

Birmingham City Council

City Council

04 February 2020



Subject: Scrutiny Business Report
Report of: Chairs of the Overview & Scrutiny Committees
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Does the report contain confidential or exempt information? ☐ Yes ☒ No

If relevant, state which appendix is exempt, and provide exempt information paragraph number or reason if confidential:

1 Executive Summary

- 1.1 On 10 September 2019, Full Council accepted the recommendations of the Co-ordinating O&S Committee review in respect of changes to the Full Council agenda.
- 1.2 Recommendation 4 of the review requested that Scrutiny provide an update to Full Council on its work via the provision of a *Scrutiny Business Report* ('SBR').
- 1.3 SBRs will be provided to Full Council three times per municipal year and will include a summary of key issues raised at Scrutiny, as well as commentary on how Scrutiny is supporting the delivery of the Council's priorities.

2 Recommendations

- 2.1 That the report be noted.

3 A Framework for Scrutiny

- 3.1 As the first report of its kind from Scrutiny, the intention here is to set a baseline for future reports. The initial thing to consider therefore, is the role and purpose of Scrutiny and plans to develop this over coming months.
- 3.2 The broad role is set out in the Constitution, as are the four key principles on how good Overview and Scrutiny adds value to Councils:
 - Provides "critical friend" challenge to executive policy-makers and decision-makers;
 - Enables the voice and concerns of the public and its communities to be heard;

- Is carried out by ‘independent minded members’ who lead and own the scrutiny process;
- Drives improvement in public services.

- 3.3 This, along with the Council’s scrutiny arrangements, was reviewed in 2017/18 to ensure that Scrutiny is an effective partner in the council’s governance and is successful in providing constructive challenge and helping to drive improvement across the council and its services. Following the endorsement of the recommendations at City Council in March 2018, substantial changes were made to Scrutiny Committee structures and remits.
- 3.4 It has been over a year and a half of operating under the new arrangements resulting from the 2018 review. In that time, the Birmingham Independent Improvement Panel have produced its final assessment and the City Council has set out their priorities for improvement. In May 2019, the government published the statutory guidance for scrutiny, following the Communities and Local Government Select Committee inquiry into overview and scrutiny in 2017. And in September 2019, the LGA conducted a peer review of scrutiny and committee services here in Birmingham.
- 3.5 Taking these things together, Scrutiny Chairs have therefore agreed to take forward a second review. This review will have two main outcomes: firstly, the development and implementation of a Scrutiny Strategic Framework, to set out the role and purpose of scrutiny, to build understanding across the wider council of how scrutiny can benefit the Council and to set out consistent standards by which this could be achieved. This framework will be a co-production between the Executive and Scrutiny and will have cross-party involvement; such an approach would signal the extent to which a strong cultural commitment to scrutiny is owned by the council’s leadership.
- 3.6 Following this, the review will also look again at structures and remits, and whether these need amending to best support the new framework, and to address matters such as low attendance at some committee meetings. It will also re-examine the criteria and process for call-in, to assist committees and the Executive in ensuring these are meaningful and contribute to improvement.

4 Some Key Themes

Policy Development

- 4.1 Reflecting on the past year, there are a number of themes that will inform the new framework. Most notably, a key concern of members, reflected in both the Statutory Guidance and Co-ordinating O&S Committee’s report to Council in September 2019¹, is that Scrutiny should have more opportunity to support the Executive in policy development. O&S Committees often get the chance to comment on draft policies (for example, the Sustainability and Transport O&S Committee considered the draft **Walking and Cycling Strategy** and was consulted on the Local Cycling and Walking Infrastructure Plan in recent months). However, the process of policy

¹ Scrutiny inquiry: Full Council Meeting (Co-ordinating O&S Committee, 10 September 2019)

making in the council needs to better involve Scrutiny as a matter of course. This includes incorporating Scrutiny recommendations as appropriate – one area where this failed to happen came to light last year, when the Resources O&S Committee considered a call-in on the extension of the waste disposal contract which had been considerably delayed, despite an earlier Scrutiny Review setting out a timetable and possible options.

- 4.2 Such policy work need not focus exclusively on the work of the City Council; whilst legislation gives some powers to require defined partner organisations to have regard to recommendations and to share information, scrutiny can look at any matters which affect the authority's area or the inhabitants of that area. Scrutiny has the ability to investigate and amplify issues that could lead to the Council pushing for change nationally, through contact with local MPs or other government connections.

Holding to Account

- 4.3 Another of Scrutiny's key roles is to "hold to account" – Cabinet Members have attended 35 scrutiny meetings so far this municipal year, answering questions on their priorities and progress in achieving them. Scrutiny also considered wider accountability, for example the **Children's Trust** presented its annual report in October to the Education & Children's Social Care O&S Committee. As the statutory Crime and Disorder Committee, the Housing and Neighbourhoods O&S Committee received the **Annual Report of the Birmingham Community Safety Partnership** at its September meeting.
- 4.4 Strengthening and clarifying committee remits will reinforce this role, as will setting clear expectations through Scrutiny Committee work programmes.
- 4.5 Call-in is a key tool in holding the Executive to account. Five requests for call-in have been made this municipal year, with two of those decisions referred back to Cabinet:
- Disposal of Surplus Properties (Resources, June 2019) – decision called in in respect of the Brindley Drive Car Park because of deficiencies in the report presented to Cabinet, notably the equalities impact assessment and a lack of pertinent information. The Cabinet re-confirmed the decision;
 - Clean Air Zone: Charging Order and Indicative Allocation of Net Proceeds (Sustainability and Transport, July 2019) – decision not called in;
 - Procurement Strategy to Support the Fleet Replacement Strategy for Waste Management Service (Resources, July 2019) – decision not called in;
 - Workplace Parking Levy: Investigation of Options for Developing and Implementing a Scheme for Birmingham (Sustainability and Transport, October 2019) – decision not called in;
 - A34 Perry Barr Highway Improvement Scheme Full Business Case (Sustainability and Transport, October 2019) – decision called in to ask the Executive to defer making the final decision until after the matter was discussed at Full Council in November. The Executive agreed to this and the decision was deferred to December's Cabinet meeting.

4.6 Collectively these call-ins and call in requests raised issues around:

- The quality of information contained in some Cabinet reports;
- The completion of Equalities Impact Assessments – which is being looked at by the Executive and a new approach is being brought forward;
- Quality of consultation carried out – this will be picked up as part of the Co-ordinating O&S Committee's work on citizen engagement as mentioned above (5.3).

Addressing Matters of Public Concern

4.7 Scrutiny can have impact in a number of different ways, by addressing matters of public concern, or by assisting the Executive in resolving seemingly intractable issues. Examples this year include the Housing and Neighbourhoods O&S Committee's evidence gathering sessions on the proposals for a **city centre Public Space Protection Order (PSPO)**, following a request from the Cabinet Member. Evidence from the Cabinet Member, council officers, West Midlands Police and partners was heard and, in light of concerns highlighted, the Committee wrote to the Cabinet Member recommending that no decision to implement the city centre PSPO be taken until meaningful engagement had taken place with key stakeholders, encouraging a co-production approach. That engagement is now progressing and a report back to Committee is scheduled for later in the year.

4.8 The Sustainability and Transport O&S Committee have had several sessions on the **A34 Perry Barr highway infrastructure** including the decision to demolish the flyover which was subject to call-in. Following a call-in in February 2019 where Members heard the concerns about changes to the road layout with the demolition of the flyover proposed, it was agreed that the Committee would receive quarterly updates on the consultation and engagement work with local residents, businesses, stakeholders, councillors, MP's and others to ensure that all parties were able to present their views and learn about the exact changes planned. The key issues raised in these sessions included understanding the impact of congestion (especially on the reliability of buses as the road space becomes confined and the additional time for journeys) and the impact on business for retailers.

4.9 The Economy & Skills O&S Committee looked at the **Smithfield Masterplan** following a petition referred to the Economy & Skills O&S Committee by Council Business Management Committee. The main areas of consideration were partnership working and engagement with stakeholders in relation to the Smithfield development and future proposals in relation to this area.

4.10 Each of these items were referred to Scrutiny either via the Executive or by petition; overall Scrutiny needs to consider how it can get better at facilitating citizen influence to inform work programmes.

In-depth Inquiries

4.11 Fewer in-depth inquiries have been undertaken in recent years, as scrutiny work has become more committee focused. This will be addressed as part of the review of Scrutiny; in particular looking at the greater use of task and finish groups, where

members can investigate topics in greater detail, freed from the constraints of formal meetings (though always reporting in public) and able to bring in expert witnesses from outside the council as required.

- 4.12 One that was completed this year was the Health and Social Care O&S Committee's inquiry into the issue of **period poverty** in Birmingham (following a Full Council resolution in December 2018). The Committee carried out evidence gathering during June and July 2019 and presented the 'Tackling Period Poverty and Raising Awareness' report with recommendations to Council in November 2019. The report emphasised the impact and prevalence of period poverty, environmental issues, cultural and social attitudes towards menstruation and local interventions happening in Birmingham both in providing targeted access to free sanitary products and in raising awareness and education around menstruation. It also welcomed national interventions which were introduced in terms of education, tackling stigma and providing access to free sanitary products in schools, hospitals and to women in police custody and the setting up of the national Period Poverty Taskforce by government.

Financial Monitoring

- 4.13 The Resources O&S Committee have scrutinised the monthly revenue and capital budget monitoring reports at each of its meetings with the Cabinet Member and Acting Chief Finance Officer or Assistant Director in attendance. After some feedback from the Committee, these monthly reports have been adjusted to present the information in a consistent and comprehensible manner across both the monthly and the quarterly reports, and the Chair and Committee have thanked officers for their work on this.
- 4.14 Since September 2019, a new approach has been taken with a summary note prepared for each meeting and more in-depth scrutiny of the main issues within directorates undertaken, with relevant Cabinet Members and senior officers invited to attend. This year the Cabinet Members for Children's Wellbeing, Street Scene and Parks, and Homes and Neighbourhoods have attended to report on matters relating to (amongst other things) Travel Assist, temporary accommodation and street scene.
- 4.15 The main findings arising from this more in-depth scrutiny are:
- The need for robust mitigation plans to deal with overspends/non-delivery of savings;
 - One-off mitigations/use of contingencies can mask on-going issues;
 - Re-basing of budgets is needed in some areas where it is clear that without additional money there will be continuing problems.
- 4.16 Where significant overspends or potential overspends are identified by the Resources O&S Committee, the data has been referred to the relevant O&S Committee to look at the service issues that are driving these overspends and how they are being resolved.

5 Current and Future Work

- 5.1 A range of topics are currently under consideration in Scrutiny, and these are set out below.

Responding to Persistent Complaints to the Council

- 5.2 The focus of the Co-ordinating O&S Committee this municipal year has been to examine what happens when residents or councillors contact the Council to request a service or report a failure of service. By looking at both the contact centre and service areas, members are getting a view of the “end to end process” to identify how the Council can tackle areas of persistent failure and ensure the council is customer-focused in its response. The Committee has focused on three areas where there are high volumes of contacts – waste, housing and highways – to explore in detail the root causes of problems and identify areas for improvement.
- 5.3 As part of this inquiry, the Committee is also considering a protocol for members’ queries (as requested by a Council motion in July 2019); and will also look at how the council engages with citizens.
- 5.4 The inquiry aims to finish evidence gathering in February and submit a report in the spring.

Home to School Transport

- 5.5 The Education & Children's Social Care O&S Committee is focusing on Special Educational Needs and safeguarding. Following concerns raised in committee, including as part of call-in requests last year, the committee is conducting an inquiry to answer the key question ‘What are the impacts of the **Home to School Transport** application process, and its subsequent outcomes, on the parents/carers and child’s capacity to access their education and how does that fit with the aspiration for Birmingham to become a child friendly city. The first evidence gathering session was on 22nd January 2020 and the Committee will report in the Spring.

Climate Emergency

- 5.6 The Sustainability and Transport O&S Committee held a session on the Climate Change Emergency in December, following the council motion in June 2019. This was an initial session to understand Directorates’ key policies, plans and future proposals. This will be followed by a member briefing ahead of the Executive’s interim report to Full Council in February, which will include consideration of the engagement plan.
- 5.7 In addition, the Health and Social Care O&S Committee has tracked the remaining recommendations from the ***Impact of Poor Air Quality on Health*** report which went to Full Council in September 2017. This included issues around provision for enhanced air quality monitoring across the city and incorporating the planting of trees with provision for appropriate maintenance after planting into planning for new developments. Following on from this session, a briefing for the Chairs of both the Sustainability & Transport and Health & Social Care O&S Committees has been arranged to update the Chairs about current initiatives happening or planned and to

decide how best to incorporate these into the work programme of the most appropriate committee, with a view to maintaining a scrutiny focus on tackling air pollution and improving air quality across the city.

Adult Social Care

- 5.8 One key priority of the Birmingham Solihull Sustainability and Transformation Plan strategy is the Ageing Well Portfolio which has a focus on ageing well and improving health and care services for older people. The Birmingham Older People's Programme is taking the lead on the Ageing Well Portfolio. One major area of work under the Birmingham Older People's Programme is the **Early Intervention Workstream**. This programme is essentially a redesign of health and social care intermediate care services in the city to deliver a single integrated model of care which delivers better outcomes for citizens who need support and also delivers financial efficiency for the system. The members of the Health and Social Care O&S Committee will be updated on progress with the delivery of the new early intervention model and the initial results being achieved by the Early Intervention Programme in early 2020.
- 5.9 The Health and Social Care O&S Committee has also been focusing on the review of the **In-house Enablement Service**, following a Cabinet Report on the Enablement Service on 22nd May 2019 which contained a recommendation that such a review should be led by the O&S Committee and/or an independent party.
- 5.10 The focus of the review is on exploring viable options for the future in-house Enablement Service within the context of the new multi-disciplinary partnership Early Intervention service working across the health and care system currently being piloted by the Birmingham Older People's Programme. The planned outcome is a report to the Cabinet Member for Health & Social Care setting out possible scenarios for the future of the in-house service with a focus on how it can work in a complementary way with the Early Intervention service as part of an integrated care model, with a view to informing the Cabinet Member prior to upcoming decisions to be made about the in-house service.
- 5.11 Furthermore, noting that one of the four goals of Scrutiny is giving a voice to residents and service users, the Chair of the Health and Social Care O&S Committee is looking to develop a systematic means of **engaging the public and service users** in their views of adult social care services. This approach could potentially then be used in other areas of scrutiny.

Infant Mortality

- 5.12 The Health and Social Care O&S Committee work programme identifies issues to be investigated in the future, including the alarmingly high levels of infant mortality in Birmingham.

Community Engagement

- 5.13 The Commonwealth Games, Culture & Physical Activity O&S Committee is undertaking a piece of work to look at community engagement in the CWG.

Fly-tipping

- 5.14 Following increasing concerns from members, the Housing and Neighbourhoods O&S Committee has agreed to set up a working group to look at how we tackle the persistent problem of **fly-tipping** in some parts of the city. A terms of reference is currently being agreed for this work but will include consideration of how the Council responds to fly-tipping and how we can better encourage citizens to be part of the solution. It will also consider how rubbish from flats above shops is collected and what impact that has on fly-tipping.

6 Next Steps

- 6.1 Taking forward the work on a Scrutiny Framework, as set out in section 3, a workshop with Cabinet Members, Scrutiny Chairs and senior officers is scheduled for February, and a cross-party workshop is also being scheduled.
- 6.2 The next Scrutiny Business Report is scheduled for July 2020.