, co-production with community representatives, key messages, outputs, outcomes and plans for evaluation and learning. The main output of the event was identified as a Sefton Community Response document to be submitted to DEFRA alongside the Council's Officer Response.

### **Campaigns Activity**

As in previous years we are co-ordinating communication activity with key partners including both CCGs, HealthWatch, Living Well Sefton, Northwest Boroughs, MerseyCare and Well Sefton. The main aim is to raise awareness of key health messages to the population of the borough, enabling residents to make informed choices to protect their health and help people to improve their health and wellbeing, by focusing on prevention, promotion of behaviour change and early detection.

Promotion of specific national campaigns is scheduled to take place including key messages about Sepsis, flu vaccinations, staying well in summer and winter, Stoptober, various types of cancer, etc. The locally created mental wellbeing campaign 'Sefton In Mind' will also be repeated. Larger and longer-term campaigns such as achieving Age-Friendly and Dementia Friendly Communities status will be progressed using a partnership approach across the Liverpool City Region.



**Launch of Green Sefton** - Green Sefton brings together the previous Coast and Countryside, Parks and Greenspaces, Flooding and Coastal Erosion, Risk Management and Grounds Maintenance teams all together to ensure a joined-up approach to the vital management, development and oversight of Sefton's coastline, parks and green spaces. The public launch took place on 8<sup>th</sup> June, with a combined event with a litter pick and plastic pollution awareness for World Oceans Day.

A service vision and service plan are being developed which will be shared with all Councillors in the Autumn and will be guided by discussions with Ward Councillors and Friends groups etc.

**Apprenticeships** - A key support for the development of the new service, and to succession plan, is the development of six Apprenticeships across the service. In the population of the structure, two previous apprentices were successful in being appointed as full-time employees.

**Community Rangers** - Volunteering (either 'public' or 'partnering') remains key to service delivery. The three Community Rangers are to undertake an audit with all Friends/community groups in order to establish what support they require and how the service will work with them in the future.

### **Community self-management/Market testing of empty buildings**

The service continues to explore new opportunities to facilitate community, sports and other groups taking on self-management of their facilities and features. In addition to existing arrangements, developing discussions are ongoing with a combination of groups and a market test exercise is to be undertaken to hopefully find suitable users for empty buildings (which may include commercial lettings).

### **Community/Partnerships**

**Hesketh Park** - two new volunteer groups i.e. Hesketh Centre volunteers and the 'Lake Group' have recently started to volunteer in the Park and are making a huge contribution. Negotiations have begun for the 'lake group' to take on self-management aspects of the lake and floral clock and for them to look to bring back boats for hire on the lake. The contribution of the new Groups is alongside the various existing volunteer groups.

### **Flooding Issues**

Following thunderstorms on 31st May, two houses in Birkdale were affected by flooding - mitigation put in place (flood doors) were effective on one house, and the other was flooded under floorboards, but this did not reach within the actual house.

The previous months have been one of the driest periods on record, however, in June and July have seen 2 incidents of flooding.

The first one was on the 12<sup>th</sup> June, near Waddicar, when a piped watercourse under the Leeds Liverpool canal collapsed allowing canal water to flow out uncontrolled. There was only 1 property internally flooded and we are working with Canal and Rivers Trust on fixing the collapse.

The second one, happened on the 12<sup>th</sup> July when an area of Aintree experienced intense rainfall associated with a thunderstorm. The majority of the flood water was contained within the highway however, a number of residents on Sherwoods Lane had

external (garden) flooding, had Merseyside Fire and Rescue not responded there would have been internal flooding.

### **Bank Holiday/busy days**

On the Early May Bank Holiday, several coast gateway sites (including Ainsdale, Crosby, Formby and Southport) enjoyed unprecedented visitor numbers. (This was actually common across the country with a 'perfect storm' of the bank holiday and fantastic weather). While this was hugely welcome to us all, and it is pleasing that so many people saw Sefton's Coast as a destination on such an occasion, it also presented many challenges so processes have been updated to put in place measures to increase resources on such days in the future. This also includes working with National Trust and other Partners.

### **Capital schemes**

**Buckley Hill Playing fields extension of car parking** - Funding of a car park extension has been allocated by Full Council in order to alleviate severe roadside car park issues experienced last playing season. Works are being procured and the scheme will be complete in the Autumn.

**Ovington Drive and Smithy Green Play Areas** - Works are being procured, and will be undertaken in the Autumn.

### **Benchmarking/ Awards**

**Green Flag Award** - The following sites all retained the Award for 2018/19: Botanic Gardens, Hesketh Park, Lord Street Gardens, King's Gardens, Coronation Park, Hatton Hill Park, Derby Park, North Park and Duke Street Park, Formby.

**Green Flag Community Award** - In 2018/19 the service assisted several community groups in retaining the Green Flag Community Award: Rotten Row, Southport, St Luke's Church Grounds, North Park Community Garden (involving the Gateway Collective and Ykids), Bridge Inn Community Farm, Formby, Friends of Ainsdale Village Park (who achieved the award for the first time in 2017), and Edda, also located in Ainsdale.

**Britain in Bloom** - All town and neighbourhood entries have been made, judging took place in July, results will be announced in a ceremony in the Autumn. The BBC have taken an interest in Southport in Bloom, and have begun filming the development of this year's entry.

**Bathing Water quality** - The Environment Agency have begun their monitoring of our three bathing waters. We are following requirements for providing public notices etc (e.g. at high tide, or after storms). No issues have been raised to date.

# Agenda Item 10

<b>Report to:</b>	Overview and Scrutiny Committee  (Adult Social Care and Health)	<b>Date of Meeting:</b>	4 September 2018
<b>Subject:</b>	Work Programme 2018/19, Scrutiny Review Topics and Key Decision Forward Plan		
<b>Report of:</b>	Head of Regulation and Compliance	<b>Wards Affected:</b>	All
<b>Cabinet Portfolio:</b>	Adult Social Care and Health and Wellbeing		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary:

To seek the views of the Committee on its Work Programme for the remainder of the Municipal Year 2018/19; identify potential topics for scrutiny reviews to be undertaken by a Working Group(s) appointed by the Committee; and identify any items for pre-scrutiny scrutiny by the Committee from the Key Decision Forward Plan.

## Recommendations:

That:-

- (1) the Work Programme for 2018/19, as set out in Appendix A to the report, be considered, along with any additional items to be included and thereon be agreed;
- (2) the Committee is requested to consider whether it wishes to identify any potential scrutiny review topic(s) at this time, and if so, to establish a Working Group for the chosen topic and appoint at least 3 Members of the Committee to the Working Group; and
- (3) the Committee is requested to consider items for pre-scrutiny from the Key Decision Forward Plan as set out in Appendix C to the report, which fall under the remit of the Committee and any agreed items be included in the work programme referred to in (1) above.

# Agenda Item 10

## Reasons for the Recommendation(s):

To determine the Work Programme of items to be considered during the Municipal Year 2018/19; identify scrutiny review topics which would demonstrate that the work of the Overview and Scrutiny “adds value” to the Council; and update on work that falls under the remit of the Committee.

The pre-scrutiny process assists Cabinet Members to make effective decisions by examining issues before making formal decisions.

## Alternative Options Considered and Rejected: (including any Risk Implications)

No alternative options have been considered as the Overview and Scrutiny Committee needs to approve its Work Programme and identify scrutiny review topics.

## What will it cost and how will it be financed?

There are no direct financial implications arising from this report. Any financial implications arising from the consideration of a key decision or relating to a recommendation arising from a Working Group review will be reported to Members at the appropriate time.

(A) **Revenue Costs** – see above

(B) **Capital Costs** – see above

## Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> None
<b>Legal Implications:</b> None
<b>Equality Implications:</b> There are no equality implications.

## Contribution to the Council’s Core Purpose:

Protect the most vulnerable: None directly applicable to this report but reference in the Work Programme to the approval of and monitoring of recommendations relating to this Purpose will help to protect vulnerable members of Sefton’s communities.
Facilitate confident and resilient communities: None directly applicable to this report
Commission, broker and provide core services: None directly applicable to this report
Place – leadership and influencer: None directly applicable to this report.
Drivers of change and reform: None directly applicable to this report
Facilitate sustainable economic prosperity: None directly applicable to this report
Greater income for social investment: None directly applicable to this report

Cleaner Greener: None directly applicable to this report
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## What consultations have taken place on the proposals and when?

### (A) Internal Consultations

The Work Programme and Key Decision Forward Plan Report is not subject to FD/LD consultation. Any specific financial and legal implications arising from the consideration of a key decision will be subsequently reported to Members in an appropriate manner.

The Head of Adult Social Care has been consulted in the preparation of this report.

### (B) External Consultations

Not applicable

### Implementation Date for the Decision

Immediately following the Committee meeting.

<b>Contact Officer:</b>	Debbie Campbell
Telephone Number:	0151 934 2254
Email Address:	<a href="mailto:debbie.campbell@sefton.gov.uk">debbie.campbell@sefton.gov.uk</a>

### Appendices:

The following appendices are attached to this report:-

- Appendix A - Work Programme for 2018/19;
- Appendix B - Criteria Checklist For Selecting Topics For Review; and
- Appendix C - Latest Key Decision Forward Plan items relating to this Overview and Scrutiny Committee.

### Background Papers:

There are no background papers available for inspection.

### Introduction/Background

#### 1. WORK PROGRAMME 2018/19

1.1 The Work Programme of items to be submitted to the Committee for consideration during the remainder of the Municipal Year 2018/19 is attached at **Appendix A** to the report. The programme has been produced in liaison with the appropriate Heads of Service, whose roles fall under the remit of the Committee.

1.2 Members are requested to consider whether there are any other items that they wish the Committee to consider, that fall within the terms of reference of the

# Agenda Item 10

Committee. The Work Programme will be submitted to each meeting of the Committee during 2018/19 and updated, as appropriate.

- 1.3 **The Committee is requested to comment on the Work Programme for the remainder of 2018/19, as appropriate, and note that additional items may be submitted to the Programme at future meetings of the Committee during this Municipal Year.**

## **2. SCRUTINY REVIEW TOPICS 2018/19**

- 2.1 It is usual practise for the Committee to appoint a Working Group to undertake a scrutiny review of services during the Municipal Year. During 2017/18 a Working Group established by the Committee finalised a review on Residential and Care Homes.
- 2.2 At its last meeting on 26 June 2018, the Committee agreed to defer the appointment of any new Working Group(s) during 2018/19 to a future meeting (Minute No. 12 (2) refers).
- 2.3 It was suggested at the last meeting that the Committee may wish to consider appointing a Working Group once the Clinical Commissioning Groups report back to the Committee with the additional information requested on the GP Primary Care Strategy in Sefton
- 2.4 A criteria checklist for selecting and rejecting potential topics to review is attached at **Appendix B**, to assist the Committee in selecting topic(s) and appointing Working Group(s) for the Municipal Year.
- 2.5 **The Committee is requested to consider whether it wishes to identify any potential scrutiny review topic(s) at this time, and if so, to establish a Working Group for the chosen topic and appoint at least 3 Members of the Committee to the Working Group.**

## **3. PRE-SCRUTINY OF ITEMS IN THE KEY DECISION FORWARD PLAN**

- 3.1 Members may request to pre-scrutinise items from the Key Decision Forward Plan which fall under the remit (terms of reference) of this Committee. The Forward Plan, which is updated each month, sets out the list of items to be submitted to the Cabinet for consideration during the next four month period.
- 3.2 The pre-scrutiny process assists the Cabinet Members to make effective decisions by examining issues beforehand and making recommendations prior to a determination being made.
- 3.3 The Overview and Scrutiny Management Board has requested that only those key decisions that fall under the remit of each Overview and Scrutiny Committee should be included on the agenda for consideration.
- 3.4 The latest Forward Plan is attached at **Appendix C** for this purpose. For ease of identification, items listed on the Forward Plan for the first time appear as shaded.

- 3.5 There is just 1 item within the current Plan that falls under the remit of the Committee on this occasion, namely:-
- Healthwatch Sefton.
- 3.6 Should Members require further information in relation to any item on the Key Decision Forward Plan, would they please contact the relevant Officer named against the item in the Plan, prior to the Meeting.
- 3.7 **The Committee is invited to consider items for pre-scrutiny from the Key Decision Forward Plan as set out in Appendix C to the report, which fall under the remit of the Committee and any agreed items be included in the Work Programme referred to in (1) above.**

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## OVERVIEW AND SCRUTINY COMMITTEE (ADULT SOCIAL CARE AND HEALTH)

## WORK PROGRAMME 2018/19

Date of Meeting	26 JUNE 18	04 SEPTEMBER 18	16 OCTOBER 18	08 JANUARY 19	26 FEBRUARY 19
<b>Regular Reports:-</b>					
Cabinet Member Update Report	X	X	X	X	X
Work Programme Update (Debbie Campbell)	X	X	X	X	X
CCGs' Update Report	X	X	X	X	X
Health Provider Performance Dashboard (CCGs)	X	X	X	X	X
<b>Service Operational Reports:-</b>					
Public Health Annual Report (Steve Gowland)	X				
Community Equipment Store Review (Sharon Lomax)		X			
Effectiveness of Local Authority Overview & Scrutiny Committees – Government Response to DCLG Select Committee Report (Paul Fraser)		X			

Item	26 JUNE 18	04 SEPTEMBER 18	16 OCTOBER 18	08 JANUARY 19	26 FEBRUARY 19
Green Paper on Care and Support for Older People & Long-Term Funding (Sharon Lomax)			X	X	
Draft Quality Accounts - Process to be Undertaken (Debbie Campbell)				X	
<b>CCGs' Updates</b>					
Finance Allocations Update	X				
<b>NHS Updates:-</b>					
GP Primary Care Strategy (CCGs & NHS England)	X				
Southport & Ormskirk Hospital NHS Trust		X			
<b>Scrutiny Review Progress Report:</b>					
Residential & Care Homes Working Group – Progress Report (Peter Moore)			X		

### CRITERIA CHECKLIST FOR SELECTING TOPICS FOR REVIEW

<b>Criteria for Selecting Items</b>
▪ Issue identified by members as key issue for public (through member surgeries, other contact with constituents or volume of complaints)
▪ Poor performing service (evidence from performance indicators/benchmarking)
▪ Service ranked as important by the community (e.g. through market surveys/citizens panels)
▪ High level of user/general public dissatisfaction with service (e.g. through market surveys/citizens panels/complaints)
▪ Public interest issue covered in local media
▪ High level of budgetary commitment to the service/policy area (as percentage of total expenditure)
▪ Pattern of budgetary overspends
▪ Council corporate priority area
▪ Central government priority area
▪ Issues raised by External Audit Management Letter/External audit reports
▪ New government guidance or legislation
▪ Reports or new evidence provided by external organisations on key issue
▪ Others

### CRITERIA FOR REJECTION

<b>Potential Criteria for Rejecting Items</b>
▪ Issue being examined by the Cabinet
▪ Issue being examined by an Officer Group : changes imminent
▪ Issue being examined by another internal body
▪ Issue will be addressed as part of a Service Review within the next year
▪ New legislation or guidance expected within the next year
▪ Other reasons specific to the particular issues.

## SCRUTINY CHECKLIST DO'S AND DON'TS

<b>DO</b>
◆ Remember that Scrutiny
◆ Is about learning and being a "critical friend"; it should be a positive process
◆ Is not opposition
◆ Remember that Scrutiny should result in improved value, enhanced performance or greater public satisfaction
◆ Take an overview and keep an eye on the wider picture
◆ Check performance against local standards and targets and national standards, and compare results with other authorities
◆ Benchmark performance against local and national performance indicators, using the results to ask more informed questions
◆ Use Working Groups to get underneath performance information
◆ Take account of local needs, priorities and policies
◆ Be persistent and inquisitive
◆ Ask effective questions - be constructive not judgmental
◆ Be open-minded and self aware - encourage openness and self criticism in services
◆ Listen to users and the public, seek the voices that are often not heard, seek the views of others - and balance all of these
◆ Praise good practice and best value - and seek to spread this throughout the authority
◆ Provide feedback to those who have been involved in the review and to stakeholders
◆ Anticipate difficulties in Members challenging colleagues from their own party
◆ Take time to review your own performance
<b>◆ DON'T</b>
◆ Witch-hunt or use performance review as punishment
◆ Be party political/partisan
◆ Blame valid risk taking or stifle initiative or creativity
◆ Treat scrutiny as an add-on
◆ Get bogged down in detail
◆ Be frightened of asking basic questions
◆ Undertake too many issues in insufficient depth
◆ Start without a clear brief and remit
◆ Underestimate the task
◆ Lose track of the main purpose of scrutiny
◆ Lack sensitivity to other stakeholders
◆ Succumb to organisational inertia
◆ Duck facing failure - learn from it and support change and development
◆ Be driven by data or be paralysed by analysis - keep strategic overview, and expect officers to provide high level information and analysis to help.

### KEY QUESTIONS

**Overview and Scrutiny Committees should keep in mind some of the fundamental questions:-**

Are we doing what users/non users/local residents want?
Are users' needs central to the service?
Why are we doing this?
What are we trying to achieve?
How well are we doing?
How do we compare with others?
Are we delivering value for money?
How do we know?
What can we improve?

### INVESTIGATIONS:-

To what extent are service users' expectations and needs being met?
To what extent is the service achieving what the policy intended?
To what extent is the service meeting any statutory obligations or national standards and targets?
Are there any unexpected results/side effects of the policy?
Is the performance improving, steady or deteriorating?
Is the service able to be honest and open about its current performance and the reasons behind it?
Are areas of achievement and weakness fairly and accurately identified?
How has performance been assessed? What is the evidence?
How does performance compare with that of others? Are there learning points from others' experiences?
Is the service capable of meeting planned targets/standards? What change to capability is needed.
Are local performance indicators relevant, helpful, meaningful to Members, staff and service users?

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## SEFTON METROPOLITAN BOROUGH COUNCIL FORWARD PLAN

**FOR THE FOUR MONTH PERIOD 1 SEPTEMBER 2018 - 31 DECEMBER 2018**

This Forward Plan sets out the details of the key decisions which the Cabinet, individual Cabinet Members or Officers expect to take during the next four month period. The Plan is rolled forward every month and is available to the public at least 28 days before the beginning of each month.

A Key Decision is defined in the Council's Constitution as:

1. any Executive decision that is not in the Annual Revenue Budget and Capital Programme approved by the Council and which requires a gross budget expenditure, saving or virement of more than £100,000 or more than 2% of a Departmental budget, whichever is the greater;
2. any Executive decision where the outcome will have a significant impact on a significant number of people living or working in two or more Wards

As a matter of local choice, the Forward Plan also includes the details of any significant issues to be initially considered by the Executive Cabinet and submitted to the Full Council for approval.

Anyone wishing to make representations about any of the matters listed below may do so by contacting the relevant officer listed against each Key Decision, within the time period indicated.

Under the Access to Information Procedure Rules set out in the Council's Constitution, a Key Decision may not be taken, unless:

- it is published in the Forward Plan;
- 5 clear days have lapsed since the publication of the Forward Plan; and
- if the decision is to be taken at a meeting of the Cabinet, 5 clear days notice of the meeting has been given.

The law and the Council's Constitution provide for urgent key decisions to be made, even though they have not been included in the Forward Plan in accordance with Rule 26 (General Exception) and Rule 28 (Special Urgency) of the Access to Information Procedure Rules.

Copies of the following documents may be inspected at the Town Hall, Oriel Road, Bootle L20 7AE or accessed from the Council's website: [www.sefton.gov.uk](http://www.sefton.gov.uk)

- Council Constitution
- Forward Plan
- Reports on the Key Decisions to be taken
- Other documents relating to the proposed decision may be submitted to the decision making meeting and these too will be made available by the contact officer named in the Plan
- The minutes for each Key Decision, which will normally be published within 5 working days after having been made

# Agenda Item 10

## APPENDIX C

Some reports to be considered by the Cabinet/Council may contain exempt information and will not be made available to the public. The specific reasons (Paragraph No(s)) why such reports are exempt are detailed in the Plan and the Paragraph No(s) and descriptions are set out below:-

1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the Authority
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
6. Information which reveals that the authority proposes a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or b) to make an order or direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
8. Information falling within paragraph 3 above is not exempt information by virtue of that paragraph if it is required to be registered under—
  - (a) the Companies Act 1985;
  - (b) the Friendly Societies Act 1974;
  - (c) the Friendly Societies Act 1992;
  - (d) the Industrial and Provident Societies Acts 1965 to 1978;
  - (e) the Building Societies Act 1986; or
  - (f) the Charities Act 1993.
9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992
10. Information which—
  - (a) falls within any of paragraphs 1 to 7 above; and
  - (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Members of the public are welcome to attend meetings of the Cabinet and Council which are held at the Town Hall, Oriel Road, Bootle or the Town Hall, Lord Street, Southport. The dates and times of the meetings are published on [www.sefton.gov.uk](http://www.sefton.gov.uk) or you may contact the Democratic Services Section on telephone number 0151 934 2068.

### NOTE:

*For ease of identification, items listed within the document for the first time will appear shaded.*

**Margaret Carney**  
**Chief Executive**



## FORWARD PLAN INDEX OF ITEMS

Item Heading	Officer Contact
Healthwatch Sefton	John Keogh john.keogh@sefton.gov.uk Tel: 0151 934 3718

## SEFTON METROPOLITAN BOROUGH COUNCIL FORWARD PLAN

Details of Decision to be taken	<p><b>Healthwatch Sefton</b> To seek approval to begin a tendering process for a new contract to deliver Sefton's local Healthwatch service. The Health and Social Care Act 2012 makes provision for a Local Healthwatch to act as the consumer champion for health and social care services. Responsibility for commissioning this service has been with Local Authorities since 1st April 2013. Sefton CVS were awarded a two year contract (with a one year option to extend) to deliver Sefton's local Healthwatch service via a subsidiary in April 2013. The contract ended on 31st March 2015 and the contract was extended for a further 12 months to 31st March 2016. The contract was re-awarded to Sefton CVS in April 2016 for 2 years with the option of a 1 year extension and is due to end March 2019</p>			
Decision Maker	Cabinet			
Decision Expected	6 Sep 2018 Decision due date for Cabinet changed from 26/07/2018 to 06/09/2018. Reason: to enable the production of a more detailed business case			
Key Decision Criteria	Financial	Yes	Community Impact	Yes
Exempt Report	Open			
Wards Affected	All Wards			
Scrutiny Committee Area	Adult Social Care			
Persons/Organisations to be Consulted	Not applicable			
Method(s) of Consultation	Not applicable			
List of Background Documents to be Considered by Decision-maker	Healthwatch Sefton			
Contact Officer(s) details	John Keogh john.keogh@sefton.gov.uk Tel: 0151 934 3718			