

Report To:	OVERVIEW PANEL
Date:	29 July 2019
Reporting Officer:	Sandra Stewart, Director – Governance and Pensions Sarah Dobson, Assistant Director – Policy, Performance and Communications
Subject:	SCRUTINY UPDATE
Report Summary:	To receive for information, a summary of the work undertaken by the Council's two Scrutiny Panels for June and July 2019.
Recommendations:	That Overview (Audit) Panel are asked to note the content of the report and summary of scrutiny activity. All related documents can be viewed within the appendices.
Links to Corporate Plan:	Scrutiny work programmes are linked to the Council's corporate priorities. Scrutiny activity seeks to support effective decision making and priorities across Tameside.
Policy Implications:	The work programmes comprise activity that seeks to check the effective implementation of the Strategic Commission's policies and if appropriate make recommendations to the Executive with regards to development, performance monitoring, outcomes and value for money.
Financial Implications: (Authorised by the Borough Treasurer)	There are no direct financial implications as a result of this report. Any costs incurred by the Scrutiny Panels must be met from existing budgets.
Legal Implications: (Authorised by the Borough Solicitor)	Overview and scrutiny committees were established in English and Welsh local authorities by the Local Government Act 2000. They were intended as a counterweight to the new executive structures created by that Act (elected mayors or leaders and cabinets). Their role was to develop and review policy and make recommendations to the council. Today, the legislative provisions for overview and scrutiny committees for England can be found in the Localism Act 2011. Those for Wales are in the Local Government (Wales) Measure 2011, and those for Northern Ireland are in the Local Government Act (Northern Ireland) 2014. There are no legislative provisions for overview and scrutiny in Scotland, though many Scottish local authorities do operate scrutiny committees alongside executive structures. Local authorities also manage processes of 'external scrutiny', where their committees look at issues which lie outside the council's responsibilities. In England, specific powers exist to scrutinise health bodies, crime and disorder partnerships, and Police and Crime Commissioners. Combined authorities are also required to establish overview and scrutiny committees.
Risk Management:	Regular updates to Overview (Audit) Panel provide assurance that scrutiny is progressing with an effective work programme, supporting good decision making and service improvement.

Access to Information:

The background papers relating to this report can be inspected by contacting Paul Radcliffe, Policy and Strategy Lead by:



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1. INTRODUCTION

- 1.1 The Scrutiny Update provides a platform for appropriate insight, activity, outcomes and proposals to be relayed. This method of reporting supports the improved responsiveness of scrutiny work and also prevents any delay in the communication of key messages.
- 1.2 The report, by nature, aims to provide members with a general summary of scrutiny activity and proposals. It remains that all reports produced by scrutiny panels as a result of in-depth review will be tabled separately at the earliest opportunity.

2.0 SCRUTINY ACTIVITY

- 2.1 Scrutiny in practice remains mindful of the suitability and appropriateness of timings with regards to the impact and value of planned activity. This includes the selection and order of topics and updates to be received during the year. The annual work programmes and priorities were agreed at the June meetings and this coincides with consultation activity for which a valued response and input can be achieved. The tables below provide a summary and chronology of scrutiny activity.

Figure 1: Breakdown of activity at the formal Scrutiny Panel meetings

INTEGRATED CARE AND WELLBEING	
13 June 2019	25 July 2019 (*Planned)
<ul style="list-style-type: none">Panel members agreed a list of topics and future priorities in developing the annual work programme.The Chair confirmed that the fixed Children's Working Group will remain in place for 2019/20. Terms of reference and membership agreed, APPENDIX 2.The Panel received the Quality of Tameside Care Homes report, which concludes activity undertaken during 2018/19. The report and Executive Response to be presented at the next meeting of Overview (Audit) Panel on 29 July 2019.Update and discussion on new statutory scrutiny guidance, published on 7 May 2019.	<ul style="list-style-type: none">The Panel to meet Councillor Bill Fairfoull, Deputy Executive Leader (Children and Families); and Richard Hancock, Director of Children's Services, to receive:<ul style="list-style-type: none">Update on Children's Services improvement and outcomes from the recent Ofsted inspection.Overview of current arrangements for the recruitment and retention of foster carers in Tameside, to inform future activity.The Panel to review options to submit a formal response to the national consultation currently open on 'support for victims of domestic abuse in safe accommodation.'

PLACE AND EXTERNAL RELATIONS	
11 June 2019	30 July 2019 (*Planned)
<ul style="list-style-type: none">Panel members agreed a list of topics and future priorities in developing the annual work programme.	<ul style="list-style-type: none">The Panel to meet Nicola Turner, Interim Head of Development and Investment; and John Hughes, Housing Growth Lead to receive an update on the Housing Strategy and improving quality and standards within the

<ul style="list-style-type: none"> • The Panel met Gary Mongan, Regulatory Services Manager, to receive a specific update on Greater Manchester Clean Air Proposals and Conversation. The Chair to draft a formal response to the conversation on behalf of the panel, to include discussion points and areas of concern. • Update and discussion on new statutory scrutiny guidance, published on 7 May 2019. 	<p>private rented sector, to inform future activity.</p> <ul style="list-style-type: none"> • To receive the Panel's formal response to the Greater Manchester Clean Air Conversation, submitted on 26 June 2019, APPENDIX 1.
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*Papers for Overview (Audit) Panel published in advance of the July meetings.

Statutory Scrutiny Guidance

- 2.2 The House of Commons Communities and Local Government Committee published a report on 15 December 2017, which followed an inquiry into the 'Effectiveness of Local Authority Overview and Scrutiny Committees'. The report recommended that the government update the statutory guidance to take account of the evolving role.
- 2.3 While somewhat delayed, the new guidance was published on 7 May 2019. A summary of which formed part of the June meeting papers, with time allocated for members to review key messages to inform local practice going forward, **APPENDIX 4**. A number of positive comparisons were made to the way scrutiny activity is planned and delivered in line with the national guidance.
- 2.4 The published guidance is available to view at: <https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>

Keeping Scrutiny Members Informed

- 2.5 All Scrutiny Panel members receive a monthly update email, with the purpose to raise awareness to a variety of materials to support their role, provide access to scrutiny resources and provide the ongoing opportunity for councillors to contribute and share any open consultations and engagement exercises. This will continue to include a wide variety of topic areas for consideration.
- 2.6 The update email also includes links to Greater Manchester Priorities and the work of the Combined Authority Scrutiny Panels. This email provides a further opportunity to inform members how the work of scrutiny is shared and reported within the Council. The most recent update was sent in June 2019, **APPENDIX 3**.

3.0 RECOMMENDATIONS

- 3.1 As set out on the front of the report.

Clean Air Greater Manchestercleanairgm@aecom.com**Chair of the Place and External Relations
Scrutiny Panel****Councillor Mike Glover**

Tameside One
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OL6 6bh

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Phone: 0161 342 2199
Ask for: Paul Radcliffe
Date: 26 June 2019

To whom it may concern,

Clean Air Conversation

I write on behalf of Tameside Council's Place and External Relations Scrutiny Panel. The Panel has remained suitably informed of the mandate to improve air quality across Greater Manchester, the development of an Outline Business Case and the Clean Air Conversation that is now taking place to inform proposals prior to public consultation.

The Scrutiny Panel seeks to submit a formal response to the Clean Air Conversation, which closes on 30 June 2019. This letter therefore aims to provide a summary of collective discussion points and to express any issues and concerns raised by panel members. I would be extremely grateful if on receiving this letter you are able to take the appropriate action to ensure the collective response is suitably recorded and submitted to the conversation.

Air quality exceedances identified across Greater Manchester's highway network have propelled the health related impacts of traffic pollution to the forefront of the local, regional and national agenda. Challenging decisions undoubtedly lie ahead with the introduction of a Clean Air Zone (CAZ). Panel members are fully supportive of the approach taken to tackle this head on as a region. We need to be bold and ambitious by reaching further than the mandate and for Greater Manchester to quickly reduce the number of deaths with poor air quality as a contributing factor.

Members are particularly aware of the relatively short timescales imposed when considering the need to raise general awareness and to support sustainable behaviour change. I have listed some of the main points below, which are to be viewed as individual responses from members, under the collective of Tameside's Place and External Relations Scrutiny Panel.

- The Panel is supportive of the proposed boundary of the CAZ and the need for this to become a concern for all boroughs, all businesses and all residents within Greater Manchester.
- The motorway network is a significant contributing factor to air quality exceedance in Tameside. With some of the poorest air quality identified in close proximity to motorway junctions. It appears difficult to evidence why the Government has made the decision not

to mandate Highways England and the pressure this now places on local authorities to resolve issues outside of their direct influence or control.

- Consider the trunk roads and motorways that pass through Tameside, with current proposals to provide non-compliant vehicles with the leniency to drive through the borough, often as part of a longer journey, without being subject to a daily penalty.
- There are risks associated with the exemptions being granted to major trunk roads, with the potential for increased congestion and increased air quality exceedance.
- In order for Greater Manchester to support local business and deliver a truly effective CAZ, the Government must allocate the required funding levels and access to financial support.
- Identify the current level of non-compliant vehicles across the conurbation entering Phase 1 of the CAZ. Insight required to the purchase and lease methods of small and medium enterprise to prevent the CAZ imposing additional financial pressures resulting in businesses needing to relocate or downsize.
- Increase the level of direct engagement with businesses to ensure their views are effectively captured within the proposals and planned consultation. There is a significant need to increase responses from those impacted the most, as a percentage of total responses.
- Explore further options regarding the daily penalty charge for non-compliant vehicles entering the CAZ. A reduced daily penalty charge with phased increases. For example, daily penalty charges of £5 (Taxi / Private Hire) and £50 (Buses / HGV) to increase by 50% every 6 months up to Phase 2 and subject to review in 2023.
- As of June 2019 more than 80% of taxi and private hire vehicles in Tameside are non-compliant to meet the proposed CAZ emission standards. While technology and the demand for cleaner vehicles are growing, it is not expected to reach the majority of taxi and private hire vehicles by 2021. The consultation on Common Minimum Standard for Taxi and Private Hire Vehicles is welcomed, with a need to ensure consistent licensing measures are introduced across Greater Manchester.
- If national bus operators are able to access funding to upgrade or retrofit vehicles, there is a need to ensure all vehicles remain within the Greater Manchester network.
- Remain focused on improving the public transport network in Greater Manchester and impact of wider pollutants. To include accessibility; the need for 'one ticket' to incorporate travel across the bus, tram and train network; route planning and concessions. This is an essential part of allowing residents to make better transport choices in the long-term.
- That local authorities are further encouraged to work with key partners such as Hospital Trusts, Registered Social Landlords and Clinical Commissioning Groups to communicate the sectors commitment to improving air quality within organisational logistics and procurement. Options for more case studies of behaviour change within the wider media.
- Develop key messages to reassure the public that this not a money making exercise and that any additional funds (in excess of operating costs) will be re-invested in Greater Manchester.

If further clarity is needed on any of the above points, please do not hesitate to contact me.

Yours faithfully,

Councillor Mike Glover
Chair – Place and External Relations Scrutiny Panel

APPENDIX 2

CHILDREN'S WORKING GROUP – 2019/20

TERMS OF REFERENCE

RATIONALE

The Children's Working Group is instructed as a fixed sub-group of the Integrated Care and Wellbeing Scrutiny Panel for 2019/20. The group will have a specific remit to consider matters relevant to Children's Services and Education.

Seeking the lived experience and wishes of children and young people about the services they receive must be an active driver for decision-making and service development. The group will look to ensure that there are sufficient and adequate mechanisms in place to encourage participation, with the aim to inform service delivery.

To do this the working group will meet with stakeholders, review existing documentation and assess a range of information and evidence. The group does not make decisions about service provision but will provide comment and recommendations to support services in capturing the views and experiences of children and young people.

SCOPE & OBJECTIVES

The scope and objectives of the Children's Working Group are to:

- Create a fixed membership to include elected members from the Integrated Care and Wellbeing Scrutiny Panel, co-opted young people and co-opted adults.
- Seek to identify and establish a working list of topics for consideration.
- Deliver statutory functions when educational matters are considered.
- Promote 'critical friend' challenge to the improvement process.
- Ensure young people and adults feel safe and able to voice any concerns.
- Encourage broader participation opportunities for young people.
- Review the variety of methods available for residents and young people to communicate their views.
- Ensure that Children's Services continue to use the findings from participation and engagement in strategic and operation improvement, as well as in individual case decisions.
- To encourage participation to a range of local and regional consultations.

OVERSIGHT AND REPORTING

The Chair of the Integrated Care and Wellbeing Scrutiny holds responsibility for the oversight and approval of activity undertaken by the Children's Working Group. The working group is to be chaired by the Chair of the Scrutiny Panel.

The Children's Working Group will establish a work pattern whereby every meeting will have set objectives and measured outcomes, in the form of a response paper or letter. Findings and actions from the meeting will be tabled and presented at the next available meeting of the Integrated Care and Wellbeing Scrutiny Panel, for information and sign off. To prevent any delay in reporting, all findings and papers will be shared directly with the Chair of the Integrated Care and Wellbeing Scrutiny Panel prior to submission.

STATUTORY ROLES

As part of the Children Act 1989 it is the duty of the authority in its care of children and young people, to listen to and base improvements on the wishes and feelings of children and young people on matters that affect them. A further statutory requirement for the Integrated Care and Wellbeing Scrutiny Panel is to include co-opted representatives when dealing with educational matters.

ACTIVITY

The Children's Working Group will:

- Ensure that designated groups and networks for children and young people are being listened to and adequately supported to have their voice heard on a strategic level. This includes testing whether individuals and groups are being listened to by the bodies responsible for implementing change.
- Ensure that the voice and lived experiences of young people are acted upon on an individual level. To include examination of how this is evidenced across Children's Services and Educational services.
- Include evidence from external challenge mechanisms and regulators, for example complaints; whistleblowing; Serious Case Reviews; examples of respectful challenge and judicial reviews.
- Benchmark new and innovative ideas for gathering the experience of residents and young people at strategic and operational levels.

MEMBERSHIP

The membership of the working group is:

- Cllr Teresa Smith (Chair)
- 6 x Councillors from the Integrated Care and Wellbeing Scrutiny Panel.
- Co-opted young people
- Co-opted adults (to include Roman Catholic and Church of England representatives as set out under the provisions of the Local Government Act 2000).

MEETINGS

There will be four fixed meeting dates for the 2019/20 municipal year, to be held on a Thursday with a start time of 6pm and to last no longer than 2 hours. The group will meet in private, as is standard for a scrutiny working group.

The group may hold additional meetings when deemed appropriate for the subject being considered.

APPENDIX 3

Scrutiny
in Tameside

Integrated Care
and Wellbeing
Place and
External Relations



June 2019

Welcome to the June 2019 Scrutiny Update.

The regular updates aim to keep you informed of upcoming activity, including engagement and consultation with regards to local, regional and national decision making. All of the open consultations listed below are available for you to access and complete, with the opportunity to raise greater community awareness and participation where possible. For further information and to have your say please follow the relevant links below.

I hope this is something you will continue to find useful and please let me know if you require any further information.

Open Consultations

What Matters To You 2019 (Local) – During summer 2018 the Strategic Commission (Tameside Council and NHS Tameside and Glossop Clinical Commissioning Group) took part in the NHS England “What Matters to You” (WMTY) Campaign where individuals, and groups across Tameside and Glossop were encouraged to tell us what matters to them in terms of the health and social care they receive in their local area.

It is a nationwide effort that takes place every year where as many people as possible are invited to have a meaningful conversation about the things that are important to them when it comes to health and social care services. Once again, members of the public can comment using either the [online form](#), or pre-paid postcards which are available in a number of locations including GP surgeries, libraries and Children’s Centres for people to complete and return. Closing date: **31 July 2019**.

Wheelchair Survey (Regional) - GM Health & Social Care Partnership is conducting a Wheelchair review of both Adults and Children’s services across GM. There is currently a lot of variation in the wheelchair services causing inequality and poor provision in some parts of GM. Closing date: **28 June 2019**.

Greater Manchester Clean Air Proposals (Regional) – Greater Manchester is working to tackle air pollution. Unless something is done, roads across Greater Manchester will continue to have dangerously high levels of pollutants, which can contribute to a wide range of illnesses and health conditions. A series of government-funded schemes are to help Greater Manchester HGV, bus and coach, taxi and private hire vehicles upgrade to cleaner vehicles. The Clean Air Plan will be developed in more detail in the coming months and the public are invited to comment to help shape the proposals. Closing date: **30 June 2019**.

National Engagement and Consultations

There are currently a number of pieces of work being led by government departments and agencies that you may wish to take part in. For further information and to have your say please follow the relevant links below:

Changing Places Toilets - This consultation seeks views on how the government can increase provision of Changing Places toilets in specific new, large buildings commonly used by the public,

as well as those undergoing building works. Changing Places toilets meet the needs of people with profound and multiple learning disabilities, as well as people with other physical disabilities. Closing date: **21 July 2019**.

[Consultation on a new Rent Standard from 2020](#) – A new Rent Standard is proposed to be introduced from April 2020. It applies to private registered providers, local authority registered providers, tenants, lenders and anyone who has an interest in social housing. The Regulator of Social Housing are consulting on expectations such as rules on social rent (including fair rent); rules on affordable rent and movement between different types of rent. Closing date: **30 July 2019**.

[Support for victims of domestic abuse in safe accommodation](#) - This paper seeks views on the government's proposals for a new approach to support victims of domestic abuse and their children in accommodation-based services in England. They are consulting on a new delivery model for accommodation-based support. This includes the introduction of a statutory duty on local authorities to provide support that meets the diverse needs of victims of domestic abuse and their children, ensuring they have access to provision that is right for them. Closing date: **2 August 2019**.

All live and past consultations are available for viewing at the **[Big Conversation](#)** pages on the Council's website.

Regional Scrutiny

The Council appoints representatives to each of the Greater Manchester Combined Authority (GMCA) Scrutiny Panels and also scrutiny arrangements for Pennine Care. The links below provide you with access to the most recent meeting papers for each of the panels.

[Corporate Issues & Reform Overview & Scrutiny](#)

[Economy, Business Growth & Skills Overview & Scrutiny](#)

[Housing, Planning & Environment Overview & Scrutiny](#)

[Joint Scrutiny Panel for Pennine Care \(Mental Health\) Trust](#)

Scrutiny Resources

In addition to the past training events, I will look to share any available material with you. This will include any material to support you in your role during the course of the year.

Recent publications:

- **[The Good Scrutiny Guide](#)**
- **[Dealing with complaints at scrutiny](#)**
- **[Governance, Culture and Collaboration](#)**
- **[Scrutiny Frontiers 2019](#)**
- **[Improving children and young people's mental health and emotional wellbeing](#)**
- **[Early help resource pack](#)**
- **[Must know: Safeguarding adults](#)**

APPENDIX 4

Statutory Scrutiny Guidance – May 2019

The new statutory guidance, published in May 2019, is from the Ministry of Housing, Communities and Local Government. Local authorities must have regard to it when exercising their scrutiny functions and it is directly aimed at local authorities in England. In particular attention is drawn to the purpose of overview and scrutiny, what effective scrutiny looks like, general conduct and the benefits it can bring.

There is recognition to the way each authority approaches scrutiny, the different procedures in place and acknowledgement that what works well for one may not work for another. This briefing note summarises the key points and recommendations published in the guidance to inform scrutiny practice in Tameside.

Effective Overview and Scrutiny should:

- Provide constructive 'critical friend' challenge.
- Amplify the voices and concerns of the public.
- Be led by independent people who take responsibility for their role.
- Drive improvement in public services.

While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority. It is important to remember that the effectiveness of scrutiny, or lack thereof, is often considered by external bodies such as regulators and inspectors.

Authorities can establish a strong organisational culture by:

Recognising Scrutiny's legal and democratic legitimacy

All members and officers should recognise and appreciate the importance and legitimacy scrutiny is afforded by law. Councillors, by nature, have a closer connection and insight to residents and local people, which in itself brings a unique legitimacy with the ability to consult and seek views and opinions.

Identifying a clear role and focus

Prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and has relevance to the wider work and priorities of the authority. This is often one of the most challenging parts of scrutiny and a critical element to get right if it is to be truly recognised as a strategic function.

A clear division of responsibilities between scrutiny and audit functions. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in context of the formal audit role.

Engagement between the Executive and Scrutiny

To ensure early and regular discussion takes place between Scrutiny and the Executive, especially with regarding activity and work programmes. The Scrutiny Chair should determine the nature and extent of an Executive Member's participation in both formal and informal activity of the Panel.

Influence

Scrutiny does have the power to 'Call In' decisions and to ask the Executive to reconsider before implementation. This should not be viewed as a substitute for early involvement in the decision making process or as a party political tool.

Appointed Scrutiny Chair's should pay special attention to the need to guard the Panel's independence. Importantly, they should take care to avoid the committee being viewed as, a de facto opposition to the Executive.

Access to information

Scrutiny members should have access to a regularly available source of key information. This can link directly to performance and risk to inform work priorities. While each request for information should be judged on its individual merits, it is best practice to adopt an agreed position of sharing information that is deemed to be appropriate for the remit and role of scrutiny.

Planning work

While scrutiny has a range of oversight powers, it can be difficult for authorities to support a function that carries out generalised reviews across a wide range of issues experienced by residents. Prioritisation is necessary, which means that while there might be things that, despite being important, scrutiny will not be able to look at.

Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance, given available timescales and resource, justifies the positive impact that scrutiny involvement could bring.

The approach to shortlisting topics should reflect scrutiny's overall role within the authority. When considering whether an item should be included in the work programme, the questions to consider are:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with activity of the Executive and other decision makers, including partners?

Scrutiny Panels should consider keeping work priorities under regular review. It is likely to be easier to do this outside of the committee, or to bring a more formal update as a matter of course.

Carrying out work

Selected topics can be scrutinised in several ways, including:

- **Single agenda item at a formal panel meeting** – can present limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain closer oversight to a specific issue.
- **A single (one-off) meeting** – This can provide an opportunity to have a single public meeting about a given subject, or to have a meeting at which evidence is taken from a number of witnesses.
- **Task and finish** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. The focused approach can ensure members can swiftly reach conclusions and make recommendations.
- **Longer and more in-depth reviews** – activity spread over a longer period can still be appropriate in certain instances. However, the nature of this work and time commitments can present further issues, unless for the most complex matters.
- **Establishing a standing panel** – this may be necessary to keep a watching brief over a local issue, especially where members feel a need to convene regularly to carry out such oversight.

Planning and preparation

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what is needed from each meeting and appreciate that success will depend on their ability to work together on the day. Effective planning should mean that at the end of a session it is relatively straightforward for the Chair to draw together themes and highlight key findings.

In order to improve the responsiveness of scrutiny activity it may be necessary for the Chair to seek approval of members to progress review activity outside of the formal meetings in a way to prevent delay in key findings and recommendations being shared with the Executive.