

Agenda

Overview and Scrutiny Performance Board

Wednesday, 21 July 2021, 10.00 am
County Hall, Worcester

All County Councillors are invited to attend and participate

This document can be provided in alternative formats such as Large Print, an audio recording or Braille; it can also be emailed as a Microsoft Word attachment. Please contact Scrutiny on telephone number 01905 844963 or by emailing scrutiny@worcestershire.gov.uk

DISCLOSING INTERESTS

There are now 2 types of interests:
'Disclosable pecuniary interests' and **'other disclosable interests'**

WHAT IS A 'DISCLOSABLE PECUNIARY INTEREST' (DPI)?

- Any **employment**, office, trade or vocation carried on for profit or gain
- **Sponsorship** by a 3rd party of your member or election expenses
- Any **contract** for goods, services or works between the Council and you, a firm where you are a partner/director, or company in which you hold shares
- Interests in **land** in Worcestershire (including licence to occupy for a month or longer)
- **Shares** etc (with either a total nominal value above £25,000 or 1% of the total issued share capital) in companies with a place of business or land in Worcestershire.

NB Your DPIs include the interests of your spouse/partner as well as you

WHAT MUST I DO WITH A DPI?

- **Register** it within 28 days and
- **Declare** it where you have a DPI in a matter at a particular meeting
 - you must **not participate** and you **must withdraw**.

NB It is a criminal offence to participate in matters in which you have a DPI

WHAT ABOUT 'OTHER DISCLOSABLE INTERESTS'?

- No need to register them but
- You must **declare** them at a particular meeting where:
You/your family/person or body with whom you are associated have a **pecuniary interest** in or **close connection** with the matter under discussion.

WHAT ABOUT MEMBERSHIP OF ANOTHER AUTHORITY OR PUBLIC BODY?

You will not normally even need to declare this as an interest. The only exception is where the conflict of interest is so significant it is seen as likely to prejudice your judgement of the public interest.

DO I HAVE TO WITHDRAW IF I HAVE A DISCLOSABLE INTEREST WHICH ISN'T A DPI?

Not normally. You must withdraw only if it:

- affects your **pecuniary interests OR** relates to a **planning or regulatory** matter
- **AND** it is seen as likely to **prejudice your judgement** of the public interest.

DON'T FORGET

- If you have a disclosable interest at a meeting you must **disclose both its existence and nature** – 'as noted/recorded' is insufficient
- **Declarations must relate to specific business** on the agenda
 - General scattergun declarations are not needed and achieve little
- Breaches of most of the **DPI provisions** are now **criminal offences** which may be referred to the police which can on conviction by a court lead to fines up to £5,000 and disqualification up to 5 years
- Formal **dispensation** in respect of interests can be sought in appropriate cases.

Overview and Scrutiny Performance Board Wednesday, 21 July 2021, 10.00 am, County Hall, Worcester

Membership

Councillors:

Cllr Tom Wells (Chairman), Cllr Richard Morris (Vice Chairman), Cllr Alastair Adams, Cllr Brandon Clayton, Cllr Kyle Daisley, Cllr Mike Rouse, Cllr Shirley Webb and Cllr Richard Udall

Co-opted Church Representatives (for education matters)

Mr B Allbut (Church of England)

Parent Governor Representatives (for education matters)

Mr M Hughes (Primary) Vacancy (Secondary)

Agenda

Item No	Subject	Page No
1	Apologies and Welcome	
2	Declaration of Interest and of any Party Whip	
3	<p>Public Participation</p> <p>Members of the public wishing to take part should notify the Assistant Director for Legal and Governance in writing or by email indicating both the nature and content of their proposed participation no later than 9.00am on the working day before the meeting (in this case 20 July 2021). Enquiries can be made through the telephone number/email address listed below.</p> <p>Subject to any announcement by Government between publication of this Agenda and the Meeting, places at the meeting may be limited, therefore, all members of the public who wish to attend the meeting should register by e-mail with the officer below.</p> <p>Furthermore, attendees may be required to sign that they have either:</p> <ul style="list-style-type: none"> • Had Covid-19 in the last 6 months, or • Received two Covid-19 vaccinations, or • Had a negative lateral flow test in the 48 Hours prior to the meeting. 	

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All the above reports and supporting information can be accessed via the Council's website [here](#)

Item No	Subject	Page No
4	Confirmation of the Minutes of the Previous Meeting (previously circulated)	
5	Overview and Scrutiny Role and Remits, Member Update and Cabinet Forward Plan	
6	Performance, In-Year Budget Monitoring and 2021/22 Budget Scrutiny	
7	Refresh of the Scrutiny Work Programme	

OVERVIEW AND SCRUTINY PERFORMANCE BOARD 21 JULY 2021

OVERVIEW AND SCRUTINY ROLE AND REMITS, MEMBER UPDATE AND CABINET FORWARD PLAN

Summary

1. The Overview and Scrutiny Performance Board (OSPB) is asked to consider:
 - (a) the aims of overview and scrutiny and note its remits;
 - (b) agree whether it would wish to receive an update on emerging issues and developments within the remit of each Member of the OSPB, including an update on each Overview and Scrutiny Panel; and
 - (c) the Council's latest Forward Plan to identify:
 - any items it would wish to consider further at a future meeting; and
 - any items it would wish to refer to the relevant Overview and Scrutiny Panel for further consideration.

Aims of Overview and Scrutiny

2. Overview and scrutiny aims to add value to the Council's decision-making process and make a positive contribution to policy development by:
 - Supporting the Council in achieving its vision for the County and its strategic aims and priorities;
 - Promoting open and transparent decision-making, democratic accountability and holding the Cabinet to account for its actions; and
 - Promoting continuous improvement, best practice and innovation in Council services.
3. The key roles are:
 - To hold the Cabinet to account;
 - To review or scrutinise decisions made or actions taken by Cabinet or Council in connection with discharge of any of the Council's functions;
 - To review or scrutinise the performance of the Council and the Cabinet in relation to policy objectives, performance targets and/or particular service areas; and
 - To make reports and/or recommendations to Council or the Cabinet in connection with the above or on any matters affecting the county or its inhabitants.
4. The role of the OSPB is to:
 - Set out an outline work programme for scrutiny, which will be agreed by Council;

- Commission scrutiny work through itself, scrutiny task groups, or the overview and scrutiny panels;
- Ensure that scrutiny carries out its performance monitoring role;
- Comment itself, or through the overview and scrutiny panels, on the Council's key plans;
- Decide whether and how call-in requests are pursued;
- Deal with the budget scrutiny process;
- Ensure that scrutiny is carried out effectively;
- Highlight member training needs for scrutiny; and
- Act as the County Council's Crime and Disorder Overview and Scrutiny Committee.

5. An extract from the Scheme of Assignment of Responsibility for Functions from the County Council's Constitution is attached at Appendix 1.

Member Updates

6. In order to ensure that Members of the OSPB are fully informed about issues relating to scrutiny in Worcestershire, communication between Members is essential.

7. To assist in this, the previous Members of OSPB agreed that an item would be placed periodically on the OSPB agenda to enable each member to feedback on emerging issues and developments within their remit. This provides an opportunity to highlight possible future agenda items.

8. Board Members' areas of responsibility are as follows:

- Adult Care and Well-Being Overview and Scrutiny Panel – Shirley Webb
- Children and Families Overview and Scrutiny Panel – Kyle Daisley
- Economy and Environment Overview and Scrutiny Panel – Alastair Adams
- Corporate and Communities Overview and Scrutiny Panel – Mike Rouse
- Health Overview and Scrutiny Committee (HOSC) – Brandon Clayton
- Crime and Disorder – Richard Udall

9. Members may also be leading scrutiny task groups. It will be important for Members of OSPB to be aware of how each scrutiny is developing so that they can fully consider the final report.

10. **Overview and Scrutiny Panel Chairmen are asked to feedback on:**

- **progress on the work of their Panels;**
- **identify any other issue which they feel is relevant/of interest to the OSPB; and**
- **agree whether they would wish to continue to receive regular member updates at meetings of the Board**

Cabinet Forward Plan

12. The Board will wish to consider any issues arising from the Council's Forward Plan. The latest version of the Plan available at the time of Agenda despatch is routinely considered at each meeting of OSPB (attached at Appendix 2).

13. **The Board is asked to consider the Council's latest Forward Plan in order to identify:**

- **Any items that it would wish to consider further at a future meeting;**
- **Any items that it would wish to refer to the relevant overview and scrutiny panel for further consideration.**

Supporting Information

Appendix 1: Extract from the Scheme of Assignment of Responsibility for Functions from the County Council's Constitution

Appendix 2: Forward Plan (to follow)

Contact Point for the Report

Samantha Morris, Scrutiny Co-ordinator/Tel: 01905 844963

Email: sjmorris@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Assistant Director of Legal and Governance) there are no background papers relating to the subject matter of this report:

[All agendas and minutes are available on the Council's website.](#)

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An extract from the Scheme of Assignment of Responsibility for Functions (August 2019)

OVERVIEW AND SCRUTINY

Overview and Scrutiny Performance Board

The role of the Overview and Scrutiny Performance Board (OSPB) will be to:

- (a) plan and co-ordinate the work of Overview and Scrutiny, to agree areas for scrutiny (including the development of an outline work programme for approval by the County Council) and terms of reference for each in-depth scrutiny review;
- (b) commission overview and scrutiny work through Overview and Scrutiny Panels, scrutiny task groups, joint working with district councils, or itself;
- (c) agree Overview and Scrutiny reports prepared by Overview and Scrutiny Panels, scrutiny task groups or joint working arrangements with district councils;
- (d) act as an interface with the Cabinet;
- (e) receive, comment and advise on the Council's policy framework and on other major policy issues (with Overview and Scrutiny Panels or scrutiny task groups being commissioned to undertake any detailed work during the year);
- (f) have overall responsibility for budget scrutiny and performance monitoring issues, with Overview and Scrutiny Panels undertaking the detailed work in respect of their respective areas of involvement;
- (g) review and/or scrutinise (or to commission a review and/or scrutiny of) decisions made or actions taken in connection with the discharge of any of the Council's functions whether or not the responsibility of the Cabinet;
- (h) contribute to the policy development of the Council by undertaking (or commissioning) the consideration of issues prior to their consideration by the Cabinet;
- (i) exercise the right to call-in, for re-consideration of decisions made but not yet implemented by the Cabinet;
- (j) decide whether and how to deal with call-ins, commissioning Overview and Scrutiny Panels or establishing scrutiny task groups to undertake any detailed work under terms of reference agreed by the Board;
- (k) decide whether and how to deal with Councillor Call for Action requests (including those requests which relate to Crime and Disorder matters); and commission Overview and Scrutiny Panels or establish scrutiny task groups to undertake any detailed work under Terms of Reference agreed by the Board;

- (l) agree arrangements for any review of the performance of relevant external organisations which impact on the Council's functions and services and submit reports after comment, as appropriate, by the Cabinet and external organisations, to the Council;
- (m) act as the relevant 'Crime and Disorder' Scrutiny Committee undertaking those responsibilities conferred by the Crime and Disorder Act, or commission specific work to be undertaken by a specific Overview and Scrutiny Panel or establish a scrutiny task group to do so;
- (n) monitor the quality of scrutinies;
- (o) monitor (or commission the monitoring of) the implementation of any scrutiny recommendations accepted by the Cabinet;
- (p) oversee the development of member skills and competencies in scrutiny;
- (q) carry out such Overview and Scrutiny functions as may be allocated from time to time by legislation or this Constitution.

Health Overview and Scrutiny Committee

The role of the Health Overview and Scrutiny Committee (HOSC) will be to:

- (a) review and scrutinise any matter relating to the planning, provision and operation of health services in the area of the County;
- (b) review and scrutinise the impact of the Council's services and of key partnerships on the health of residents in the County;
- (c) respond to consultations from the National Health Service or by the local authority as commissioner and provider of health services on any proposal for a substantial development of health services in the area, or for a substantial variation in the provision of such a service;
- (d) establish (or agree to participate in) joint Health Overview and Scrutiny committees where a local NHS body is undertaking statutory consultation with different authorities on a proposal for substantial variations or developments to NHS services where people from more than one local authority area might be affected, or as appropriate to deal with particular issues;

[Note - The Assistant Director for Legal and Governance is also authorised to determine the terms of reference and details of any such ad hoc joint committee, in consultation with the Chairman of HOSC and Group Leaders]

- (e) determine whether to delegate responsibility for certain focussed scrutiny exercises to District Councils subject to the County Council's strategic policies and budget provisions being adhered to.

Overview and Scrutiny Panels

The remits of the scrutiny bodies are summarised in the table below. OSPB may resolve any ambiguities between remits.

Panel	Business Area
OSPB	<ul style="list-style-type: none"> • Scrutiny performance • Coordinate and agree the scrutiny work programme for endorsement by Council • Co-ordinate workload • Call-ins • Allocate Council-wide issues not otherwise falling within the remit of a particular Panel to one of the Panels • Consider reports and recommendations from Panels or Task Groups • Monitor the quality of scrutiny
Adult Care and Well-Being	<ul style="list-style-type: none"> • Health and Well-being • Adult Social Care
Children and Families	<ul style="list-style-type: none"> • Children's Social Care and Families • Public Health relating to Families • Education and Skills
Economy and Environment	<ul style="list-style-type: none"> • Economy • Environment • Highways • Infrastructure
Corporate and Communities	<ul style="list-style-type: none"> • Commissioning, contracts and commerce and ensuring the corporate commissioning cycle works well • Transformation • Finance • Localism and Communities • Organisation and employees
Health O&S Committee	<ul style="list-style-type: none"> • Local NHS bodies and health services

Each Overview and Scrutiny Panel will cover the remits of the Cabinet Members with Responsibilities as follows:

Overview and Scrutiny Panel	Cabinet Member with Responsibility
Adult Care and Well-Being	Health and Well-Being* ¹ Adult Social Care
Children and Families	Children and Families Education and Skills
Economy and Environment* ²	Environment Highways Economy and Infrastructure
Corporate and Communities	Transformation and Commissioning Finance Communities

*1 This area is also covered by the Health Overview and Scrutiny Committee.

*2 The Economy and Environment Overview and Scrutiny Panel will review and scrutinise the Council's flood risk management functions which may affect the local authority's area, as set out in the Flood and Water Management Act 2010.

The role of the Overview and Scrutiny Panels will be to:-

- (a) be responsible for regular performance monitoring of directorate performance and quality assurance relevant to their theme/s;
- (b) be responsible for routine budget monitoring of those services and functions within their area of scrutiny responsibility;
- (c) contribute to the policy development of the Council by undertaking the consideration of issues on the terms commissioned by the OSPB and prior to consideration by Cabinet;
- (d) carry out in-depth scrutinies on the basis of and in accordance with the terms of reference agreed by the OSPB;
- (e) carry out any other tasks (including the consideration of Call-ins and Councillor Calls for Action) commissioned by the OSPB in pursuance of its functions.

Scrutiny Task Groups

The role of the Scrutiny Task Groups will be to:

- (a) carry out in-depth scrutinies on the basis of and in accordance with the terms of reference agreed by the OSPB;
- (b) carry out any other tasks (including the consideration of call-ins and Councillor Calls for Action) commissioned by the OSPB in pursuance of its functions.

[NB Scrutiny Task Groups are not Committees of the Council but informal ad hoc working groups]

OVERVIEW AND SCRUTINY PERFORMANCE BOARD 21 JULY 2021

PERFORMANCE, IN-YEAR BUDGET MONITORING AND 2021/22 BUDGET SCRUTINY

Summary

1. The Board is asked to consider the feedback provided by Scrutiny Chairmen following the discussion of performance information for Quarter 4 (January to March 2021) and in-year budget monitoring information relating to the year-end financial outturn for 2020/21.

Background

2. Performance and financial monitoring are part of the Scrutiny Panels' role in maintaining oversight of service provision and a key role for Scrutiny.
3. As previously agreed by the Board, Scrutiny Panels will carry out quarterly performance and financial monitoring, and then report to the Board by exception any areas of concern or suggestions for further scrutiny.
4. At the July Scrutiny Panel meetings, Members were provided with performance information and in-year budget monitoring reports. The Panels welcomed the information and gave both general and panel specific feedback which is being considered (and incorporated where possible) for future reports.

Purpose of the Meeting

5. The Board is asked to:
 - consider and comment on the feedback from Scrutiny Chairmen following the discussion of Quarter 4 (January to March 2021) and in-year budget monitoring information relating to the year-end financial outturn for 2020/21; and
 - determine whether any further information or scrutiny on a particular topic is required.

Contact Point for this Report

Samantha Morris, Scrutiny Co-ordinator Tel: 01905 844963
Email: sjmorris@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Assistant Director of Legal and Governance) the background papers relating to the subject matter of this report:

Agenda and minutes of:

- [Adult Care and Well Being Overview and Scrutiny Panel - 8 July 2021](#)
- [Children and Families Overview and Scrutiny Panel on Friday - 16th July, 2021](#)

- [Health Overview and Scrutiny Committee - 19 July 2021](#)
- [Economy and Environment Overview and Scrutiny Panel on 19 July 2021](#)
- [Corporate and Communities Overview and Scrutiny Panel - 20 July 2021](#)

[All agendas and minutes are available on the Council's website.](#)

OVERVIEW AND SCRUTINY PERFORMANCE BOARD 21 JULY 2021

REFRESH OF THE SCRUTINY WORK PROGRAMME

Summary

1. The Overview and Scrutiny Performance Board (OSPB) is asked to consider the Scrutiny Work Programme for 2021/22.

Developing a Scrutiny Work Programme

2. The current 2020/21 Scrutiny Work Programme was agreed at Council in September 2020. It would now seem timely for the work programme to be refreshed for the coming year. The refreshed work programme will be considered by full Council on 9 September 2021.
3. In preparation for this meeting, Panel Chairmen have consulted with their Panels on any amendments they would like to make to their work programme. Draft Work Programmes for the Panels and Health Overview and Scrutiny Committee (HOSC) are attached at Appendix 1 (to follow).
4. Members are reminded that the Council's Constitution includes a requirement for the OSPB (using the Panels where appropriate) to receive, comment and advise on the Council's policy framework.
5. The Board is also asked to consider whether, in addition to the Policy Framework and standing items it considers, there are any other issues that should be added to its Work Programme.
6. In determining its Scrutiny Work Programme, the Board needs to consider a number of points.

Issues suitable for scrutiny

7. It is suggested that the Board continues to use the criteria previously agreed by OSPB on 19 June 2017 to help determine its scrutiny programme. A topic does not need to meet all of these criteria in order to be scrutinised, but they are intended as a guide for prioritisation.

- Is the issue a priority area for the Council?
- Is it a key issue for local people?
- Will it be practicable to implement the outcomes of the scrutiny?
- Are improvements for local people likely?
- Is there any evidence to it is a poor performing service?
- Will it result in improvements to the way the Council operates?
- Is it related to new Government guidance or legislation?

8. In considering the proposed work programme Members should also aim for it to be:

- balanced, in terms of some topics being of longer duration and some being suitable for shorter study
- Mixed in terms of covering different topics/directorates
- Not so onerous that there is no flexibility and room left for smaller, additional items such as Call-ins, to be added in at a later time if the OSPB regards it as a priority, and
- Taking account of the resources available to support scrutiny.

Purpose of the Meeting

9. The Overview and Scrutiny Performance Board (OSPB) is asked to:

- consider the reports from Panel Chairmen on potential work programme topics;
- consider whether there are any issues which should be added to the OSPB's Work Programme;
- determine the Scrutiny Work Programme for 2021/22 to be considered by full Council.

Supporting Information

Appendix 1: Draft 2021/22 Overview and Scrutiny Work Programme (To follow)

Contact Point for this Report

Samantha Morris, Scrutiny Co-ordinator Tel: 01905 844963

Email: sjmorris@worcestershire.gov.uk

Background Papers

In the opinion of the proper officer (in this case the Assistant Director for Legal and Governance) the following are the background papers relating to the subject matter of this report:

- Agenda and Minutes of the Overview and Scrutiny Performance Board 19 June 2017
- The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

[All agendas and minutes are available on the Council's website.](#)