

Birmingham City Council

Co-ordinating Overview and Scrutiny Committee

15 December 2023



Subject: Co-ordinating Overview and Scrutiny Committee Work Programme

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1 Purpose

- 1.1 This report sets out the proposed work programme for the Co-ordinating Overview and Scrutiny Committee for 2023-24. Appendix 1 outlines the topics identified, aims and objectives and the preferred method of scrutiny to achieve these objectives.
- 1.2 The report also refers to other topics, which the Committee has identified, for future consideration. This will be continuously updated during the year.
- 1.3 The report also includes (at Appendix 2) the work programmes from each of the other Overview and Scrutiny Committees. This is to enable scrutiny work to be planned and co-ordinated throughout the year and to update the Committee on how the work programmes have re-focussed on the critical issues the Council faces and consider the implications of the Governance Review reported to Cabinet on 12 December 2023.

2 Recommendations

That the Committee:

- Notes the re-focussing of the work programmes on the critical issues the Council faces and considers the recommendations relating to Overview and Scrutiny in the Governance Review reported to Cabinet on 12 December as set out in Section 4 below.
- Notes the information set out in Appendix 1 and reviews the Co-ordinating OSC work programme in view of Recommendation 5 of the Governance Review regarding Scrutiny's role in assurance and improvement as set out in Section 4.4 below.

- Agrees, subject to further input from the Chair and Deputy Chair, the issues that the Committee will consider during January – April 2024, the proposed aims and objectives and the preferred method of scrutiny.
- Reviews the draft work programmes for the other 7 Overview and Scrutiny Committees, set out in Appendix 2, in view of Recommendation 5 of the Governance Review regarding Scrutiny's role in assurance and improvement as set out in Section 4.4 below.

3 Background

3.1 The [statutory guidance for local government overview and scrutiny](#) sets out the role it can play in holding an authority's decision makers to account. This makes it fundamentally important to the successful functioning of local democracy. The role and functions of Overview and Scrutiny Committees are outlined in [The City Council's Constitution | Birmingham City Council](#) They will:

- Make reports and/or recommendations to the full Council, the Executive and/or other organisations in connection with the discharge of the functions specified in their terms of reference.
- Consider any matter covered in their terms of reference that may affect or be likely to have an effect on the citizens of Birmingham; relevant to the Council's strategic objectives; relevant to major issues faced by officers in managing a function of the Council; and likely to make contribution to moving the Council forward and achieving key performance targets.

3.2 At the start of the 2023/24 municipal year Co-ordinating OSC agreed a new approach to flexible and effective scrutiny to enable all Overview and Scrutiny Committees to develop work programmes that add value. The Scrutiny Framework was updated to reflect these changes.

3.3 Effective scrutiny needs to add value. A well planned and timely work programme enables Overview and Scrutiny Committees to be involved at the right time and in the right way, and ensure their involvement is meaningful and can influence the outcome.

3.4 Members often have a number of topics suggested to them and are therefore required to **prioritise** matters for consideration. The Scrutiny Framework sets out the following factors to be considered:

- Public interest: concerns of local people should influence the issues chosen.
- Ability to change: priority should be given to issues that the Committee can realistically influence.
- Performance: priority should be given to areas in which the Council and Partners are not performing well.
- Extent: priority should be given to issues that are relevant to all or a large part of the city.

- Replication: work programme must take account of what else is happening to avoid duplication.

3.5 Based on Statutory Guidance published in 2019, different scrutiny methods include (but are not limited to):

- A single item, or items, on a committee agenda – this method fits more closely with the “overview” aspect of the Scrutiny function and provides limited opportunity for effective scrutiny. It is most appropriate for specific issues where the committee wants to maintain a watching brief.
- A single item meeting, either as the committee or a more limited number of Members. It has the capacity to enhance the previous option by taking evidence from a number of witnesses.
- A task and finish day - provided that these are properly focused, they ensure Councillors can swiftly reach conclusions and make recommendations and are effective even for complex topics.
- A task and finish review – this is an enhancement of the previous option being held over four or six meetings spread over a limited number of months.

Terms of Reference

3.6 The Committee’s terms of reference, set out below, were approved at the Annual City Council meeting on 23 May 2023.

To plan and co-ordinate the work of all the Overview & Scrutiny Committees. To fulfil the functions of an Overview and Scrutiny Committee as they relate to any policies, services and activities concerning:

- *Structure and governance of the Council*
- *Communications, internal and external stakeholder engagement*
- *Efficiency and improvement of Council services (with Deputy Leader)*
- *Public policy development at local to international levels*
- *WMCA*
- *Sports and events development (with Cabinet Members for Digital, Culture, Heritage & Tourism and Housing & Homelessness)*
- *Business Improvement Districts*
- *Business change programmes*
- *Efficiency and improvement of Council services (with Leader)*
- *Risk management*
- *Good governance on outside bodies, Council-owned companies and externalised services*
- *Customer services*

- *External scrutiny of the Council*
- *Whistleblowing and complaints*
- *Emergency planning*
- *Legal services*
- *Relationships with stakeholders*
- *Levelling-up, devolution and WMCA*
- *Early intervention and prevention*
- *Social cohesion and inclusion, equalities*
- *Third sector organisations and partner agencies contribution to social cohesion and equalities*
- *Refugees, migration and City of Sanctuary*
- *Open data*
- *Digital inclusion, data protection, cyber security*
- *Arts, museums and tourism*
- *Library of Birmingham and community library services*
- *Promotion of the city's heritage and investment in the city.*

These functions include:

- a) giving such guidance to the Overview and Scrutiny Committees in any cases of uncertainty as to work which they should or should not be undertaking, as may be necessary to achieve such co-ordination, including the allocation of "call-in" to the appropriate Committee;*
- b) determining, in any cases of uncertainty, the allocation of responsibility for specific tasks between the Overview and Scrutiny Committees;*
- c) ensuring (by means, for example, of issuing appropriate guidance and/or instructions) that the Overview & Scrutiny Committees pay proper attention in their work to the consideration of key cross cutting issues, in particular equalities, transparency and improvement;*
- d) overseeing the development and delivery of a balanced work programme of Scrutiny Committees using a range of scrutiny methodologies and reporting regularly to City Council;*
- e) considering Overview and Scrutiny development, working practices and constitutional arrangements.*

4 Implications of Intervention and the Governance Review for Scrutiny

- 4.1 The new approach to implementing flexible and effective scrutiny has enabled all Overview and Scrutiny Committees to respond to the financial challenges the Council faces and the issues that triggered intervention by the Commissioners appointed by the Secretary of State. The Directions issued on 5 October set out the

requirement on the Council to secure the Authority's compliance with the requirements of Part I of the 1999 Act, in particular:

- To address systemic weaknesses in the Authority's governance function, to secure improvements in transparency and formal decision making.
- To deliver financial sustainability, including by closing any short or long-term budget gaps - which should include taking action to expediate the closure of the equal pay liability.
- To ensure compliance with all relevant rules and guidelines relating to the financial management of the Authority.
- To agree as necessary any changes needed to the Authority's operating model and redesign of council services to achieve value for money and financial sustainability.
- To achieve improvements in relation to the proper functioning of the Authority's IT.
- To address the serious failings and ensure conformity with the best value duty, thereby delivering improvements in services and outcomes for the people of Birmingham.

4.2 In response to the finance issues the Council faces each Overview and Scrutiny Committee has received reports on the delivery of 2023/24 savings. The Finance and Resources OSC has also received reports on Job Evaluation / Pay Equity Scheme and on the progress to stabilise Oracle. Following the October meeting of Co-ordinating OSC the Finance and Resources OSC has established the Budget Scrutiny Task and Finish Group that will consider the savings proposals for 2024/25 and 2025/26 and the budget proposals for 2024/25.

4.3 The work programmes of the 8 Overview and Scrutiny Committees (set out in Appendices 1 and 2) have also adapted to reflect the priority issues the Council faces. Capacity to support the work of the Budget Task and Finish Groups has been created where Committee meetings have not been required.

4.4 Cabinet will consider the Governance Review report at the meeting on 12 December. Recommendation 5 of the report sets out the need to reframe the scrutiny work programme to focus on the Council's improvement and recovery priorities:

- Having an active part in the 2024/25 budget development process.
- The safe and effective delivery of key services supporting vulnerable people.
- Critical performance issues emerging "by exception".
- Equality and equity issues arising from the development of the 24/25 Budget, the Emergency Budget (to be identified by exception), and other priority scrutiny activity relating to the Budget.
- Culture, behaviour change and organisational development.

- 4.5 It will be important for all Scrutiny Committee's to reflect on the findings and recommendations of the Governance Review and how the work programme aligns with the issues set out above. The full report is available from [CMIS > Meetings](#)
- 4.6 The Council's latest Forward Plan ([click here to view](#)) may assist Members. In addition, Overview and Scrutiny Chairs are advised to maintain regular engagement with Cabinet Members to enable flexibility to be built into the Overview and Scrutiny work programme.

5 Any Finance Implications

- 5.1 There are no financial implications arising from the recommendations set out in this report.

6 Any Legal Implications

- 6.1 There are no legal implications arising from the recommendations set out in this report.

7 Any Equalities Implications

- 7.1 The Council has a Public Sector Equality Duty under the Equality Act (2010) to have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.2 The protected characteristics and groups outlined in the Equality Act are Age; Disability; Gender Reassignment; Marriage and Civil Partnership; Pregnancy and Maternity; Race; Religion and Belief; Sex, and Sexual Orientation.
- 7.3 The Committee should ensure that it addresses these duties by considering them during work programme development, the scoping of work, evidence gathering and making recommendations. This should include considering how policy issues impact on different groups within the community, particularly those that share a relevant protected characteristic; whether the impact on particular groups is fair and proportionate; whether there is equality of access to services and fair representation of all groups within Birmingham; and whether any positive opportunities to advance equality of opportunity and/or good relations between people are being realised.
- 7.4 The Committee should ensure that equalities comments, and any recommendations, are based on evidence. This should include demographic and service level data and evidence of residents/service-users views gathered through consultation.

8 Appendices

- Appendix 1: Co-ordinating Work Programme
- Appendix 2: Other Scrutiny Committee Work Programmes

9 Background Papers

- 9.1 [Birmingham City Council Constitution](#)
- 9.2 Birmingham City Council Overview and Scrutiny Framework
- 9.3 [Birmingham City Council: Directions made under the Local Government Act 1999 - GOV.UK \(www.gov.uk\)](#)
- 9.4 December 2023 Cabinet Report: Governance Review [CMIS > Meetings](#)