

Birmingham City Council

City Council

15 March 2022



Subject: Scrutiny Business Report
Report of: Chairs of the Overview & Scrutiny Committees
Report author: Christian Scade, Interim Head of Scrutiny & Committee Services

Does the report contain confidential or exempt information? ☐ Yes ☒ No

1 Executive Summary

- 1.1 This report reflects on the work programmes of Overview & Scrutiny Committees for the past six months.

2 Recommendations

- 2.1 That the report be noted.

3 Progress since September 2021

- 3.1 Since September 2021 we have been operating with various levels of restrictions on how we do business and have held a combination of “in-person” formal meetings and some online informal meetings during the winter months. An increase in Covid cases over the winter led to a return to working from home advice from the government. Since the relaxation of those restrictions, scheduled O&S meetings have started to move back to formal “in-person” meetings, whilst respecting the capacity of the rooms available and hybrid solutions where non-committee attendees join the meeting virtually online.
- 3.2 We have also successfully recruited two new posts to the Scrutiny team and will have a permanent full time Senior Overview & Scrutiny Manager and an Overview & Scrutiny Manager in post very soon.

4 Scrutiny Work in 2021/22

- 4.1 The four principles of good scrutiny, as identified by the Centre for Governance and Scrutiny, are to provide constructive “critical friend” challenge; amplify the voice and concerns of the public; be led by independent people who take responsibility for their role and drive improvement in public services.

- 4.2 This report focuses on the work we have been doing since September 2021 to fulfil these principles, especially in relation to holding the Executive to account and undertaking independent inquiry work.

Holding the Executive to Account

- 4.3 Scrutiny has explored a wide range of issues over the past six months and some examples of this good work are set out below:
- 4.4 Education & Children's Social Care O&S has had a singular top priority since the Autumn and this has been the improvement journey of the SEND service. The Committee has had updates at every meeting from either the Cabinet Member for Vulnerable Children & Families, the newly-appointed Director of Education and Skills (now Director for Children and Families) or members of the senior leadership team, taking Members through the action plan, the dashboard and progress made to date. In addition, representatives from the Parent Carer Forum have been invited and attended every session to add to this.
- 4.5 Safeguarding children is also within the Committee's remit and the Children's Trust and the Birmingham Safeguarding Children's Partnership have both attended to update Members on this. One of the actions leading from this is the Committee writing to the Minister of State for Crime, Policing and Probation to express the Committee's concerns about the new Offensive Weapons Homicide Reviews (OWHRs) specifically, the proposed age criteria (eighteen and over) as set out in the Police, Crime, Sentencing and Courts Bill.
- 4.6 The Chair of Housing & Neighbourhoods O&S Committee has written to the Cabinet Member for Homes & Neighbourhoods to propose a stocktake on progress made against the "Working Together in Birmingham's Neighbourhoods" policy which was approved by Cabinet in January 2019. The committee had concerns about lack of progress and has outlined some suggested actions to provide impetus and requested an update be brought back to committee urgently.
- 4.7 The Resources O&S Committee requested an update on the Financing of the Commonwealth Games, with a particular focus on the position regarding partner contributions - what was initially agreed, how it is being pursued and the contingency plans if the partner funding is not forthcoming, which was provided early in the new year.
- 4.8 Resources O&S members have also been holding the Executive to account on the delayed delivery of the 1B ERP (Enterprise Resource Planning) system and the resultant increase in associated costs. A number of risks and issues have been managed, however there are still some significant risks being managed, particularly around any further delays to data migration and there are a number of technical solutions that they have to get right. Members were reassured that the programme remains within budget and there is still some contingency fund and reserves left.
- 4.9 Co-ordinating O&S Committee identified key areas of improving the Customer Services and Complaints system in its inquiry from November 2020. The focus on

Customer Services shows that Scrutiny is determined to tackle the priorities and needs of Birmingham local residents. Building on their work in scrutinising Customer Services the new complaints system has at last begun to generate accurate and detailed information on those Directorates which generate most enquiries from residents and their elected representatives.

- 4.10 In the past accurate data on complaints and enquiries was difficult to compile as there were many disparate access points to report problems to the City Council. By rationalising these access points, the true picture of complaints in the City has at long last become clear. This has allowed Scrutiny to challenge the worst performing Directorates to produce action plans to improve performance and monitor their progress in the coming years.
- 4.11 The Co-ordinating O&S Committee wants to see all councillors sent regular briefings on complaints and to see reports tabled at City Council meetings so that Directorates are held to account for their record on dealing with complaints and enquiries.
- 4.12 Members of the Economy & Skills O&S Committee have been particularly interested in advocating for more opportunities for training and upskilling of residents and, as well as receiving regular updates on youth unemployment, the Committee has also kept a watchful eye on the East Birmingham Inclusive Growth Strategy and highlighted that local people and businesses from the area and the wider city benefit most from the initiative.
- 4.13 Building on this, the Committee has also undertaken a 6-month assessment on the impact of the Clean Air Zone (CAZ) on businesses within the CAZ area and will continue to monitor it.
- 4.14 Strengthening Planning Enforcement was a key recommendation from the Exempt Accommodation inquiry presented to City Council in December 2021. The Economy & Skills O&S committee were tasked with looking at the issue more closely at their meeting in March 2022 to understand existing practices, enforcement policies and procedures and what they mean so that the role and capacity of the Council is clear to the public.
- 4.15 As part of a session focusing on sustainability issues in November 2021, Sustainability & Transport O&S Committee called the West Midlands Pension Fund in, as challenging them on divestment from fossil fuels was an action delegated to the committee by the then Route to Zero Taskforce. Other items in this session included an introduction to the newly appointed Assistant Director for Climate Change, tracking on the plastic-free Birmingham inquiry and an update on waste procurement.
- 4.16 The Commonwealth Games, Culture & Physical Activity O&S Committee chose to focus all of its activity over the past 12 months on holding the Executive, and Directorates, to account on what they are doing to contribute to the success of the Commonwealth Games in Birmingham this summer, and also what the Directorates are doing above and beyond to ensure all communities benefit from a legacy as a

result of the Games. This report is set out separately as Appendix 1 to this report.

Inquiries and Proactive Policy Development Areas

- 4.17 O&S also adds value to the work of the Council through independent inquiry work into specific issues and working with the Executive or Directorates to help shape policy development. The following section sets out what inquiry work has been completed since the last report in September 2021, what is currently underway and what work is being scoped for future consideration.

Inquiries Completed since September 2021:

- 4.18 As noted above, Co-ordinating O&S Committee took the results of their inquiry into **Exempt Accommodation** to City Council in December 2021, having gathered evidence from nearly 100 residents, community groups and politicians into the growing problem.
- 4.19 As the inquiry went to City Council, the Levelling Up, Housing and Communities Committee (Select Committee) announced its intention to gather evidence about the sector to inform future plans, and the Chair of Co-ordinating O&S, Cllr Carl Rice, was quoted as saying that “this was one of the best pieces of engagement with the public that he had seen in his time as a Councillor”. The inquiry was covered positively in both local and national press.
- 4.20 As part of the national inquiry the Cabinet Members for Homes & Neighbourhoods and Vulnerable Children & Families have been working with regional authorities, core cities and pilot authorities to develop some common messages and recommendations for national change. A joint pilot meeting reached agreement on policy recommendations for government and a joint submission was also made to the Select Committee inquiry.
- 4.21 In addition, two parliamentary debates have taken place calling for urgent change, the response from the Minister indicated a need to conclude the external evaluation report for the ongoing pilots (including Birmingham) and this would further inform the national inquiry taking place.
- 4.22 Coordinating O&S Committee is expecting an update on progress made against recommendations in its March 2022 meeting.
- 4.23 In winter 2019/20, Economy & Skills O&S Committee asked the question “What more could the Council do, through the use and management of its property estate, to ensure small and medium-sized businesses and community organisations and enterprises can play a full part in the city’s economic development and regeneration?”
- 4.24 The resulting inquiry on **Council-owned Assets** is being debated at the City Council meeting on 15th March 2022, with recommendations focusing on support that can be offered to community organisations as tenants or bidders for Council-owned

property assets, and on improving the service offered by Birmingham Property Services to make it more transparent and improve communications.

Inquiries Currently Underway

- 4.25 A short inquiry, concerning **litter bins policy**, by Housing & Neighbourhoods O&S Committee is underway with the support of the Cabinet Member for Street Services and Assistant Director of Street Scene. Members have had the opportunity to study the policies of two other local authorities, Bradford and Knowsley, and speak to senior officers and members to learn about what has worked well for them. It is envisaged this piece of work will conclude before the end of this municipal year with recommendations to take forward for a litter bins policy for Birmingham.
- 4.26 Resources O&S Committee is about to complete a task and finish inquiry into **procurement and commercial governance**. In the past the Resources O&S Committee has identified several issues with procurement and contract management arrangements, particularly in relation to the timeliness of decisions and adherence to regulations and governance requirements, so the task and finish group was set up to review and examine the commercial governance process to ensure that it is robust, fit for purpose, complied with and delivers both value for money for taxpayers and the Council. This is expected to conclude, via a report to the Cabinet Member for Finance & Resources, by the end of March 2022.

Inquiries being Scoped/Upcoming

- 4.27 Concerns were raised by members of Housing & Neighbourhoods O&S Committee following visits to some void properties. As a result, future scrutiny work will be scoped about the standard of properties being offered and the turnaround time. It is anticipated that this initial scoping will be completed in advance of the new municipal year to enable the new committee members to start quickly in June 2022.

Inquiries being Tracked/Monitored

- 4.28 In addition to the inquiries set out in paragraphs 4.18 – 4.24 which will have actions requiring monitoring this year, the following inquiries still have a small number of recommendations still outstanding before being completely discharged:
- Plastic-free Birmingham
 - Birmingham Tree policy
 - Period poverty
 - Infant mortality
 - Fly tipping

Proactive Policy Development Areas

- 4.29 In addition to the inquiry work above, the last six months have also provided opportunities to look at a number of policy areas in detail. This includes both work that has already taken place, and work that will be taken forward in the future. Some examples of this type of work are set out below:

- 4.30 The Chair of Education & Children's Social Care O&S Committee and the Cabinet Member for Vulnerable Children & Families met early in the new year to discuss areas of importance for scrutiny in the new municipal year and agreed there should be a focus on child exploitation. The Cabinet Member is already working on a piece of work with the hospitality industry and hotels and an awareness raising campaign and has invited Scrutiny to contribute to this work.
- 4.31 Health & Social Care O&S Committee have been seeking to explore pieces of work around weight management and mental health for some time and it is envisaged these would be considered as part of the work programming for 2022/23.
- 4.32 In response to the Covid-19 pandemic, the Sustainability & Transport O&S Committee held a session in September 2021 with public transport operators looking at what was being done to increase confidence so that more people would return to the bus and train network. This looked at measures being put in place to increase customer safety and offering more flexible travel options as people considered returning to the workplace as restrictions begin to lift.

5 Work Arising from City Council

- 5.1 During the year the Economy & Skills O&S Committee has paid particular attention to the assistance being offered to businesses, in particular SME's, and the work in general in supporting the economic recovery from Covid-19. Specifically, focus has been given to those sectors affected more than others such as hospitality and leisure.
- 5.2 Following a Council Motion in December 2021, the Committee considered the role the Council has supporting businesses through property management, highways and regeneration – what the Council has in place and what more could be done to support businesses to take up opportunities of tenancies for example and where regeneration and work on the highway could benefit businesses.
- 5.3 A motion to City Council on 11 January 2022 called on improvements to be made to traffic management and road safety around schools and asked for developments made to be reported to the Sustainability & Transportation and the Education & Children's Services O&S Committees. It has been agreed that the Cabinet Member for Transport and Environment will provide twice-yearly updates as part of his reporting to Sustainability & Transportation O&S Committee and members of the Education & Children's Services O&S Committee will also have the opportunity to take part in these meetings.

6 Health Scrutiny (including work with other boroughs)

- 6.1 Unsurprisingly, the pandemic has dominated the Health & Social Care O&S Committees work and they have continued to hear about the impact on services across the board; from GP practices and hospital pressures through to surgery waiting times and the negative repercussions for people's mental health, especially young people.

- 6.2 The move to Primary Care Networks coupled with the pandemic has seen new systems of supporting patients such as triaging of calls and video conferencing, but this is not aimed at undermining the traditional GP/patient relationship. The development of Social Prescribing to other services has both freed up more GP time for medical issues and provided more targeted support for patients with non-medical issues. The NHS anticipated the winter pressures was a keen topic for the Committee alongside a winter vaccine campaign and the possibility of a potentially equally dangerous Covid strain to Delta, and members were able to speak to GPs to hear first-hand their accounts of front-line primary health care.
- 6.3 There are currently ongoing discussions around the introduction of the Integrated Care System and the move for West Birmingham to become part of the Birmingham footprint in July 2022. All of the above are examples of how this committee has provided “critical friend challenge” at a time of both significant systemic and individual emotional challenge for NHS staff.
- 6.4 Birmingham and Solihull Joint Health O&S Committee (HOSC) has heard how “long covid” can often have life changing implications for those who are still suffering complications almost two years on from first contracting the virus. The Committee also heard first-hand from GPs and Directors of Primary Care Networks about the challenges they faced in trying to continue to deliver essential services to patients during the pandemic.
- 6.5 At a further session, members of the Birmingham and Solihull Joint HOSC learned about the enhanced employee offer for NHS staff to support their wellbeing at a time when they are working under extreme conditions and pressure.
- 6.6 Constructive discussions also occurred around how scrutiny can effectively operate within the new Integrated Care System (ICS) and interact with other key bodies such as Healthwatch and the Health & Wellbeing Board, by providing a critical friend role.
- 6.7 Birmingham and Sandwell Joint HOSC has been focused on the impact of the West Birmingham locality move to the Birmingham and Solihull ICS, and a further update is planned in the new municipal year as the timescale for this transition has moved from April to July 2022. This Joint HOSC also reviewed the increasing role of the Primary Care Networks.
- 6.8 Birmingham and Sandwell Joint HOSC also receive ongoing updates on the progress of the Midland Metropolitan University Hospital and are anticipating a site visit in due course to view progress for themselves.

7 Key areas Carried Forward to 2022/23

- 7.1 Following recent discussions with Scrutiny chairs, a number of areas have been identified for carrying forward to the next municipal year to assist with the new Committees’ work programming. A selection of these are set out below.

- 7.2 There are a number of housing topics programmed for future meetings of the Housing & Neighbourhoods O&S Committee, including tenant engagement, housing repairs and maintenance including the capital investment programme, and voids (with members looking at void turnaround times and the standard of properties as referenced above). Members will also continue with their quarterly monitoring of performance measures within the Housing and Waste services.
- 7.3 Economy & Skills O&S Committee will be tracking and picking up recommendations captured in the Council-owned Assets inquiry report and following up on suggested future work around procurement and community capacity building that were not captured as specific recommendations but that the Committee felt merited additional investigation.
- 7.4 The Climate Change Emergency has been a key interest for the Sustainability & Transport O&S Committee following the motion agreed at City Council in June 2019. Following the establishment of the Route to Zero taskforce (R20) and subsequent work the Committee have been tasked with keeping a watchful eye and, further to the Climate Action Plan presented to Council in January 2022 and the appointment of a dedicated team in the coming months, the Committee will be looking to undertake an in-depth piece of work on this in the new municipal year.
- 7.5 Other areas across all committees which are to be carried over into the new municipal year could include:
- Long term debt strategy
 - Tenant engagement review
 - Health inequalities in Birmingham
 - Access to Primary Care
 - Mental Health & Wellbeing
 - Primary Care Networks and Integrated Care System
 - Transition of West Birmingham (with Sandwell JHOSC)
 - Long Covid review (with Solihull JHOSC)
 - Phase 2 Musculoskeletal Redesign Programme (with Solihull JHOSC)
 - Active Travel Fund
 - City of Nature delivery framework
 - Greening the public realm
 - Public Highways issues (parking/grass verges)
 - Commonwealth Games Sustainability pledge
 - Citizen engagement
 - City Council procedures and arrangements

- Covid-19 review

8 Other Scrutiny work

8.1 West Midlands Police & Crime Panel

- 8.2 The Council's Scrutiny team provides the officer support to the West Midlands Police & Crime Panel.
- 8.3 The Panel is a joint scrutiny body of the West Midland authorities with a dual role to 'support and challenge' the work of the Police and Crime Commissioner (PCC).
- 8.4 The Council's current representatives on the panel are Cllr Alex Aitken, Cllr Brett O'Reilly and Cllr Saima Suleman.
- 8.5 The Panel acts as a critical friend to the PCC on behalf of West Midlands residents and must perform the following statutory functions:
- Review and comment on the PCC's draft Police and Crime Plan.
 - Review the PCC's Annual Reports.
 - Scrutinise decisions and actions by the PCC.
 - Review (with the power to veto) the PCC's proposed Council Tax precept.
 - Hold confirmation hearings before the PCC makes certain senior appointments (Chief Constable, Deputy PCC, Chief Executive and Chief Finance Officer), with the power to veto the Chief Constable appointment.
 - Handle non-criminal complaints about the conduct of the PCC and Deputy PCC, referring serious complaints to the Independent Office for Police Conduct (task delegated to the Birmingham Monitoring Officer).
 - Appoint an acting PCC if required.
 - Suspend the PCC if charged.
- 8.6 The Panel's work programme consists of statutory tasks (listed above) and wider exploratory work to build knowledge and insight into the strategic policing and the wider community safety and criminal justice landscape to fulfil its role to hold the PCC to account.
- 8.7 The following work programme sets out upcoming priorities for the Panel at its next meetings:
- March 2022 - Rebuilding Neighbourhood Policing
 - July 2022 - Reducing Violence, Strategic Policing Requirement
 - September 2022 - Preventing and Reducing Crime (Substance misuse, violence against women and girls).

The Chairs of all Overview & Scrutiny committees would like to place on record their recognition of the dedication and contribution of Cllr Penny Holbrook to the work of overview and scrutiny.