# ENVIRONMENT, CULTURE AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL 16 MARCH 2009

# OVERVIEW AND SCRUTINY QUARTERLY PROGRESS REPORT AND INDICATIVE WORK PROGRAMME (Assistant Chief Executive)

#### 1 INTRODUCTION

1.1 This report sets out the Overview and Scrutiny (O&S) activity over the period November 2008 to January 2009, summarises significant national developments in O&S, and seeks agreement to an indicative work programme for O&S in 2009/10.

#### 2 RECOMMENDATIONS

It is recommended that the Environment, Culture and Communities Overview and Scrutiny Panel:

- 2.1 Notes the Overview and Scrutiny (O&S) activity over the period November 2008 to January 2009, set out in section 3 and Appendices 1 and 2.
- 2.2 Notes the national legislative developments on O&S set out in section 3, on which there will be further Member briefing.
- 2.3 Endorses the draft indicative work programme for O&S for the 2009/10 municipal year set out in Appendix 3.

#### 3 SUPPORTING INFORMATION

#### (i) Overview and Scrutiny Activity

#### Overview and Scrutiny Working Groups

3.1 The table at Appendix 1 sets out the current status of the O&S Working Groups, along with the list of completed reviews. This continues to represent a demanding programme. Three Working Group reports were finalised and published in the quarter, on Street Cleaning, the Review of implications for Schools of English as an Additional Language, and the review progress on the Supporting People Action Plan.

## Overview and Scrutiny Commission

3.2 The O&S Commission continues to meet on a two-monthly cycle, with its last meeting on 22 January, when the main items included: the Quarter 2 Corporate Performance Overview Report, scrutiny of the Council's budget proposals for 2009/10 and fees and charges, and considering the Executive's responses to reports by three O&S Working Groups which reviewed the Local

Area Agreement, Street Cleaning in the Borough, and Support for Carers. Acting on the advice of the Borough Solicitor, the O&S Commission, also all the O&S Panels, passed a resolution requiring the attendance of Executive Members at their meetings, as appropriate. The Commission's next meeting will be on 19 March.

## Environment, Culture and Communities O&S Panel

3.3 The Panel has continued to meet on a three-monthly cycle. At its last meeting on 18 December, the Panel received a report and presentation on the work of the Benefits Service and agreed to form a working group to provide input to the Service's improvement plan. The Panel also reviewed the Department's Performance Monitoring Report, and scrutinised the Council's 2009/10 budget proposals for the departmental area. The Panel received an update from the working group monitoring the Supporting People Action Plan. The main work of the Panel is being progressed through the working groups (see Appendix 1), which are progressing well. The Panel's next meeting is on 16 March.

# Health O&S Panel

3.4 The Panel has continued to meet on a three-monthly cycle. The last meeting was held at Heatherwood Hospital on 8 January, when the main items included appointing a co-optee to the Panel from the Local Involvement Network, and receiving updates on the 'Right Care, Right Place' programme, the PCT budget position, and progress in controlling hospital-acquired infections. Working Groups are making progress, as shown in Appendix 1. The Working Group on Patient Focus is to be re-started with revised membership. The Chairman and Vice Chairman have continued to represent the Panel at meetings of the South Central Health O&S group and at various Department of Health conferences. The Panel's next meeting is on 12 March.

#### Social Care and Learning O&S Panel

3.5 The Panel has continued to meet on a three-monthly cycle, with one additional meeting in the quarter. At its November meeting, the main items considered by the Panel included consideration of the Joint Strategic Needs Assessment for the Borough and the annual reports of the Local Safeguarding Children's Board and Safeguarding Adults, and agreeing the O&S report on English as an Additional Language. At its last meeting on 17 December, the Panel reviewed the Department's Performance Monitoring report, and scrutinised the Council's 2009/10 budget proposals for the departmental area. The Panel also considered the Executive's response to the report from the Working Group on Support for Carers, and received the statutory annual reports for complaints relating to Children's and Adults social care. The main work of the Panel is being progressed through the working groups (see Appendix 1), which are progressing well. The Panel's next scheduled meeting is on 25 March.

#### Joint East Berkshire Health O&S Committee

3.6 This Committee, chaired and serviced by RB Windsor and Maidenhead, continues to meet broadly on a three-monthly cycle, rotating between the three Councils' venues. Discussions have been held with RB Windsor and Maidenhead Council to see how the Committee's effectiveness can be improved, and these are continuing. The last Committee meeting was on 17

December in Slough, when the Committee received updates on the PCT budget and Child and Adolescent Mental Health Services, and considered its work programme. The Committee continues to be represented on the Berkshire East PCT's Strategy Implementation Group. The Committee's next meeting will be on 5 March at Maidenhead, with the main item being the annual 'Healthcheck' process.

- 3.7 The new arrangements continued this quarter to obtain feedback on the quality of O&S reviews. The response to the fourth questionnaire was similarly positive to the first three questionnaires (Appendix 2).
- 3.8 Training for Overview and Scrutiny during the quarter included a Member training event on Budget Scrutiny, in readiness for the consultation on the Council's budget proposals for 2009/10, and officer training on O&S issues at the University of Birmingham.
- 3.9 External networking on O&S in the last quarter has included presentations on the work of O&S to Members and officers of Milton Keynes BC and Reading BC, at the request of those Councils. A Member of the Isle of Wight Council will be attending the meeting of the Environment, Culture and Communities O&S Panel meeting in March.
- 3.10 Quarterly review meetings between O&S Chairmen, Vice Chairmen, Executive Members and Directors are taking place regularly for the Commission and the Panels. Agenda-setting meetings continue to be held, usually in combination with the review meetings.

### (ii) Developments in O&S Legislation and National Policy

- 3.11 Further Member briefing will be provided on a number of developments in O&S legislation and national policy once further information becomes available from government. In January, the Department for Communities and Local Government (CLG) published the outcome of its consultation 'Communities in control: real people, real power improving local accountability'. The O&S Commission, in consultation with the Corporate Management Team, was a respondee to this CLG consultation. Government's conclusion on the way forward differs to the BFC responses in only one area, in relation to remote attendance and voting by Councillors. CLG had proposed to legislate to allow authorities to modify their attendance and voting procedures as necessary to allow remote voting. Half the respondents opposed the proposals outright, a third gave support qualified to a greater or lesser extent for some or all aspects of the proposal, and less than a quarter supported the proposal in the consultation document. CLG have said it acknowledges the concerns but believes that these can be addressed successfully. The Government believes the implementation of the proposals will require primary legislation and accordingly they intend to work with the Local Government Association, local authorities and other stakeholders to address the particular concerns raised pending introduction of primary legislation which the Government intends to seek at the next convenient opportunity. Most of the CLG's proposals are being progressed through the Local Democracy, Economic Development And Construction Bill (see below).
- 3.12 The <u>Local Democracy</u>, <u>Economic Development and Construction Bill</u> was introduced in the House of Lords on 4 December 2008. The main clauses relating to Overview and Scrutiny are:

- a) Clause 1 sets out certain democratic requirements for principal local authorities, setting a duty to promote understanding of various issues among local people. This includes the arrangements for people to participate in or influence the making of decisions. This would include arrangements for members of the public to attend and influence Council and Executive meetings, and other committee meetings. It would also cover participation in processes for reviewing those decisions such as through the council's overview and scrutiny committees.
- b) Clause 16 provides that certain senior officers of a principal local authority can be called to account at a public meeting. It is up to principal authorities to determine which of their officers are liable to be called to account, but their petition schemes must ensure that as a minimum the Chief Executive of the authority, and the most senior officers responsible for the delivery of services can be required to attend meetings of overview and scrutiny committees when requested to do so by a petition with a number of signatures above the threshold in the authority's scheme. The reasons for the request must relate to the officer's job functions. This clause has the effect of conferring the public hearing function on such committees.
- c) Clause 17 gives the petition organiser the power to ask an overview and scrutiny committee to review the principal local authority's response to their petition, if the organiser is not satisfied with the steps taken by the authority on their petition. The O&S committee may arrange for Council to carry out this function that is to say the response of the authority to the petition could be discussed at a meeting of Council.
- d) Clause 27 requires local authorities to designate one of their officers as a Scrutiny Officer to support the work of the authority's overview and scrutiny committee(s). The duties of the Scrutiny Officer are set out in the Bill, which also specifies those officers who may not be designated by the authority as the Scrutiny Officer.
- 3.13 It is notable that, in introducing the Bill at its second reading, Baroness Andrews said, 'Overview and scrutiny is an essential and growing part of the democratic process in holding to account those who exercise executive leadership. It is fast improving but, as the Centre for Policy and Scrutiny established, more can be done to help. Surveying local authorities extensively last year, the centre found that more must be done in tackling the capacity and perception of, and weight given to, the work of overview and scrutiny function in councils.' Developments on this Bill are being monitored.
- 3.14 The O&S provisions in the Local Government and Public Involvement in Health Act 2007 will commence in April 2009. To prepare for this, CLG has commissioned the Centre for Public Scrutiny to draft best practice guidance for those issues which relate to the local authority scrutiny function. The first three pieces of this guidance, to be issued shortly, will be on the Councillor Call for Action, arrangements for the scrutiny of partners, and arrangements around joint committees and district councils. Guidance on other scrutiny issues will be issued in due course, and the CFPS will be providing more information on timings shortly. Once this guidance has been issued, officers will put forward changes as appropriate to the Council's Constitution, procedures, and recommend briefing for Members and Officers, along with appropriate publicity.

#### (iii) Indicative Work Programme for O&S in 2009/10

3.15 The indicative work programme for O&S in 2009/10 is at Appendix 3. This incorporates the routine, on-going work of O&S and the completion of reviews currently underway. It proposes a limited number of new O&S reviews which are seen to be timely, relevant, significant and likely to add value. The overall programme is aimed at maintaining a strategic and coordinated work programme based on major areas of Council and partner organisations' activity. The indicative work programme is due to be included in the Annual Report of O&S, for presentation by the Chairman of the Commission to Council on 15 April. The Commission will then formally consult CMT and the Executive on the Work Programme, as required by the Constitution.

# Contact for further information

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# **OVERVIEW AND SCRUTINY WORKING GROUPS - 2008/09**

Position at 27 January 2009

	Overview and Scrutiny Commission									
WORKING GROUP	MEMBERS	DEPT. LINK OFFICER	O&S LEAD OFFICER	SCOPING	DRAFT REPORT / SUBMISSION	FINAL REPORT / SUBMISSION	EXECUTIVE RESPONSE	CURRENT STATUS		
Scrutiny of Local Area Agreement	Edger (Lead), Beadsley & McLean	Victor Nicholls/Claire Sharp	Richard Beaumont	V	V	V	V	Completed Positive responses received from the Bracknell Forest Partnership Board and the Executive Member.		

	Environment, Culture and Communities Overview and Scrutiny Panel									
WORKING GROUP	MEMBERS	DEPT. LINK OFFICER	O&S LEAD OFFICER	SCOPING	DRAFT REPORT / SUBMISSION	FINAL REPORT / SUBMISSION	EXECUTIVE RESPONSE	CURRENT STATUS		
Strategic Review of Waste	Brunel-Walker (Lead), Mrs. Angell, Beadsley, Mrs. Ryder, Wade (Crowthorne), Allen (S'hurst & Ms Healy (Warfield)	Steve Loudoun / Janet Dowlman	Andrea Carr	V	<b>√</b>			The draft report has been circulated for comments.		
Street Cleaning	Finnie (Lead), Finch, Mrs.	Steve Loudoun	Andrea Carr	√ √	V	<b>√</b>	V	Completed The Executive accepted		

Community Arts Development Strategy	McCracken, Leake (Binfield), Mrs. Thompson (Crowthorne) & Mrs. Cupper (S'hurst). Mrs. Fleming, McLean & Finnie	Helen Tranter	Emma Silverton (Andrea Carr to supervise)	N/A				the review report's recommendations, with one minor exception, on 16 December 2008 and the Executive response was received by the O&S Commission at its meeting on 22 January 2009.  The Working Group gave input at a meeting on 26.3.08. The draft strategy is expected by March
Supporting People (SP)	Mrs. Shillcock (Lead) & Mrs. Fleming	Simon Hendey / Clare Dorning	Andrea Carr	√ √	07/08 √ (Annual monitoring)	07/08 √ (Annual monitoring)	N/A	The Working Group met on 30 September 2008 to monitor progress against implementation of the SP programme and reported its findings to the Environment, Culture and Communities O&S Panel on 18 December 2009.
Housing Strategy	Mrs. Fleming, Finnie and Finch	Clare Dorning	Richard Beaumont	V	Detailed input provided to draft strategy			Fifth meeting arranged for 3 March
Housing and Council Tax Benefit (Improvement Plan)	Beadsley, Burrows and Finch	Simon Hendey / Shanaz Alam	Emma Silverton (Richard Beaumont to Support)					First meeting arranged for the 4 <sup>th</sup> February. Scoping to be completed and Lead Member to be

									decided then.
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	Health Overview and Scrutiny Panel									
WORKING GROUP	MEMBERS	DEPT. LINK OFFICER	O&S LEAD OFFICER	SCOPING	DRAFT REPORT / SUBMISSION	FINAL REPORT / SUBMISSION	EXECUTIVE RESPONSE	CURRENT STATUS		
Patient Focus	Leake (Lead), Mrs. Mattick, Virgo, Mrs. Angell	Glyn Jones	Katie Dover / Richard Beaumont	V				Meetings have been held, including PCT Director of Commissioning. Chairman is changing the membership of the group and aims to restart it soon		
Extended Services & Children's Centres (Joint with SC&L OSP)	Leake (Lead), Mrs. Birch, Mrs. Angell, Mrs. McCracken, Burrows, Beadsley	Graham Symonds / Karen Frost	Katie Dover/ Richard Beaumont	V	Draft report written and awaiting Members' comments			Visit to two Children's Centres arranged for 12 February, otherwise information gathering is complete.		

	Joint East Berkshire Health Overview and Scrutiny Committee								
WORKING GROUP	MEMBERS	DEPT. LINK OFFICER	O&S LEAD OFFICER	SCOPING	DRAFT REPORT / SUBMISSION	FINAL REPORT / SUBMISSION	EXECUTIVE RESPONSE	CURRENT STATUS	
Hospital Discharge	Baily, Coad (Slough BC),	N/A	Andrew Scott	√				Met twice, but progress has been	

Procedures	Napier (RB	(RB W&M)			limited.
	W&M)	[Katie			
		Dover to			
		liaise]			
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	Social Care and Learning Overview and Scrutiny Panel									
WORKING GROUP	MEMBERS	DEPT. LINK OFFICER	O&S LEAD OFFICER	SCOPING	DRAFT REPORT / SUBMISSION	FINAL REPORT / SUBMISSION	EXECUTIVE RESPONSE	CURRENT STATUS		
Carers	Mrs. Shillcock (Lead), Simonds & Turrell	Glyn Jones	Andrea Carr	V	V	V		Completed At its meeting held on 18 November 2008, the Executive adopted the findings / recommendations in the report. The Executive Member's response was received by the O&S Commission on 22 January 2009.		
Care Homes	Browne (Lead), Baily & Blatchford	Glyn Jones	Andrea Carr	<b>V</b>				This Working Group has been put into abeyance for the time being.		
Social Care Modernisation Agenda	Leake (Lead), Mrs. Shillcock & Virgo	Glyn Jones	Andrea Carr	√				The Working Group concluded its information gathering at its meeting on 15 January 2009 and the report is being drafted.		
English as an Additional Language	Mrs. McCracken (Lead),	Bob Welch	Andrea Carr	V	V	V	V	Completed The Executive has responded very		

(EAL)	Burrows, Ms Whitbread & Mr. Sharland					positively to the recommendations in the review report and the formal response of the Executive Member will be reported to the Panel at its March meeting.
Extended Schools & Children's Centres (Jointly with HOSP)	See Health O&S Panel					
14-19 Years Plan	Mrs Birch, Dr Josephs- Franks, Kensall, McCracken, Ryder	Not yet Confirmed	Andrea Carr / Emma Silverton			First meeting to be arranged

# **Completed Reviews**

Publication Date	Title
December 2003	South Bracknell Schools Review
January 2004	Review of Adult Day Care Services in Bracknell Forest (Johnstone Court Day Centre & Downside Resource Centre)
May 2004	Review of Community & Voluntary Sector Grants
July 2004	Review of Community Transport Provision
April 2005	Review of Members' Information Needs
November 2005	The Management of Coronary Heart Disease

# Results of Feedback Questionnaires on Overview and Scrutiny Reports

Note – Departmental Link officers on each review were asked to score the key aspects of each O&S review on a scale of 0 (Unsatisfactory) to 3 (Excellent)

PLANNING Were you given sufficient notice of the review?	Average score for previous 3 Reviews*	Review of Street Cleaning in Bracknell Forest 2
Were your comments invited on the scope of the review, and was the purpose of the review explained to you?	3	3
CONDUCT OF REVIEW Was the review carried out in a professional and objective manner with minimum disruption?	3	3
Was there adequate communication between O&S and the department throughout?	3	3
Did the review get to the heart of the issue?	3	3
REPORTING Did you have an opportunity to comment on the draft report?	3	3
Did the report give a clear and fair presentation of the facts?	2.3	3
Were the recommendations relevant and practical?	2.7	3
How useful was this review in terms of improving the Council's performance?	3	2

<sup>\*</sup> Road Traffic Casualties, Review of the Local Area Agreement, Support for Carers

## Indicative Work Programme for Overview and Scrutiny in 2009/10

The determination of the Overview and Scrutiny Work Programme for the forthcoming year is a matter for the newly appointed members of the Commission and its Panels. To help inform that decision, and having taken note of the future developments set out in section 8 of this report, our experience and the views offered by others, the current members of the Overview and Scrutiny Commission set out below an indicative programme of the main topics which we consider are worthy of review. The proposed indicative work programme below will necessarily be subject to refinement and updating. It will also require consultation with the Executive and the Corporate Management Team, as required by Part 3 (2.2) of the Council's Constitution.

The work programme for the Joint East Berkshire Health Overview and Scrutiny Committee, of which Bracknell Forest Council is a member, is determined separately by that Committee.

OVERVIEW AND SCRUTINY COMMISSION	
1.	Co-ordination of the work of the Overview and Scrutiny Panels
2.	Routine Monitoring of the performance of the Council's corporate functions To include: the Corporate Performance Overview Reports; the Performance Monitoring Reports of the Chief Executive's Office and the Corporate Services Department; progressing the regeneration of Bracknell Town Centre; the reports of both internal and external audit; and progress on strategic risk management.
3. New	The Work of the Bracknell Forest Partnership Building on the 2008/09 O&S review of the Local Area Agreement, to review the role and activities of the Bracknell Forest (Local Strategic) Partnership's Theme Partnerships for: The Town Centre Partnership, The Crime and Disorder Reduction Partnership, and The Economic and Skills Development Partnership.
4.	2010/11 Budget Scrutiny  To review the Council's budget proposals for 2010/11, and plans for 2011/12/13.  Note – each of the Overview and Scrutiny Panels will also scrutinise the budget proposals in their departmental areas.
5.	Exercising pre-decision scrutiny by reference to the Executive Forward Plan
6.	Reviewing the Action Taken on Previous Overview and Scrutiny Reports To periodically review the action taken by the Executive in relation to agreed recommendations from earlier O&S reports.
7. New	Older People's Strategy To provide input from Overview and Scrutiny to the Council's development of an Older People's Strategy.
8. New	Sustaining Economic Prosperity To review the service plans for the Council's new Priority 6, to sustain the economic prosperity of the Borough during the current economic downturn.

ENV	IRONMENT CULTURE AND COMMUNITIES OVERVIEW AND SCRUTINY PANEL
1.	Monitoring the performance of the Environment, Culture and Communities Department
	To include on-going review of the Performance Monitoring Reports and monitoring
	the action taken by the Executive to earlier reports by the Panel.
2.	Exercising pre-decision scrutiny by reference to the Executive Forward Plan
3.	2010/11 Budget Scrutiny
	To review the Council's Environment, Culture and Communities budget proposals for 2010/11, and plans for 2011/12/13.
4.	Contributing to the development of the Community Arts Development Plan
5.	Strategic review of waste
	To complete the work of the working group undertaking the review of the new waste
	Private Finance Initiative re <sup>3</sup> contract and the experience of the first year of
	Alternative Bin Collection.
6.	Benefits Service Improvement Plan
	To provide Member input to monitoring the implementation of the improvement plan for the operation of Council and Housing Tax Benefits
7.	The Work of the Bracknell Forest Partnership
New	Building on the 2008/09 O&S review of the Local Area Agreement, to review the role
	and activities of the Bracknell Forest (Local Strategic) Partnership's Theme
	Partnerships for: The Strategic Housing Partnership, The Cultural Partnership, The Transport Partnership, and The Climate Change Partnership.
8.	Monitoring the implementation of the Action Plan for Supporting People
9.	Contributing to the development of the new Housing Strategy
10.	Highway Maintenance and Improvement
New	To review the Council's plans and performance for highway maintenance and
	improvement.
11.	Section 106 Arrangements
	To review the arrangements for securing and applying receipts from Section 106
	agreements.

	HEALTH OVERVIEW AND SCRUTINY PANEL	
1.	Monitoring the implementation of the Borough's Health and Well-Being Strategy	
2.	Extended Schools/Children's Centres To complete the work of the working group undertaking a detailed review of Extended Schools/Children's Centres jointly with the Social Care and Learning Overview and Scrutiny Panel.	
3.	Patient focus  To complete the work of the working group undertaking a detailed review centred on	

	General Practitioner services.
4.	In conjunction with the Joint East Berkshire Health Overview and Scrutiny Committee, monitoring the performance and budget of the Berkshire East PCT This review will include the linkage with the Operating Framework and the national NHS priorities set by the Department of Health.
5.	Contributing to the annual 'Health Check' process and responding to consultations by the PCT and NHS Trusts operating in the Borough.
6. New	The New NHS Constitution To review the implementation by NHS organisations of the new NHS Constitution, which brings together a number of rights, pledges and responsibilities for staff and patients.
7. New	The New 'Healthspace' in Bracknell To review the PCT's plans and progress towards creating the new 'Healthspace' for Bracknell.
8. New	Control of Hospital-Acquired Infections To review the progress of health service providers on infection-control, particularly in relation to MRSA and C Difficile.
9. New	The Work of the Bracknell Forest Partnership Building on the 2008/09 O&S review of the Local Area Agreement, to review the role and activities of the Bracknell Forest (Local Strategic) Partnership's Health and Social Care Partnership.

	SOCIAL CARE AND LEARNING OVERVIEW AND SCRUTINY PANEL
1.	Monitoring the performance of the Social Care and Learning Department To include on-going review of the Performance Monitoring Reports, receiving statutory plans and reports (such as the annual reports on the Children and Young People's Plan, and on complaints received) and monitoring the action taken by the Executive to earlier reports by the Panel.
2.	Exercising pre-decision scrutiny by reference to the Executive Forward Plan
3.	<b>2010/11 Budget Scrutiny</b> To review the Council's Social Care and Learning budget proposals for 2010/11, and plans for 2011/12/13.
4.	Extended Schools/Children's Centres To complete the work of the working group undertaking a review of Extended Schools/Children's Centres jointly with the Health Overview and Scrutiny Panel.
5.	Social Care Modernisation Agenda / Transforming Adult Social Care With reference to Transforming Adult Social Care, to complete the work of the working group undertaking a detailed review of the Council's implementation of the social care modernisation agenda, particularly in relation to services for adults with learning disabilities.
6. New	The Work of the Bracknell Forest Partnership Building on the 2008/09 O&S review of the Local Area Agreement, to review the role and activities of the Bracknell Forest (Local Strategic) Partnership's two Theme Partnerships for: The Children's Trust, and The Early Years, Child Care and Play Partnership.

7.	<b>14-19 Education Plan</b> A review of the education plan for education services to the age group 14-19 years.
8.	Safeguarding Children
New	To review the Council's plans and performance with regard to safeguarding children, including the role of the Executive Member, and a specific review of child protection practice and procedures.
9.	Transport used by Adult and Children's Services
New	To receive and consider the report of the management review of the provision of transport used by the Social Care and Learning Department.

Note - This programme may need to be amended to meet new requirements arising during the year.