

SCRUTINY CO-ORDINATING COMMITTEE AGENDA



17 August 2012

at 1.00 p.m.

in the Council Chamber,
Civic Centre, Hartlepool.

MEMBERS: SCRUTINY CO-ORDINATING COMMITTEE:

Councillors Ainslie, C Akers-Belcher, S Akers-Belcher, Beck, Cook, Fisher, Gibbon, Hall, James, Loynes, Payne, Richardson, Shields, Tempest, Wells and Wilcox.

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **TO CONFIRM THE MINUTES OF THE MEETINGS HELD ON 27 JULY 2012 (to follow)**
4. **RESPONSES FROM THE COUNCIL, THE EXECUTIVE OR COMMITTEES OF THE COUNCIL TO REPORTS OF THE SCRUTINY COORDINATING COMMITTEE**
 - 4.1 Portfolio Holders Response to the Final Report into the Borough Council Museum and Art Gallery Collection - *Joint Report of Director of Child and Adult Services and the Portfolio Holder for Children's and Community Services.*
 - 4.2 Children's and Community Services Portfolio Holder Response to the Call-In of Decision: Proposed School Admissions Arrangements for 2013-14 - *The Children's and Community Services Portfolio Holder*
5. **CONSIDERATION OF REQUEST FOR SCRUTINY REVIEWS FROM COUNCIL, EXECUTIVE MEMBERS AND NON EXECUTIVE MEMBERS**

No items.
6. **FORWARD PLAN**

No Items.

7. CONSIDERATION OF PROGRESS REPORTS / BUDGET AND POLICY FRAMEWORK DOCUMENTS

No items.

8. CONSIDERATION OF FINANCIAL MONITORING/CORPORATE REPORTS

No items.

9. ITEMS FOR DISCUSSION

9.1 Localising Council Tax Benefit Working Group - Outcome of Work - *Chair of the Localising Council Tax Benefit Working Group (to follow)*

9.2 Scrutiny Forum's Progress Reports:-

(a) Adult and Community Services Scrutiny Forum - *Chair of the Adult & Community Services Scrutiny Forum*

(b) Children's Services Scrutiny Forum - *Chair of the Children's Services Scrutiny Forum*

(c) Health Scrutiny Forum - *Chair of the Health Scrutiny Forum*

(d) Neighbourhood Services Scrutiny Forum - *Chair of the Neighbourhood Services Scrutiny Forum*

(e) Regeneration and Planning Services Scrutiny Forum - *Chair of the Regeneration and Planning Services Scrutiny Forum*

(f) Scrutiny Co-ordinating Committee - *Chair of the Scrutiny Co-ordinating Committee*

9.3 Referral Response - Young People's Access To Transport And Low Cost Travel In Hartlepool - *Neighbourhood Services Scrutiny Forum*

9.4 Dedicated Overview and Scrutiny Budget - 2011/12 Outturn – *Scrutiny Manager*

9.5 Local Authority Health Scrutiny – Consultation - *Scrutiny Manager*

10. CALL-IN REQUESTS

No items.

11. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

ITEMS FOR INFORMATION

i) **Date of Next Meeting: 28 September 2012, commencing at 1.00pm in the Council Chamber**

SCRUTINY CO-ORDINATING COMMITTEE

MINUTES

27 July 2012

The meeting commenced at 10.00 am in the Civic Centre, Hartlepool

Present:

Councillor: Marjorie James (In the Chair)

Councillors: Jim Ainslie, Stephen Akers-Belcher, Rob Cook, Ged Hall, Brenda Loynes, Robbie Payne, Carl Richardson, Linda Shields, Sylvia Tempest and Ray Wells

Also Present: The Mayor, Stuart Drummond
Councillor Paul Thompson, Finance and Corporate Services
Portfolio Holder

Officers: Peter Devlin, Chief Solicitor
Chris Little, Chief Finance Officer
John Morton, Assistant Chief Finance Officer
Louise Wallace, Director of Public Health
Damien Wilson, Assistant Director
Laura Stones, Scrutiny Support Officer
Denise Wimpenny, Principal Democratic Services Officer

30. Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Christopher Akers-Belcher, Paul Beck, Keith Fisher and the Children's and Community Services Portfolio Holder, Councillor Cath Hill.

31. Declarations of interest by Members

None.

32. Confirmation of the minutes of the meetings held on 15 June, 22 June and 29 June 2012

Confirmed.

33. Cabinet Response to the Recommendations of the Provision of Face to Face Financial Advice and Information Services Investigation *(Joint Report of the Director of Child and Adult Services and Portfolio Holder for Children's and Community Services)*

The Assistant Chief Finance Officer presented the report which provided Members of the Scrutiny Co-ordinating Committee with feedback on the recommendations from the investigation into the provision of face to face financial advice and information services in Hartlepool which was reported to Cabinet on 4 July 2011.

Following consideration of the final report Cabinet had approved the recommendations in their entirety and had requested officers to undertake additional work to support delivery of the recommendations. Details of each recommendation and proposed actions to be taken following approval by Cabinet were provided in the Action Plan, attached at Appendix A.

The Committee discussed the benefits of performance indicator data (including data on loan shark debt) being compiled at a Ward Level and being fed into Ward Profiles for Members to access. Members also requested that this be monitored through the Council's performance management system.

Members requested a progress report in relation to the take up of the services at a future meeting of this Committee. It was suggested that the progress report should include details of the number of clients, categories and age groups by ward.

Recommended

- (i) That the proposed actions detailed within the Action Plan, be noted.
- (ii) That a progress report be provided to Members on the take up of services.

34. Consideration of request for scrutiny reviews from Council, Executive Members and Non Executive Members

None.

35. Forward Plan

There were no issues raised in relation to the Forward Plan.

36. Establishment of the Transport Working Group (Scrutiny Manager)

The Chair provided Members with background information relating to a recent recommendation of Scrutiny Chairs that a Transport Working Group be established to:-

- i) Take forward consideration of the two issues / areas identified in Section 2.3 of the report
 - JSNA Topic – Transport
 - Budget Item – Schools Transport
- ii) Consider any other relevant transport issues, as felt appropriate by the Scrutiny Co-ordinating Committee.

The membership of the Working Group most recently created by the Scrutiny Co-ordinating Committee (that being to look at the localisation of council tax benefits) consisted of 7 Members. Should the Committee wish to appoint a similar number of Members to the Transport Working Group, the allocation of places on a politically proportionate basis was provided, as detailed in the report. It was noted, however, that there was no requirement for Working Groups to be politically balanced

The Committee was asked to:

- i) Consider the size of the Working Group (number of Members); and
- ii) Appoint to the places available.

Nominations were sought following which it was suggested that a 7 Member Working Group be established made up of the following Members of Scrutiny Co-ordinating Committee:-

Councillors James, Christopher Akers-Belcher, Ainslie, Tempest,

Wells, Cook and Loynes

Recommended

That a 7 Member Transport Working Group be established made up of the following Members of this Committee:-

Councillors James, C Akers-Belcher, Ainslie, Tempest, Wells, Cook and Loynes

37. Consideration of Financial Monitoring/Corporate Reports – 2011/12 Final Outturn Position and Statutory Accounts *(Chief Finance Officer)*

The Chief Finance Officer referred Members to the comprehensive report that had been submitted to Cabinet on 25 June, attached at Appendix 1, which clarified the 2011/12 final outturn position and provided information on the statutory accounts.

The report outlined the background to the budget process and timetable for reporting the overall forecast position. The report highlighted the one-off financial benefits in 2011/12 identified within the forecast outturn. It was confirmed that in accordance with the amendments made by Council to the Constitution regarding the final outturn, the additional underspend of £0.306m had been transferred to the General Fund reserve.

It was highlighted that the information that appeared in the statutory accounts and management accounts during the year appeared in different formats to comply with national regulations.

In the discussion that followed the Chief Finance Officer responded to queries raised by Members in relation to predicted outturns and management of reserves. The Chief Finance Officer commented that the financial outturn has enabled the Council to earmark resources for specific identified financial risks, which protects the Council's medium term financial position. Members requested that future financial information presented to Members should include a cumulative underspend by department.

Recommended

- (i) That the contents of the report be noted.
- (ii) That future financial reports include cumulative underspends by department.

38. Overview and Scrutiny Work Programme for 2012/13 (Scrutiny Manager)

The Chair reported that at the meeting of Scrutiny Co-ordinating Committee on 15 June 2012 the Committee had discussed at length the work programme for the ensuing year and had delegated responsibility to the Chairs of the Scrutiny Forums to finalise Work Programmes for their respective Forums, identifying specific elements of the Joint Strategic Needs Assessment (JSNA) and budget/collaboration programme.

Scrutiny Chairs had met on 2 July and looked in detail at each of the JSNA themes and budget/collaboration items selecting from each those to be included in the 2012/13 Work Programme, details of which were set out in Appendix A.

Following discussion at the last meeting, a table had been prepared setting out the areas to be reviewed in 2012/13 by Lead Forums which included the potential for cross over/joint working with Lead Forums, a copy of which had been circulated at the meeting for Members' retention and would also be available on the website.

Recommended

That the Overview and Scrutiny Work Programme, as detailed in Appendix A, be noted.

39. Member Training for 2012/13 (Scrutiny Manager)

The Scrutiny Support Officer reported that following discussions at the Informal Scrutiny Chair's meeting held on 5 April it was agreed that the provision of Chaining Skills and Media Training courses would be useful for new and returning Scrutiny Chairs and Vice Chairs. Subsequently a Chaining Skills course had been organised and delivered by the North East Regional Employer's Organisation (NEREO) on 20 June.

Work was ongoing with the Council's Member Development Team and Public Relations Team to finalise arrangements for the provision of Media Training. The work included the submission of an application for funding from the Member Development budget, given the capacity to expand this training to include all Council Chairs and Vice Chairs.

Members were referred to the results of the most recent scrutiny questionnaire which showed that Scrutiny Members would also welcome training in relation to questioning skills, understanding the role of scrutiny and understanding scrutiny processes.

In taking forward the provision of training, Members' views were sought on the following:-

- (i) To seek funding from the Member Development Budget to arrange Questioning Skills training for Scrutiny Members; and
- (ii) To devise an in-house programme to deliver those training needs identified in paragraphs 2.3 of the report

The Chair outlined the benefits of Media training for all Elected Members.

Recommended

- (i) That a request for funding be sought from the Member Development Budget to facilitate Questioning Skills training for Scrutiny Members.
- (ii) That an in-house programme be devised to deliver those training needs identified in paragraph 2.3 (ii) and (iii) of the report.

40. Cabinet Response to the Call-in of the Decision Relating to Future Options for the Provision of a Strategic HR Function *(Cabinet)*

The Scrutiny Manager presented the report which provided a formal response from Cabinet in relation to the Call-In of its decision relating to Future Options for the Provision of a Strategic HR Function. The decision had been re-considered alongside the formal comments of this Committee on 9 July 2012 and Cabinet had reaffirmed the decision taken on 11 June 2012 in accordance with the Council's Call-In procedure. The Decision Record of the Cabinet meeting at which the decision was reaffirmed was attached as an appendix to the report.

The Mayor, who was in attendance at the meeting, advised that since reaffirming the decision, subsequent discussions had taken place with Darlington Borough Council and Scrutiny Members and, in view of such discussions, it had been agreed that the decision be placed on hold pending the outcome of further discussions regarding collaboration generally and the Head of HR post.

The Chair provided an update on discussions that had taken place between Scrutiny Chairs and Cabinet that week and was pleased to note the decision to place the decision on hold pending the outcome of further discussions in this regard. The Chair expressed her support in relation to the views of the General Purposes Committee in relation to this issue. Disappointment was expressed that the information requested by Scrutiny, to assist in considering the call-in, had not been provided which included a request for clarification of a definition of strategic HR function. The need for a skills analysis across the whole of the Council and the benefits of such an analysis was emphasised.

Following discussion in relation to the type of skills and individuals that may be appropriate to undertake the strategic HR role, the Mayor expressed

concern that issues concerning particular individuals had been discussed in open forum. The Chair clarified that the information discussed had not breached any confidentiality rules reiterating the importance of everyone being mindful of what was raised in open meetings.

Until such time as the issue was resolved, the Chair suggested that this item be included as a standard agenda item on all future Scrutiny Co-ordinating Committee agendas, General Purposes Committee agendas and Council agendas. In response to the Chair's suggestion, whilst the Chief Solicitor acknowledged the reasons for the suggestion, was of the view that full Council was not an appropriate arena for debates of this type. The Chair stated that the views of the Chair of Council should be sought in relation to this issue.

Recommended

- (i) The Committee noted the Executive's decision to place the decision on hold pending the outcome of further discussions and consideration of additional information.
- (ii) That a skills analysis be undertaken to determine whether the appropriate skills were available in-house.
- (iii) That the outstanding information relating to the definition of the post and outcome of skills analysis be awaited.
- (iv) That this item be included as a standard agenda item on all future Scrutiny Co-ordinating Committee and General Purposes Committee agendas and the views of the Chair of Council be sought in relation to inclusion on future Council agendas.
- (v) That the comments of Members be noted.

41. Consideration of progress reports/budget and policy framework documents – Consultation Process for Health and Wellbeing Strategy *(Director of Public Health)*

The Director of Public Health presented the report which outlined the proposed consultation process for the draft joint Health and Wellbeing Strategy (JHWS). It was anticipated that the consultation process would allow for consultation with stakeholders on the strategic aims and objectives to be set out in the strategy and also to prioritise the strategic objectives to deliver the strategic aims for health and wellbeing in Hartlepool.

The report included details of the desired outcomes of consultation, the principles that would be adopted during the consultation process, the various stages of consultation, what was needed for consultation as well as the process and timescales.

With regard to the timetable for the key stages in developing the JHWS, Members were advised of the decision making process as set out in the report.

In relation to initial consultation and development which included a Face the Public Event, disappointment was expressed that no members of the public had attended the event, public attendees were required to book a place which may have limited the response and the definition of the event did not accurately reflect its purpose. Whilst noting that guidance was awaited from Central Government in relation to clarity on the term Executive function, the Committee reiterated concerns expressed at earlier meetings that there was no provision for overview and scrutiny in the decision making process for the Shadow Health and Wellbeing Board. Given the limited make up of the Board, concerns were also expressed regarding the potential impact on Elected Members taking decisions at full Council.

A Member referred to the benefits of health information being fed into ward profiles via Ward Members to which the Director of Public Health advised that as a result of the pending migration of public health responsibilities into the local authority, officers were keen to develop the role of Health Advisors as well as the links to wards and communities as a reminder of the health challenges facing the town.

Recommended

- (i) That the consultation process for the Joint Hartlepool Health and Wellbeing Strategy be noted.
- (ii) That the concerns of the Committee in relation to the limited make up of the Health and Wellbeing Board, as detailed above, be noted.
- (iii) That health information feed into ward profiles.

42. Healthy Lives, Healthy People: Update on Public Health Funding *(Director of Public Health)*

The Director of Public Health reported on the proposals regarding future public health funding. Proposals for funding were set out in 'Healthy Lives, Healthy People: Update on Public Health Funding – Department of Health (DH) June 2012. Comments on the proposals were being invited by the Department of Health until mid August 2012.

The report included background information to the Government's decision to transfer responsibilities for public health from the NHS to Local Government. The principal routes through which public health functions would be funded post 2013 were set out in the report.

The public health funding document highlighted the interim recommendations of the Advisory Committee on resource allocation (ACRA) that had informed the engagement document. ACRA had been commissioned to develop a formula for the allocation of the public health

budget relative to population need and health outcomes. The recommendations made by ACRA were based on the standardised mortality ratio for those aged under 75 years, further details of which were set out in the report. ACRA proposed that in areas with highest SMR <75 years should have a weighting that was three times greater per head than those with lower SMR <75 years. ACRA also recommended that the funding formula should include an adjustment for differences in unavoidable costs. The ACRA recommendations were interim and there was a recognition further work was needed before making final recommendations to influence the funding formula for allocations.

The Director of Public Health highlighted that the 'spend mapping' undertaken raised concerns that there was a potential for a reduction in spending across the northeast. While spending on drug and alcohol services were not mandated spending, there was an expectation that the services would be continued. The key issues were set out in the report. It was expected that actual allocations would be published before the end of 2012.

In the discussion that followed concerns were expressed regarding the anticipated loss of funding of £2.288 million from the baseline budget of £7.685 million to £5,297 million and a query was raised in terms of the accuracy of the predictions. The Director of Public Health indicated that the information had been shared with the Chief Finance Officer and the calculations had been undertaken by Finance Directors.

Further discussion ensued regarding the impact of the proposals and Members emphasised the importance of highlighting in the consultation response that high levels of deprivation and long term ill health issues should have a greater weighting than mortality levels when determining funding allocations.

Clarification was sought regarding the input of health unions in relation to the anticipated shortfall in funding to which the Director agreed to explore and provide clarification under separate cover following the meeting.

A Member referred to a report issued by Durham University in relation to this issue which revealed, upon examination of the proposed formula, an anticipated loss of funding of £265 per head in certain types of allocations.

With regard to the timescales for submission of a response to the proposals, given that the next meeting of the Health Scrutiny Forum was outside the consultation deadline and the importance of their input in relation to the proposals, it was agreed that authority be delegated to the Chairs and Vice-Chairs of Scrutiny Co-ordinating Committee and Health Scrutiny Forum to finalise and agree the consultation response on behalf of Scrutiny with the Director of Public Health.

The Director of Public Health went on to respond to a number of queries raised by Members in relation to mental health issues and suicide rates.

Members were keen to explore the statistics and the links in this regard. To facilitate the Committee's request, the Director of Public Health agreed to provide a briefing paper to include statistical information as a comparator on the national and regional position as well as prevention and support mechanisms available.

Recommended

- (i) That the contents of the report and comments of Members be noted.
- (ii) That authority be delegated to the Chairs and Vice-Chairs of Scrutiny Co-ordinating Committee and Health Scrutiny Forum to finalise and agree the consultation response on behalf of Scrutiny.
- (iii) That the Director of Public Health provide a briefing paper to include statistical information on the national and regional position relating to mental health and suicide issues, as detailed above.

43. Call-in Requests

None

44. Date and Time of Next Meeting

It was reported that the next meeting would be held on 24 August 2012 commencing at 1.00 pm in the Council Chamber.

The meeting concluded at 11.50 am.

CHAIR

SCRUTINY COORDINATING COMMITTEE

17 AUGUST 2012



Report of: Joint Report of Director of Child and Adult Services and the Portfolio Holder for Children’s and Community Services.

Subject: PORTFOLIO HOLDERS RESPONSE TO THE FINAL REPORT INTO THE BOROUGH COUNCIL MUSEUM AND ART GALLERY COLLECTION

1. PURPOSE OF THE REPORT

1.1 The purpose of this report is to provide Members of the Scrutiny Co-ordinating Committee with feedback on the recommendations from the investigation into the Borough Council Museum and Art collection, which was reported to Cabinet on the 11th June 2012.

2. BACKGROUND INFORMATION

2.1 The investigation into Borough Council Museum and Art Gallery collection conducted by this Scrutiny Coordinating Committee falls under the remit of the Child and Adult Services Department and is, under the Executive Delegation Scheme, within the service area covered by the Children’s and Community Services Portfolio Holder.

2.2 On the 11th June 2012 Cabinet considered the Final Report of the Scrutiny Co-ordinating Committee into the Borough Council’s Museum & Art Gallery collection. This report provides feedback from the Portfolio Holder following the Cabinet’s consideration of, and decisions in relation to this Committee’s recommendations.

2.3 Following on from this report, progress towards completion of the actions contained within the Action Plan will be monitored through Covalent; the Council’s Performance Management System; with standardised six monthly monitoring reports to be presented to the Forum.

3. SCRUTINY RECOMMENDATIONS AND EXECUTIVE DECISION

- 3.1 Following consideration of the Final Report, Cabinet approved the recommendations in their entirety. Details of each recommendation and proposed actions to be taken following approval by Cabinet are provided in the Action Plan attached at **Appendix A**.

4. RECOMMENDATIONS

- 4.1 That Members note the proposed actions detailed within the Action Plan, appended to this report (**Appendix A**) and seek clarification on its content where felt appropriate.

Contact Officer:- John Mennear, Asst Director, Community Services
Child & Adult Department
Hartlepool Borough Council
Telephone Number: 01429 523417
E-mail – john.mennear@hartlepool.gov.uk

BACKGROUND PAPERS

The following background papers were used in the preparation of this report:-

- (i) The Scrutiny Co-ordinating Committee's Final Report 'Borough Council Museum & Art Gallery Collection' considered by Cabinet on 11th June 2012.
- (ii) Decision Record of Cabinet held on 11th June 2012.

OVERVIEW AND SCRUTINY ENQUIRY ACTION PLAN**NAME OF FORUM:** Scrutiny Co-ordinating Committee - Museum and Art Gallery Collection Working Group**NAME OF SCRUTINY ENQUIRY:** The Borough Council Museum and Art Gallery Collection

	RECOMMENDATION	EXECUTIVE RESPONSE / PROPOSED ACTION⁺	FINANCIAL / OTHER IMPLICATIONS	LEAD OFFICER	COMPLETION DATE*
(a)	That Members of the Museum and Art Gallery Working Group are involved in the review and development of the Collections, Acquisitions and Disposals Policy in the 2012/13 Municipal Year, and that this includes a progress update:- (i) on the expansion and development of the Museum exhibitions; and (ii) on seeking 'designation' for the Council's Maritime Collections.	(i) Formally report progress on the Collections Review to members on a quarterly basis. (ii) Incorporate stakeholder's needs and aspirations into the new version of the Collections, Acquisitions and Disposal policy. (iii) Hold formal consultations with all stakeholders on the expansion and development of the Museum permanent displays. (iv) Secure external funding for a full feasibility study to support the development of the Museum's permanent displays and public areas to refresh our visitor/user offer.	None None None None initially Potential requirement for match funding in longer term.	David Worthington David Worthington David Worthington David Worthington	March 2014 March 2013 August 2013 August 2013

		(v) Gain formal recognition of the importance of the Council's Maritime collections through Designation. If Designation is not possible, seek entry into comparative programmes.	None	David Worthington	March 2015
(b)	That the Council promotes the opportunity for the public to donate items to the Collection through a regular article in the Council's magazine, Hartbeat, specifying examples of the types of artefacts required and sample photographs	(i) Raise public awareness of this core mission by producing regular articles in Hartbeat. Focus on items and themes prioritised in the new Collections Policy. (ii) Review public enquiry and donation services to identify and implement improvements. This to include consideration of the opportunities for cross-disciplinary work with both Library and Archive services.	None None	David Worthington David Worthington	March 2014 December 2012
(c)	That the Council explores how the collection can:- (i) be promoted to further enhance its usage; and (ii) be utilised to increase income generation opportunities	(i) Secure external project funding in collaboration with local partners to sustain and develop Collections Access initiatives. (ii) Secure external project funding in collaboration with local partners to widen digital and on-line access to the Collection.	None None	David Worthington David Worthington	March 2013 March 2013

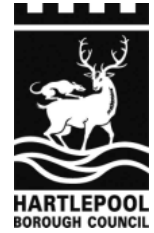
		(iii) Initiate new income generating projects based around using the Collection. These to include “print on demand” of copies of items including ship plans and artworks from in-house services.	Potential for incurring initial set-up costs, but will lead to sustained income generation.	David Worthington	March 2013
(d)	That the potential of displaying more of the Council’s regalia be explored and that in doing this, work undertaken a number of years ago be re-visited, with a view of erecting a display in the Long Gallery of the Civic Suite.	(i) Full internal transfer and Accession of the Authority’s Civic Regalia into the Museum Collection. (ii) Items not owned by the Authority are instead sensitively returned to legal owners. (ii) Items to be included where relevant into permanent displays at the Museum. (iii) Assist in the decision making process for secure expanded Civic Display options in the Long Gallery of the Civic Centre.	None None Minimal : can be absorbed by current budgets Proper display consideration and risk assessment will review investment needs	David Worthington David Worthington David Worthington David Worthington	December 2012 December 2012 March 2013 April 2014

† please detail any risk implications, financial / legal / equality & diversity / staff / asset management considerations

* please note that for monitoring purposes a date is required rather than using phrases such as ‘on-going’

SCRUTINY CO-ORDINATING COMMITTEE

17 August 2012



Report of: The Children's and Community Services Portfolio Holder

Subject: CHILDREN'S AND COMMUNITY SERVICES PORTFOLIO HOLDER RESPONSE TO THE CALL-IN OF DECISION: PROPOSED SCHOOL ADMISSIONS ARRANGEMENTS FOR 2013-14

1. PURPOSE OF THE REPORT

- 1.1 To provide Members of the Scrutiny Co-ordinating Committee with a response from the Children's and Community Services Portfolio Holder regarding the Call-In of the decision relating to the admissions policy for community and voluntary controlled primary schools in Hartlepool for the school year 2013/14 and the co-ordinated admissions procedures to primary and secondary schools for 2013/14.

2. BACKGROUND INFORMATION

- 2.1 At the meeting of the Children's Services Portfolio, held on 27 March 2012, a report was considered in relation to the admissions policy for community and voluntary controlled primary schools in Hartlepool for the school year 2013/14 and the co-ordinated admissions procedures to primary and secondary schools for 2013/14. The decision made being that:

'the proposed oversubscription criteria for community and voluntary aided primary schools which proposes to promote the sibling criteria above school admission zone criteria set out in paragraph 4.1.1 of the report be approved.'

*Please note that the above paragraph reference relates to the original Portfolio Holder report and not this report.

- 2.2 Following the decision taken by the Portfolio Holder, a Call-In Notice was issued by 3 Members of the Scrutiny Co-ordinating Committee, on the 5 April 2012. The basis of the Call-in being that the decision contravened the principles of decision making in relation to proportionality and reasonableness. The view of the signatories to the notice being that they 'do not believe it to be proportionate or reasonable to put children with siblings already in a school ahead of the majority of children who live within the schools admissions zone'.

- 2.3 The notice was accepted by the Monitoring Officer on the 5 April 2012 and the Scrutiny Co-ordinating Committee, at its meeting on the 13 April 2012, accepted the Call-In and recommended that the matter be referred to Full Council, to enable a town-wide elected Member debate to be undertaken. Council went on to consider the Scrutiny referral at its meeting on the 14 June 2012.
- 2.4 The Scrutiny Co-ordinating Committee, at its meeting on the 15 June 2012, received the views / comments expressed by Council and accepted them as the basis for its response to the Children's and Community Services Portfolio Holder. The Committee subsequently recommended to the Portfolio Holder that:
- The Children's and Community Services Portfolio Holder reconsider the decision, on the grounds that it contravened the principles of decisions making in relation to proportionality and reasonableness.
 - That in reconsidering the decision, the Scrutiny Co-ordinating Committee indicates to the Children's and Community Services Portfolio Holder that:
 - i) Before any recommendations can be made to the Children's and Community Services Portfolio Holder in relation to the revision of the oversubscription criteria for community and voluntary aided primary schools:
 - A full review must be undertaken to explore the wider implications of proposals, as identified during the course of debate at the Council meeting on the 14 June 2012; and
 - Wider consultations be undertaken with all stakeholders as part of the full review.
 - ii) That the results of the wider review and consultation process be reported to Council, to enable the formulation of a view / recommendation in relation to the oversubscription criteria for community and voluntary aided primary schools, for consideration by the Children's and Community Services Portfolio Holder.
 - iii) That given the oversubscription issues facing Throston Primary School, a review of the Throston catchment area be explored / reviewed immediately, taking into consideration the knock on effect for other schools.

3. EXECUTIVE RESPONSE/DECISION AS A RESULT OF THE CALL-IN PROCESS

- 3.1 The Children's and Community Services Portfolio Holder considered the Scrutiny Co-ordinating Committee's recommendation at her meeting on 26

June 2012 and agreed that (Minute 7 refers – copy of the minute attached at **Appendix A**):-

‘The Portfolio Holder reaffirmed the decision taken on 27 March and instructed Officers to:-

- (i) implement the wide ranging review as requested by Council; and
- (ii) Prepare a scoping report in relation to the practical arrangements and timescale for the full review of catchment areas across Hartlepool.’

3.2 An invitation to attend today’s meeting, to report and discuss the decision, has been extended to the Children’s and Community Services Portfolio Holder.

4. RECOMMENDATION

4.1 That Members of the Scrutiny Co-ordinating Committee note the Portfolio Holders decision as outlined in paragraph 3.1 of this report, as a result of the Call-In process.

Contact Officer:- Joan Stevens – Scrutiny Manager
Chief Executive’s Department - Corporate Strategy
Hartlepool Borough Council
Tel: 01429 284141
Email: joan.stevens@hartlepool.gov.uk

BACKGROUND PAPERS

The following background paper(s) were used in the preparation of this report:-

- (i) Reports and Minutes – Children’s Services Portfolio - 27 March 2012 and 26 June 2012
- (ii) Call-in Notice – 5 April 2012
- (iii) Report and minutes from Council on the 14 June 2012
- (iv) Reports and Minutes – Scrutiny Co-ordinating Committee – 13 April 2012 and 15 June 2012

CHILDREN'S AND COMMUNITY SERVICES PORTFOLIO DECISION RECORD Tuesday 26 June 2012

The meeting commenced at 9.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillor Cath Hill (Children's and Community Services Portfolio Holder)

Officers: Sue Beevers, Admissions, School Place Planning and Support Services Manager
Peter Devlin, Chief Solicitor
Dean Jackson, Assistant Director (Performance and Achievement)
Peter McIntosh, Head of Planning and Development
Sally Robinson, Assistant Director (Prevention, Safeguarding and Specialist Services)
Joan Stevens, Scrutiny Manager
Amanda Whitaker, Democratic Services Team Leader

7. **Call-in of Decision: Proposed School Admission Arrangements for 2013-2014** (Scrutiny Co-ordinating Committee)

Type of decision

Non-key Decision

Purpose of report

To inform the Portfolio Holder of the outcome of the Scrutiny Co-ordinating Committee's consideration of the 'Call-In' in relation to the Children's Services Portfolio decision taken on the 27 March 2012.

Issue(s) for consideration by Portfolio Holder

The report set out the background and outcome of the Scrutiny Co-ordinating Committee's consideration of the 'Call-In' in relation to the

Children's Services Portfolio decision taken on the 27 March 2012.

At the meeting of the Children's Services Portfolio, held on 27 March 2012, the Portfolio Holder had approved the proposed oversubscription criteria for community and voluntary aided primary schools which propose to promote the sibling criteria above school admission zone criteria. Following the decision of the Portfolio Holder, a Call-In Notice had been issued by 3 Members of the Scrutiny Co-ordinating Committee on the 5 April 2012. This notice was accepted by the Deputy Monitoring Officer on the 5 April 2012.

The Scrutiny Co-ordinating Committee, at its meeting on the 13 April 2012 had accepted the Call-In and commenced consideration of the issues / concerns raised. The basis of the Call-in being that the decision contravened the principles of decision making in relation to proportionality and reasonableness. The view of the signatories to the notice being that they 'do not believe it to be proportionate or reasonable to put children with siblings already in a school ahead of the majority of children who live within the schools admissions zone'. During the course of discussions, Members were informed that the Portfolio Holder and Department had received a number of emails from parents with positive comments on the decision taken and that the Portfolio Holder was not aware of any adverse comments being received. Members were, however, concerned that:

- A potential situation could arise where children living within an admission zone would be unable to attend their local community school, as places within that school had been taken by siblings of children already attending the school who live outside the admission zone;
- Children who may live opposite a school could be unable to attend the school due to children who live outside the admission zone taking places at that school. This could result in two families travelling outside their admission zone to enable their children to attend school; and
- The full consequences of this decision had not been made clear at the governors' meetings, and parents of children hoping for their child to attend the school within their admission zone would be disappointed with the decision once the full implications of the decision were known.

Attention was drawn to the importance of local community schools being accessible to the families living within that local community and the Committee decided that the matter should be referred to Full Council, to enable a town-wide elected Member debate to be undertaken.

Council on the 14 June 2012 had met to consider the Scrutiny referral, with a separate informal meeting held immediately prior to facilitate a full discussion with representatives from Schools (Head Teachers and School Governors). A copy of the report considered by Council on the 14 July had been circulated.

During the course of discussions at both the informal and formal Council meeting, views had been expressed in relation to the appropriateness and implications of prioritising the award of school places on the basis of either a sibling link or residence in a school admission zone. Support was expressed for both alternatives and attention drawn to the differing challenges facing schools in areas such as Throston, where the building of new homes has placed additional pressure on the availability of school places. Council recognised that this was an extremely complex issue for which there was no easy solution. On this basis, Council was of the view that it would be unhappy at this time to express a view in relation to the proposed oversubscription criteria for community and voluntary controlled primary schools, without further consultations and detailed exploration of the potential wider implications for schools, parents and children. Council agreed that the Scrutiny Co-ordinating Committee should be formally advised of this position and asked to consider the submission of the following response to the Children's and Community Services Portfolio Holder.

- i) That, before any recommendations can be made to the Children's and Community Services Portfolio Holder in relation to the revision of the oversubscription criteria for community and voluntary aided primary schools:
 - A full review must be undertaken to explore the wider implications of proposals, as identified during the course of debate at the Council meeting on the 14 June 2012; and
 - Wider consultations be undertaken with all stakeholders as part of the full review.
- ii) That the results of the wider review and consultation process be reported to Council, to enable the formulation of a view / recommendation in relation to the oversubscription criteria for community and voluntary aided primary schools, for consideration by the Children's and Community Services Portfolio Holder.
- iii) That given the oversubscription issues facing Throston Primary School, a review of the Throston catchment area be explored / reviewed immediately, taking into consideration the knock on effect for other schools.

In completing the Authority's Call-In procedure, the Scrutiny Co-ordinating Committee, at its meeting on the 15 June 2012, had accepted that the decision which had been taken contravened the principles of decision making in relation to proportionality and reasonableness. The Committee also received the views / comments expressed by Council and accepted them as the basis for the response to the Children's and Community Services Portfolio Holder.

The Portfolio Holder advised that she had given detailed consideration to the issues which had been highlighted in the report and reiterated the rationale for the decision she had made on 27 March. The Portfolio Holder following careful consideration reaffirmed the decision taken on 27 March for the following reasons:-

- That the decisions had not contravened the principles of decision making
- That it had been made clear to school governors what the implications of the proposed changes would be
- That responses from primary school governors had in the majority been in favour of the original decision
- The practical implications for parents whose children attend different schools
- Potential distress for children whose siblings attend different schools

Whilst accepting that previous practice had been to request school governing bodies note proposed admission arrangements, in order to ensure future clarity it was proposed that as part of future consultations, governing bodies be requested to either agree or not agree to proposals.

The Portfolio Holder considered the following additional recommendations from Council:-

- i) Before any recommendations can be made to the Children's and Community Services Portfolio Holder in relation to the revision of the oversubscription criteria for community and voluntary aided primary schools:
 - A full review must be undertaken to explore the wider implications of proposals, as identified during the course of debate at the Council meeting on the 14 June 2012; and
 - Wider consultations be undertaken with all stakeholders as part of the full review.
- ii) That the results of the wider review and consultation process be reported to Council, to enable the formulation of a view / recommendation in relation to the oversubscription criteria for community and voluntary aided primary schools, for consideration by the Children's and Community Services Portfolio Holder.
- iii) That given the oversubscription issues facing Throston Primary School, a review of the Throston catchment area be explored / reviewed immediately, taking into consideration the knock on effect for other schools.

Concern was expressed regarding the practical implications of undertaking a separate catchment area review for Throston Primary School. However, the Portfolio Holder was mindful of identifying a practical solution for the implementation of Council's recommendations. It was recognised that catchment areas had not been considered for some considerable time. Therefore, the Portfolio Holder requested that in addition the review requested by Council (i above), a full review of all catchment areas be undertaken. In order to facilitate this, it was considered appropriate for a scoping report to be undertaken and presented back to the Portfolio Holder. In addition, that an update report be presented to Council following consideration of that report by the Portfolio Holder.

Decision

The Portfolio Holder reaffirmed the decision taken on 27 March and instructed Officers to:-

- (i) implement the wide ranging review as requested by Council; and
- (ii) prepare a scoping report in relation to the practical arrangements and timescale for the full review of catchment areas across Hartlepool.

The meeting concluded at 10.05 a.m.

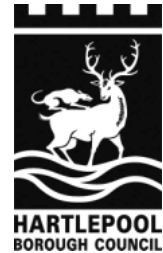
P J DEVLIN

CHIEF SOLICITOR

PUBLICATION DATE: 28 June 2012

SCRUTINY CO-ORDINATING COMMITTEE

17 August 2012



Report of: Chair of the Adult and Community Services Scrutiny Forum

Subject: ADULT AND COMMUNITY SERVICES SCRUTINY FORUM – PROGRESS REPORT

1. PURPOSE OF REPORT

- 1.1 To inform the Scrutiny Co-ordinating Committee of the progress made to date by the Adult and Community Services Scrutiny Forum, since the last progress report to this Committee.

2. PROGRESS OF THE SCRUTINY FORUM

- 2.1 Since the start of the new 2012/13 Municipal Year, the Adult and Community Services Scrutiny Forum has undertaken the following work:-

2.2 Early Intervention and Re-ablement Services:

At the meeting of the Adult and Community Services Scrutiny Forum on 30 July 2012, the response of the Portfolio Holder for Adult and Public Health Services to the recommendations from the Forum's investigation into 'Early Intervention and Re-ablement Services' was considered. Members of the Forum were informed that, following consideration of the final report by Cabinet on 30 April 2012, the report was accepted in its entirety.

2.3 Work Programme 2012/13:

All Scrutiny Members were invited to attend a meeting of the Scrutiny Co-ordinating Committee on 15 June 2012. At this meeting members of Scrutiny Co-ordinating Committee delegated responsibility to the Chairs of the Scrutiny Forums to finalise Work Programmes for their respective Forums, identifying specific elements of the Joint Strategic Needs Assessment (JSNA) and budget / collaboration programme.

- 2.4 It was determined that the Adult and Community Services Scrutiny Forum would consider the JSNA topic of 'Older People' as the area of investigation for the 2012/13 Municipal Year.

- 2.5 It was also agreed that the Forum would consider budget proposals in relation to Adult Social Care Front Line Services and also Community Services from the Child and Adult Services Department as part of the 2012/13 budget process.
- 2.6 Older People:
The Adult and Community Services Scrutiny Forum met on 30 July 2012 to approve the Terms of Reference and Timetable for its investigation into the JSNA topic of 'Older People'.
- 2.7 The Forum is on track to complete this investigation by the 8 April 2013 in order for the Final Report to be submitted to the Scrutiny Co-ordinating Committee on 26 April 2013, for submission to Cabinet on 13 May 2013.
- 2.8 Forward Plan:
The Adult and Community Services Scrutiny Forum, at each of its meetings, continues to consider possible issues from the Council's Forward Plan for inclusion within its Work Programme. Since the start of the 2012/13 Municipal Year no specific items have been identified.

3. RECOMMENDATION

- 3.1 It is recommended that the Scrutiny Co-ordinating Committee notes the progress of the Adult and Community Services Scrutiny Forum.

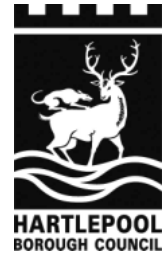
**COUNCILLOR CARL RICHARDSON
CHAIR OF ADULT AND COMMUNITY SERVICES SCRUTINY FORUM**

BACKGROUND PAPERS

No background papers were used in the preparation of this report.

SCRUTINY CO-ORDINATING COMMITTEE

17 August 2012



Report of: Chair of the Children's Services Scrutiny Forum

Subject: CHILDREN'S SERVICES SCRUTINY FORUM –
PROGRESS REPORT

1. PURPOSE OF REPORT

1.1 To inform the Scrutiny Co-ordinating Committee of the progress made to date by the Children's Services Scrutiny Forum.

2. PROGRESS OF THE SCRUTINY FORUM

2.1 Since the start of the 2012/13 Municipal year, the Children's Services Scrutiny Forum has undertaken the following work:-

2.2 Work Programme 2012/13: All Scrutiny Members were invited to attend a meeting of the Scrutiny Co-ordinating Committee on 15 June 2012. At this meeting members of Scrutiny Co-ordinating Committee delegated responsibility to the Chairs of the Scrutiny Forums to finalise Work Programmes for their respective Forums, identifying specific elements of the Joint Strategic Needs Assessment (JSNA) and budget / collaboration programme.

2.3 It was determined that the Children's Services Scrutiny Forum would consider the JSNA topic of 'Mental and Behavioural Disorders' as the area of investigation for the 2012/13 Municipal Year.

2.4 It was also agreed that the Children's Services Scrutiny Forum would consider the following as part of the 2012/13 budget process:-

- Review of Care Matters and CAMHS (to be included as part of the Forum's investigation into Mental & Behavioural Disorders)
- Staff reductions and increased income (increased income element to be tied onto consideration of the Brierton Masterplan)

2.5 Members also agreed to refer the JSNA topics of Learning Disabilities and Autism to the Learning Disabilities Partnership Board for consideration, with a report to be brought back to a future meeting of the Children's Services Scrutiny Forum.

- 2.6 The young people, co-opted onto the Forum, decided that they would also investigate a topic of their choice. The topic chosen by the young people was the issue of 'Closure of Youth Centres and Children's Centres'. It was agreed by the Forum that the young people would scope the investigation; gather the evidence; and produce a final report with recommendations.
- 2.7 Investigation into 'Provision of Support and Services to Looked after Children': At the meeting of the Children's Services Scrutiny Forum held on 31 July 2012 the response of the Portfolio Holder for Children's Services to the recommendations from the Forum's investigation into 'Support and Services to Looked After Children' were considered. Members of the Forum were informed that following consideration of the final report by Cabinet on 19 March 2012 the recommendations were accepted in their entirety.
- 2.8 Investigation into 'Young People's Access to Transport': Members are due to receive the response of the Portfolio Holder for Regeneration and Neighbourhoods to the recommendations from the 'Young People's Access to Transport' report at the meeting of the Children's Services Scrutiny Forum to be held on 4 September 2012.
- 2.9 In accordance with the recommendations from this report the Young People from the Children's Services Scrutiny Forum attended a meeting of the Neighbourhood Services Scrutiny Forum on 1 August 2012 to present their report. Whilst in attendance they were also able to contribute to the discussions in relation to the bus referral the Neighbourhood Services Forum had received from Scrutiny Co-ordinating Committee.
- 2.10 Six Monthly Monitoring of Agreed Children's Services Scrutiny Forum's Recommendations: The Forum is due to receive an update on the progress made against the recommendations resulting from scrutiny inquiries undertaken by the Children's Services Scrutiny Forum since the 2005/06 Municipal year at their meeting of 4 September 2012.
- 2.11 Investigation into the 'Mental and Behavioural Disorders': The Children's Services Scrutiny Forum met on 31 July 2012 to approve the Terms of Reference and Timetable for its investigation into the JSNA topic of 'Mental and Behavioural Disorders'.
- 2.12 The Forum is on track to complete this investigation by the 16 April 2013 in order for the Final Report to be submitted to the Scrutiny Co-ordinating Committee on 26 April 2013, for submission to Cabinet in May 2013.
- 2.13 Referrals from Scrutiny Co-ordinating Committee: The Children's Services Scrutiny Forum at each of its meetings considers requests for scrutiny reviews referred via Scrutiny Co-ordinating Committee. Since the Forum's last progress report, in February 2012, no specific items have been raised.
- 2.14 Forward Plan: The Children's Services Scrutiny Forum, at each of its meetings, continues to consider possible issues from the Council's Forward

Plan for inclusion within its Work Programme. Since the Forum's last progress report, in February 2012, the following item has been identified:-

RN89 / 11 FORMER BRIERTON SCHOOL SITE

Members of the Forum identified that they would like the wards affected to read 'all wards'. Members would also like to be kept up to date with progress on this item.

3. RECOMMENDATION

- 3.1 It is recommended that the Scrutiny Co-ordinating Committee notes the progress of the Children's Services Scrutiny Forum.

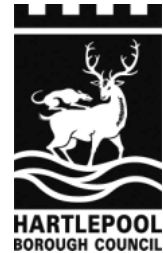
**COUNCILLOR CHRISTOPHER AKERS-BELCHER
CHAIR OF THE CHILDREN'S SERVICES SCRUTINY FORUM**

BACKGROUND PAPERS

No background papers were used in the preparation of this report.

SCRUTINY CO-ORDINATING COMMITTEE

17 August 2012



Report of: Chair of the Health Scrutiny Forum

Subject: HEALTH SCRUTINY FORUM – PROGRESS REPORT

1. PURPOSE OF REPORT

1.1 To inform the Scrutiny Co-ordinating Committee of the progress made to date by the Health Scrutiny Forum.

2. PROGRESS OF THE SCRUTINY FORUM

2.1 Since the start of the 2012/13 Municipal year, the Health Scrutiny Forum has undertaken the following work:-

2.2 Work Programme 2012/13: The Health Scrutiny Forum met on the 15 June 2012 to consider their Work Programme and agreed that the Forum would in 2012/13 consider the Joint Strategic Needs Assessment (JSNA) topic of 'Sexual Health' as the main investigation for the year.

2.3 In addition to the main investigation, Members also agreed to include the following topics in their 2012/13 Work Programme:-

- NTHFT Quality Account /including issue raised re. medication errors
- Clear and Credible Plan
- Health Workshop / Seminar - JSNA / Public Health /Health and Social Care Act / Health Reforms
- NEAS - Changes to Ambulance Locations
- LINK Update / Healthwatch
- One Life Hartlepool - Northern Doctors Report
- 111 Number
- Health Inequalities
- Tertiary Referrals
- Any Qualified Provider
- Recruitment of Good Quality GP's

2.4 Members at this meeting received a presentation from representatives from NHS Hartlepool and Stockton on Tees Clinical Commissioning Group on the Clear and Credible Plan and future work streams. In addition to this, the Director of Public Health provided a detailed presentation to the Forum on the role of Public Health.

- 2.5 Appointment to Regional Health Scrutiny Committee and Tees Valley Health Scrutiny Committee: The Forum agreed the following appointments:-
- Regional Health – Cllr Akers-Belcher
- Tees Valley Health - Cllr Akers-Belcher, Cllr Hall and Cllr Fisher
- 2.6 North East Ambulance Service: Members of the Forum at their meeting of 28 June 2012 commented on the new arrangements for the location of ambulances and changes to resources.
- 2.7 Proposed relocation of Outpatient Services: At the Health Scrutiny Forum meeting of 28 June 2012, NHS Hartlepool and Stockton-on-Tees Clinical Commissioning Group reported to the Forum that they have postponed plans to relocate outpatient services from Hartlepool Hospital to One Life. Discussions between the Forum and the Clinical Commissioning Group will continue.
- 2.8 Investigation into ‘Cancer Awareness and Early Diagnosis’: The Health Scrutiny Forum, on 20 September 2012, is due to consider feedback from Cabinet and the Hartlepool and Stockton-on-Tees Clinical Commissioning Group Board’s decision in relation to the Forum’s recommendations. The Final Report has also been reported to the Shadow Health and Wellbeing Board for information.
- 2.9 Six Monthly Monitoring of Agreed Health Scrutiny Forum’s Recommendations: The Forum is due to receive an update on the progress made against the recommendations resulting from scrutiny inquiries undertaken by the Health Scrutiny Forum since the 2005/06 Municipal year at their meeting of 20 September 2012.
- 2.10 Investigation into ‘Sexual Health’: The Health Scrutiny Forum will meet on 23 August 2012 to consider the Aim, Terms of Reference and Timetable for its investigation into the JSNA topic of ‘Sexual Health’.
- 2.11 The Forum is on track to complete this investigation by the 18 April 2013 in order for the Final Report to be submitted to the Scrutiny Co-ordinating Committee on 26 April 2013, for submission to Cabinet in May 2013.
- 2.12 Referrals from Scrutiny Co-ordinating Committee: The Health Scrutiny Forum at each of its meetings considers requests for scrutiny reviews referred via Scrutiny Co-ordinating Committee. Since the Forum’s last progress report, in February 2012, no specific items have been raised.
- 2.13 Forward Plan: The Health Scrutiny Forum, at each of its meetings, continues to consider possible issues from the Council’s Forward Plan for inclusion within its Work Programme. Since the Forum’s last progress report, in February 2012, the following item has been identified:-

DECISION REFERENCE: CE46/11 – Review of Community Involvement & Engagement (Including LSP Review): Update on decisions taken ‘in principle’: It was noted that it was important that all local Elected Members were fully represented on that body as it was an opportunity to work together to improve public health and well being.

3. RECOMMENDATION

- 3.1 It is recommended that the Scrutiny Co-ordinating Committee notes the progress of the Health Scrutiny Forum.

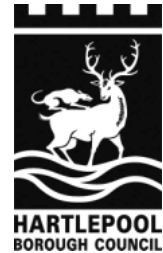
**COUNCILLOR STEPHEN AKERS-BELCHER
CHAIR OF HEALTH SCRUTINY FORUM**

BACKGROUND PAPERS

No background papers were used in the preparation of this report.

SCRUTINY CO-ORDINATING COMMITTEE

17 August 2012



Report of: Chair of the Neighbourhood Services Scrutiny Forum

Subject: NEIGHBOURHOOD SERVICES SCRUTINY FORUM
– PROGRESS REPORT

1. PURPOSE OF REPORT

- 1.1 To inform the Scrutiny Co-ordinating Committee of the progress made to date by the Neighbourhood Services Scrutiny Forum, since the last progress report to this Committee.

2. PROGRESS OF THE SCRUTINY FORUM

- 2.1 Since the start of the new 2012/13 Municipal Year, the Neighbourhood Services Scrutiny Forum has undertaken the following work:-
- 2.2 Work Programme 2012/13: All Scrutiny Members were invited to attend a meeting of the Scrutiny Co-ordinating Committee on 15 June 2012. At this meeting members of Scrutiny Co-ordinating Committee delegated responsibility to the Chairs of the Scrutiny Forums to finalise Work Programmes for their respective Forums, identifying specific elements of the Joint Strategic Needs Assessment (JSNA) and budget / collaboration programme.
- 2.3 It was determined that the Neighbourhood Services Scrutiny Forum would consider the JSNA topic of 'Environment' as the area of investigation for the 2012/13 Municipal Year.
- 2.3 It was also agreed that the Forum would consider budget proposals in relation to neighbourhood management (as part of the Environment investigation) and also facilities management (should timescales permit) from the Regeneration and Neighbourhoods Department as part of the 2012/13 budget process.
- 2.4 'Private Sector Housing Schemes':
At the meeting of the Neighbourhood Services Scrutiny Forum on 1 August 2012, the response of the Portfolio Holder for Regeneration and Neighbourhoods to the recommendations from the Forums investigation into

'Private Sector Housing Schemes' was considered. Members of the forum were informed that, following consideration of the final report by Cabinet on 30 April 2012, the report was accepted in its entirety.

- 2.6 Six Monthly Monitoring of Agreed Neighbourhood Services Scrutiny Forum's Recommendations: At their meeting of 29 February 2012, the Neighbourhood Services Scrutiny Forum received a report on the progress made against the recommendations resulting from scrutiny inquiries undertaken by the Neighbourhood Services Scrutiny Forum since the 2005/06 Municipal year. Members noted that 87% of recommendations were completed, 2% in progress, 5% cancelled and 6% overdue.

The Neighbourhood Services Scrutiny Forum is due to receive their next six monthly update report at their meeting of 19 September 2012.

- 2.7 Environment Investigation:
The Neighbourhood Services Scrutiny Forum met on 1 August 2012 to approve the Aim, Terms of Reference and Timetable for its investigation into the JSNA topic of 'Environment'.

- 2.8 The Forum is on track to complete this investigation by the 17 April 2013 in order for the Final Report to be submitted to the Scrutiny Co-ordinating Committee on 26 April 2013, for submission to Cabinet in May 2013.

- 2.9 Referrals from Scrutiny Co-ordinating Committee:
The Neighbourhood Services Scrutiny Forum, at each of its meetings, considers requests for scrutiny reviews referred via Scrutiny Co-ordinating Committee. An item relating to the potential to subsidise bus passes for young people in Hartlepool was referred from Scrutiny Co-ordinating Committee to the Neighbourhood Services Scrutiny Forum in October 2011. The Forum considered the referral on 18 January 2012 and the outcome was presented to Scrutiny Co-ordinating Committee at the meeting on 27 January 2012. Scrutiny Co-ordinating Committee was of a view that there continued to be a real potential for the development of low cost travel arrangements for young people and requested that the Neighbourhood Services Scrutiny Forum continue to consider the issue at a future meeting of the Forum.

- 2.10 At the meeting of the Neighbourhood Services Scrutiny Forum on 1 August 2012 Members considered the referral from Scrutiny Co-ordinating Committee. The conclusions of this consideration will be presented to the Committee at today's meeting.

- 2.11 Forward Plan:
The Neighbourhood Services Scrutiny Forum, at each of its meetings, continues to consider possible issues from the Council's Forward Plan for inclusion within its Work Programme. Since the Forum's last progress report, in April 2012, no specific items have been identified.

3. RECOMMENDATION

- 3.1 It is recommended that the Scrutiny Co-ordinating Committee notes the progress of the Neighbourhood Services Scrutiny Forum.

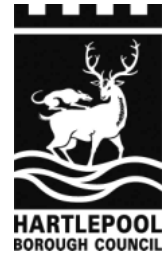
**COUNCILLOR SYLVIA TEMPEST
CHAIR OF NEIGHBOURHOOD SERVICES SCRUTINY FORUM**

BACKGROUND PAPERS

No background papers were used in the preparation of this report.

SCRUTINY CO-ORDINATING COMMITTEE

17 August 2012



Report of: Chair of the Regeneration and Planning Services
Scrutiny Forum

Subject: REGENERATION AND PLANNING SERVICES
SCRUTINY FORUM – PROGRESS REPORT

1. PURPOSE OF REPORT

- 1.1 To inform the Scrutiny Co-ordinating Committee of the progress made to date by the Regeneration and Planning Services Scrutiny Forum, since the last progress report to this Committee.

2. PROGRESS OF THE SCRUTINY FORUM

- 2.1 Since the start of the new 2012/13 Municipal Year, the Regeneration and Planning Services Scrutiny Forum has undertaken the following work:-
- 2.2 Employment and Training Opportunities for 19-25 Year Olds:
At the meeting of the Regeneration and Planning Services Scrutiny Forum on 2 August 2012, the response of the Portfolio Holder for Regeneration and Neighbourhoods to the recommendations from the Forum's investigation into 'Employment and Training Opportunities for 19-25 Year Olds' was considered. Members of the Forum were informed that, following consideration of the final report by Cabinet on 30 April 2012, the report was accepted in its entirety.
- 2.3 Work Programme 2012/13:
All Scrutiny Members were invited to attend a meeting of the Scrutiny Co-ordinating Committee on 15 June 2012. At this meeting members of Scrutiny Co-ordinating Committee delegated responsibility to the Chairs of the Scrutiny Forums to finalise Work Programmes for their respective Forums, identifying specific elements of the Joint Strategic Needs Assessment (JSNA) and budget / collaboration programme.
- 2.4 It was determined that the Regeneration and Planning Services Scrutiny Forum would consider the JSNA topic of 'Employment' as the area of investigation for the 2012/13 Municipal Year.

2.5 Employment:

The Regeneration and Planning Services Scrutiny Forum met on 2 August 2012 to approve the Terms of Reference and Timetable for its investigation into the JSNA topic of 'Employment'.

2.6 The Forum is on track to complete this investigation by the 18 April 2013 in order for the Final Report to be submitted to the Scrutiny Co-ordinating Committee on 26 April 2013, for submission to Cabinet on 13 May 2013.

2.7 Forward Plan:

The Regeneration and Planning Services Scrutiny Forum, at each of its meetings, continues to consider possible issues from the Council's Forward Plan for inclusion within its Work Programme. Since the start of the 2012/13 Municipal Year no specific items have been identified.

3. RECOMMENDATION

3.1 It is recommended that the Scrutiny Co-ordinating Committee notes the progress of the Regeneration and Planning Services Scrutiny Forum.

**COUNCILLOR GERARD HALL
CHAIR OF REGENERATION AND PLANNING SERVICES SCRUTINY FORUM**

BACKGROUND PAPERS

No background papers were used in the preparation of this report.

SCRUTINY CO-ORDINATING COMMITTEE

17 August 2012



Report of: Chair of the Scrutiny Co-ordinating Committee

Subject: SCRUTINY CO-ORDINATING COMMITTEE –
PROGRESS REPORT

1. PURPOSE OF REPORT

- 1.1 To inform the Members of the Scrutiny Co-ordinating Committee of the progress made by this Committee, since my last progress report on 17 February 2012.

2. PROGRESS OF THE SCRUTINY CO-ORDINATING COMMITTEE

- 2.1 Work Programme 2011/12 - All Scrutiny Members were invited to attend a meeting of the Scrutiny Co-ordinating Committee on 15 June 2012. At this meeting Members of Scrutiny Co-ordinating Committee delegated responsibility to the Chairs of the Scrutiny Forums to finalise Work Programmes for their respective Forums, identifying specific elements from the Joint Strategic Needs Assessment (JSNA) and budget / collaboration programme.
- 2.2 Scrutiny Chairs met on the 2 July 2012 and looked in detail at each of the JSNA themes and budget / collaboration items, selecting from each those to be included in the 2012/13 Work Programme. The Overview and Scrutiny Work Programme for 2012/13, agreed by Scrutiny Chairs, was reported to the Scrutiny Co-ordinating Committee on the 27 July 2012. Details of each Forum's agreed work programme are outlined in the progress reports considered earlier in today's meeting.
- 2.3 In relation to the Scrutiny Co-ordinating Committee work programme for 2012/13, in addition to consideration of the required budget and policy framework items, Call-in's, referrals and Councillor Call's for Action the Committee will also be considering:-
- i) The 'Poverty' topic area from the JSNA - Consideration of this topic area will commence at the Scrutiny Co-ordinating Committee meeting on the 24 September 2012, with consideration to be given to the scope, timetable and terms of reference for the investigation.

- ii) The 'Transport' topic area from the JSNA and School Transport budget item – Consideration of these items commenced with the re-establishment of the Transport Working Group. The first meeting of the Working Group was held on the 3 August 2012, resulting in the establishment of a clear plan for the content and focus for the group's work. Work is now ongoing in preparation for the next meeting.
 - iii) Collaboration - The Scrutiny Co-ordinating Committee will be considering 'the rationalisation of management structures through collaboration across three Local Authorities' during the course of 2012/13. A further report on this issue will be brought to the Committee in due course.
- 2.4 Forward Plan – The Scrutiny Co-ordinating Committee, at its meeting on the 27 July 2012, considered the identification of possible issues from the Council's Forward Plan for inclusion within its Work Programme. No specific items were identified.
- 2.5 Localisation of Council Tax Benefit Working Group – The Scrutiny Co-ordinating Committee at its meeting on the 14 October 2011, received a detailed report on the Government's proposal for localising support for Council Tax Benefits from 2013/14. During the course of discussions, emphasis was placed upon the importance of Member involvement in the development of the new local scheme of council tax support and in doing this, the Committee agreed that a Working Group would be formed, when required.
- 2.6 This Working Group was formally established by the Scrutiny Co-ordinating Committee at its meeting on the 15 June 2012. The aim of the group being to inform and influence the development of Council policy/practice for the implementation of the new legislation. The group has since met on multiple occasions with the outcome of its discussions to be reported back to Members at today's meeting of the Scrutiny Co-ordinating Committee. The information provided will be utilised in the formulation of a response from the Scrutiny Co-ordinating Committee to be considered by Cabinet on the 3 September 2012.
- 2.7 Health Reform Working Group - The Scrutiny Co-ordinating Committee at its meeting on the 27 January 2012 considered a request for consideration by Scrutiny of the Draft Hartlepool Public Health Transition Plan, prior to its final approval by Cabinet on 5 March 2012. In considering this request, the Committee approved the creation of a Working Group (now called the Health Reform Working Group) to participate in the consultation process and also, to look at the development of the role of scrutiny in relation to the operation of Hartlepool's Health and Wellbeing Board.
- 2.8 The Membership of this group was renewed at the Scrutiny Co-ordinating Committee meeting on the 15 June 2012 and it is due to meet again on the 6 September at 1.00pm to progress its work.

- 2.9 Review of Community Involvement and Engagement (Including LSP Review) – The Scrutiny Co-ordinating Committee at its meeting on the 17 February 2012 requested an additional meeting to discuss this issue in detail. This meeting was held on the 9 March 2012, during the course of which the Mayor discussed the proposals with the Committee. The views expressed by the Committee went on to be reported to Cabinet on the 6 February 2012 and were utilised in the formulation of revised arrangements.
- 2.10 Corporate Plan and Departmental Plans 2012/13 – At the Scrutiny Co-ordinating Committee meeting on the 9 March 2012, Members considered the draft Corporate Plan and Departmental Plans. The views expressed by the Committee were noted by Cabinet on the 19 March and incorporated in to the plans as appropriate.
- 2.11 Voluntary and Community Sector Strategy – The Scrutiny Co-ordinating Committee, at its meeting on the 9 March 2012, contributed to the consultation process in relation to the development of the Voluntary and Community Sector Strategy.
- 2.12 Crime and Disorder Committee/Police and Crime Commissioners (Update) – The Scrutiny Co-ordinating Committee, at its meeting on the 9 March 2012, received an update in relation to the process for the appointment of the Police and Crime Commissioner and the establishment of the Police and Crime Panel. Information was also considered by the Committee in fulfilling its Police and Crime Committee responsibilities. A further update presentation in relation to this role is to be given to the Committee on the 19 October 2012.
- 2.13 Six Monthly Monitoring of Agreed Scrutiny Forum's Recommendations - The Scrutiny Co-ordinating Committee was pleased to receive the scrutiny recommendations monitoring report at its meeting of 9 March 2012. Members noted the high number of recommendations achieved and are eagerly anticipating the next monitoring report which will be presented at the meeting on the 28 September 2012.
- 2.14 Dedicated Overview and Scrutiny Budget – Funding Requests - The Scrutiny Co-ordinating Committee has since the last progress report received the following requests for funding from the 2011/12 dedicated overview and scrutiny budget:
- The Children's Services Scrutiny Forum obtained approval for funding for the provision of catering to enable looked after children/young people to participate in its meeting on 14 March 2012 (immediately after school) - £35.00;
 - The Scrutiny Co-ordinating Committee obtained approval to fund lunch for all Members of the Scrutiny Co-ordinating Committee given the short timescales and proximity of the two Scrutiny Co-ordinating Committee meetings held on the 9 March 2012 - £42.00;

- The Health Scrutiny Forum obtained approval for funding to cover the additional expenditure of holding the Health Scrutiny Forum at the Hartlepool College of Further Education due to the unavailability of rooms at the Civic Centre - £225;
- The Scrutiny Co-ordinating Committee obtained approval for funding to enable Members to attend a New Legislative Framework Event in York on 15 March 2012 - £1308.75;
- The Scrutiny Co-ordinating Committee obtained approval for funding to attend the Centre for Public Scrutiny Annual Conference and Good Scrutiny Awards (12 June 2012) – £1050.33; and
- The Scrutiny Co-ordinating Committee obtained approval for funding for the provision of catering for the Work Programme meeting on 15 June 2012 – £86.60.

- 2.15 Councillor Call for Action (CCfA) - Unisex Toilet Facilities in Dyke House School - At Scrutiny Coordinating Committee on 27th January 2012, a Councillor Call for Action received from Councillor Wells (Park Ward) was considered in relation to the installation of unisex toilet facilities in Dyke House School. After discussing the issues raised, the Chair concluded the CCfA did not meet the necessary tests and could not be accepted. However, the Chair acknowledged the concerns and requested that arrangements be made for Committee members to visit the school and view for themselves the whole of the school facilities and the management of the school, not just the toilet facilities, following the Building Schools for the Future investment. The Committee also requested that the school be asked record any problems they might experience with the operation of the toilets over the next six months, and that this information should be fed back to Members for information.
- 2.16 The matter has been followed up with the Head Teacher of Dyke House School who reports that no issues of concern have arisen regarding the toilet facilities at the school since the opening in January 2012. Parents' evenings for every year group have taken place over recent months and as part of this, have included the opportunity for parents to have a look around the school including the toilet facilities. From this, the school has received nothing but positive comments. Since the new building has opened, there has been a noticeable improvement in reduction in opportunities to have bullying or other behaviour problems (although this was not a substantial problem beforehand) as the toilets are now central to the teaching layout, they work much better and are better used and safer for pupils. Overall, the Head Teacher rates the new toilet facilities as a success in every regard.
- 2.17 Medium Term Financial Strategy – Collaborations – The Scrutiny Co-ordinating Committee at its meeting on the 13 April 2012 considered a report in relation to the opportunity to progress a collaborative working programme with the detailed work programme and plan being considered by Cabinet on 5 March 2012. The Committee noted the report and requested that

appropriate mechanisms be put in place to ensure full Overview and Scrutiny involvement in the collaboration process. It was also agreed that the collaboration programme would be considered as part of the 2012/13 Overview and Scrutiny Work Programme.

- 2.18 Youth Justice Plan – As part of the consultation process for budget and policy framework items, the Scrutiny Co-ordinating committee noted the Youth Justice Plan and expressed views / comments to be taken on board to support the further development of the local Youth Justice Plan for 2012/13.
- 2.19 Ward Member Budgets – The Scrutiny Co-ordinating Committee received a report in relation to the background to the introduction of Ward Member budgets and supported the delegation of authority, for the approval of expenditure from Ward Members budgets, to the Assistant Director (Neighbourhood Services), with an annual report outlining this expenditure to be submitted to the relevant Portfolio Holder.
- 2.20 Scrutiny 2011/12 Annual Report – The Scrutiny Co-ordinating Committee at its meeting on the 13 April 2012 approved the Overview and Scrutiny Annual Report for 2011/12. The report went on to be presented to Council on the 21 June 2012.
- 2.21 Quarterly Budget/Performance Monitoring Reports – The Scrutiny Co-ordinating Committee at its meetings on the 9 March 2012 and 13 April 2012 considered various Quarter 3 monitoring reports.
- 2.22 Cabinet Response to the Recommendations of the Provision of Face to Face Financial Advice and Information Services Investigation – The Scrutiny Co-ordinating Committee, at its meeting on the 27 July 2012, received feedback from Cabinet in relation to implementation of actions in response to its 'Provision of Face to Face Financial Advice and Information Services' investigation.
- 2.23 Health and Wellbeing Strategy – The Scrutiny Co-ordinating Committee, at its meeting on the 27 July 2012 approved the consultation process for Scrutiny involvement in the development of the Health and Wellbeing Strategy.
- 2.24 Update on Public Health Funding - The Scrutiny Co-ordinating Committee, at its meeting on the 27 July 2012 received an update in relation to the above funding.
- 2.25 Call-In's:-
- i) Strategy for Bridging the Budget Deficit 2012/13 - ICT, Revenues and Benefit Services – At the meeting of the Scrutiny Co-ordinating Committee on the 9 March 2012, the Mayor, Stuart Drummond provided feedback on Cabinet's consideration of the Scrutiny response to the above Call-In.

ii) Arrangements for Admissions to Schools 2013/14 and Co-ordinated Admissions to Primary and Secondary Schools and in year transfers 2013/14 and an update on new school admissions code 2012/13 - The Scrutiny Co-ordinating Committee at its meeting on the 13 April 2012, accepted the above Call-In and recommended that the matter be referred to Full Council. The views expressed by Council on the 14 June 2012 were utilised by the Scrutiny Co-ordinating Committee in the formulation of its response to the Children's and Community Services Portfolio Holder on the 26 June 2012.

The Portfolio Holders response to the Call-in is to be considered at today's Scrutiny Co-ordinating Committee.

iii) Future Options for the Provision of a Strategic HR Function - The Scrutiny Co-ordinating Committee at its meeting on the 29 June 2012 accepted the above Call-In and recommended that the matter be referred to Full Council. The recommendation was considered by Cabinet on the 9 July 2012 and the decision taken to reaffirm the decision. The Mayor, however, reported to the Scrutiny Co-ordinating Committee, at the meeting on the 27 July 2012 that the Executive's decision was now on hold pending the outcome of further discussions and consideration of additional information.

2.26 Referrals:-

i) Medium Term Financial Strategy – ICT Services - Cabinet on the 11 June 2012 referred this issue to the Overview and Scrutiny Function in order to gain Members' views. The referral was accepted by the Scrutiny Co-ordinating Committee on the 29 June 2012. The view expressed by Members being that options in relation to public/public arrangements and in-house provision should be disregarded at this time, with all energies should be put into securing the best possible private sector outcome. The Committee's views were welcomed, and supported, by Cabinet on the 9 July 2012.

2.27 Informal Meetings of the Scrutiny Chairs – I am pleased to report that informal meetings with the Scrutiny Chairs continue to be held on a regular basis (5 April 2012, 14 June 2012 and 2 July 2012). To ensure openness and transparency is maintained, I am pleased to inform Members that the following issues were discussed during the course of these meetings:-

- i) Draft Annual Report
- ii) Report Front Covers
- iii) Work Programme Setting
- iv) Scrutiny Questionnaire
- v) New Legislative Framework Event in York – Feedback from Member.
- vi) Scrutiny Member Training
- vii) Care Quality Commission (CQC)

The next Informal Scrutiny Chairs meeting will be held on the 6 September 2012, to discuss the process for consideration of scrutiny investigations at the Neighbourhood Forums.

3. RECOMMENDATION

- 3.1 It is recommended that the Scrutiny Co-ordinating Committee notes the content of this report.

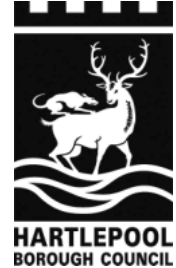
**COUNCILLOR MARJORIE JAMES
CHAIR OF THE SCRUTINY CO-ORDINATING COMMITTEE**

BACKGROUND PAPERS

No background papers were used in the preparation of this report

SCRUTINY CO-ORDINATING COMMITTEE

17 August 2012



Report of: Neighbourhood Services Scrutiny Forum

Subject: REFERRAL RESPONSE - YOUNG PEOPLE'S
ACCESS TO TRANSPORT AND LOW COST
TRAVEL IN HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To report the outcome of the Neighbourhood Services Scrutiny Forum's consideration of the referral of the provision of 'low cost' travel arrangements for young people in Hartlepool (within existing resources) to Scrutiny Co-ordinating Committee.

2. BACKGROUND INFORMATION

- 2.1 At its meeting of 14 October 2012, during consideration of the initial consultation proposals for the Medium Term Financial Strategy (MTFS) 2012/13 to 2014/15, Scrutiny Co-ordinating Committee referred the consideration of the provision of low cost travel to young people through a concessionary fare scheme, to the Neighbourhood Services Scrutiny Forum to consider as part of its budget consultation process.
- 2.2 It was suggested by Scrutiny Co-ordinating Committee that, as part of the Council's commitment to eradicating child poverty, those on free school meals should receive full support, with sliding levels of support to others, dependant on the level of household income. Scrutiny Co-ordinating Committee suggested that negotiations be undertaken with Stagecoach regarding the potential for such a scheme, and with schools regarding the potential use of a portion of the funding allocated for pupils in receipt of free school meals.
- 2.3 The potential of such a scheme was explored by the Neighbourhood Services Scrutiny Forum at the meeting on 18 January 2012. Following consideration of the information presented by the Assistant Director (Transport and Engineering) and the Integrated Transport Unit Manager, the Forum concluded that:-

- (i) Whilst the Forum supports the principle of the provision of concessionary bus passes to young people, given the current budget situation the Council finds itself in, the Forum could not support the introduction of such a scheme at the present time;
- (ii) The Transport Team should continue to explore the options for the travel club, the yellow bus strategy and any other strategies aimed at reducing the impact transport issues have on people's lives within Hartlepool;
- (iii) The Transport Team continues to explore all possible funding avenues in relation to bus transport;
- (iv) Discussions between schools, service providers and the Council continue to explore all possible options available going forward, to benefit all service users;
- (v) The Forum endorses that further work is undertaken by the Transport Team to encourage partners to participate in any such concessionary schemes that may arise in the future; and
- (vi) That an update on the progress of areas identified for further work is presented to the Neighbourhood Services Scrutiny Forum in 6 months.

2.4 A response to the referral was provided through the Chair of the Neighbourhood Services Scrutiny Forum to Scrutiny Co-ordinating Committee at its meeting of 27 January 2012.

2.5 When considering the response of the Neighbourhood Services Scrutiny Forum to the referral, Scrutiny Co-ordinating Committee was of the view that there continued to be real potential for the development of low cost travel arrangements for young people. On this basis, the Committee agreed that the issue should be referred back to the Neighbourhood Services Scrutiny Forum, to enable the continuation of its work, with the aim of:-

- i) Exploring potential ways of providing 'low cost' travel arrangements for young people in Hartlepool (within existing resources);
- ii) Exploring how internal transport services could be made more effective / developed to contribute to the provision of these services; and
- iii) Presenting a report back to the Scrutiny Co-ordinating Committee in six months time.

2.6 In addition, during the 2011/12 Municipal Year the Young People's representatives from the Children's Services Scrutiny Forum carried out an investigation into 'Young People's Access to Transport'. One of the resulting recommendations from the investigation was that:-

'The report is presented (by the young people's representatives) to the Neighbourhood Services Scrutiny Forum when the Forum further explores 'low cost travel to young people through concessionary fare schemes'.

2.7 The Young People's Representatives from the Children's Services Scrutiny Forum were invited to the meeting of the Neighbourhood Services Scrutiny Forum on the 1 August 2012, where the referral was considered, to share their report with the Forum and allow the Members to consider the views of young people when forming conclusions.

3. ISSUES CONSIDERED BY THE NEIGHBOURHOOD SERVICES SCRUTINY FORUM

- 3.1 During the meeting of the Neighbourhood Services Scrutiny Forum on 1 August 2012, Members considered a presentation from the Director of Regeneration and Neighbourhoods, which detailed the progress made against the Forum's conclusions as outlined at section 2.3 and the referral of the Scrutiny Co-ordinating Committee as outlined at section 2.5.
- 3.2 The Forum heard the following regarding the Yellow Bus Strategy:-
- Currently has 6 vehicles;
 - All used to full capacity;
 - Focused on supporting schools, college, private hire, curriculum transport and swimming programmes;
 - A further 3 could be used to support community gaps through re-routing, further private hire, reduced external hire for home to school routes; and
 - Increased income and improved efficiency through transport to educational and local events.
- 3.3 Members were also advised of the additional strategies being introduced. These include initiatives such as collaboration with the NHS and other authorities and the Integrated Transport Unit (ITU) leading developments relating to policy across the North East in partnership with the Department of Education. The ITU is also looking at joint opportunities across the Department for Education and the Department for Transport.
- 3.4 The Director of Regeneration and Neighbourhoods advised the Forum that the ITU currently carryout the following on behalf of local schools and service providers:-
- ITU have allocated a Transport Officer to each school
 - Operator Forums are held every 6 weeks (all small operators, taxi and mini bus)
 - A revised transport champions group (every six weeks, all community and divers groups)
 - Bus operator forums (every six weeks, Stagecoach, Arriva etc)
 - Members transport group has reformed
 - A Tees Valley transport infrastructure group
- 3.5 The Forum also noted that previous attempts to introduce a travel club have not been successful due to limited take up and a lack of need for such a service. It was noted that people still wanted a regular bus service, however the Director of Regeneration and Neighbourhoods advised the Forum that the high income risk of providing such services had led operators to withdraw unprofitable routes.

- 3.6 The Director of Regeneration and Neighbourhoods identified the continued development of the yellow bus strategy and community provision as a way to bridge the gaps left by the removal of commercial services.
- 3.7 The Young People's Representatives from the Children's Services Scrutiny Forum presented their report into 'Young People's Access to Transport'. Members were particularly concerned to hear that, of the young people questioned for the report, some felt unsafe using taxis. Members felt that this was an issue that should be considered by the Transport Working Group and work should be carried out through the Council's transport champions group, (the membership of which contains representatives from local taxi companies) to try to address this.
- 3.8 The Forum was very supportive of the work the young people had undertaken and suggested they make the M.P. aware of their results.
- 3.9 A Member commented that young people's needs were often not considered when transport issues were identified and that the impact on young people should be considered as part of the work of the Transport Working Group.
- 3.10 Members recognised that there was not enough demand for routed services however, work should be undertaken to determine the demand for and feasibility of providing a limited, targeted service at specific times of the evening and on specific routes to ensure young people were able to travel. Members recognised that they would need to identify funding for such a service.
- 3.11 The Forum concluded that all transport issues need to be reviewed as part of the work to be undertaken by the Transport Working Group during their investigation into the JSNA topic of Transport.

4. CONCLUSIONS

- 4.1 The Neighbourhood Services Scrutiny Forum concluded that:-
- (i) Work should be undertaken through the transport champions group to address the issue of young people feeling unsafe in taxis;
 - (ii) The Transport Working Group considers all transport issues during its investigation in to the JSNA item of transport, including the impact of the loss of bus services on young people and that the groups also explores the feasibility of putting a limited, targeted service on for young people.

5. RECOMMENDATION

- 5.1 It is recommended that Members of the Scrutiny Co-ordinating Committee note and agree the views of the Neighbourhood Service Scrutiny Forum and refer the issues raised to the Transport Working Group for consideration as part of its investigation.

**COUNCILLOR SYLVIA TEMPEST
CHAIR OF THE NEIGHBOURHOOD SERVICES SCRUTINY FORUM**

Contact Officer:- Elaine Hind – Scrutiny Support Officer
Chief Executive’s Department – Corporate Strategy
Hartlepool Borough Council
Tel: 01429 523647
e-mail: elaine.hind@hartlepool.gov.uk

BACKGROUND PAPERS

- (i) Report of the Assistant Director of Transport and Engineering entitled ‘Scrutiny Co-ordinating Committee Referral of Low Cost Travel to Young People through Concessionary Fare Schemes’ presented to the Neighbourhood Services Scrutiny Forum on 18 January 2012.
- (ii) Report of the Neighbourhood Services Scrutiny Forum entitled ‘Referral of Low Cost Travel to Young People through Concessionary Fares Scheme’ presented to Scrutiny Co-ordinating Committee on 27 January 2012.
- (iii) Minutes of Cabinet dated 30 April 2012.
- (iv) Presentation of the Director of Regeneration and Neighbourhoods entitled ‘Scrutiny Update Issues’ presented to the Neighbourhood Services Scrutiny Forum on 1 August 2012.

SCRUTINY CO-ORDINATING COMMITTEE

17 August 2012



Report of: Scrutiny Manager

Subject: DEDICATED OVERVIEW AND SCRUTINY BUDGET
– 2011/12 OUTTURN

1. PURPOSE OF REPORT

- 1.1 To provide the Scrutiny Co-ordinating Committee (SCC) with an up-to-date position of the expenditure of the Dedicated Overview Scrutiny Budget for the 2011/12 financial year.

2. BACKGROUND INFORMATION

- 2.1 Members will recall that since 2007/08 the Overview and Scrutiny Function has been allocated a top up budget of £50,000 per a year to be used to support the delivery of the Annual Overview and Scrutiny Work Programme, together with the development of the Overview and Scrutiny Function.
- 2.2 In line with the agreed procedure, authorisation for budget spends has been through reports to this Committee setting out the intended activity, such as the gathering evidence for a scrutiny investigation by way of a Site Visit or by commissioning independent specialist advice / research.

3. BUDGET SPEND FOR THE 2011/12 FINANCIAL YEAR

- 3.1 The table below shows approved expenditure for each of the Overview and Scrutiny Committee up to 31 March 2012:-

Overview and Scrutiny Committee	Total Expenditure for 2011/12
Scrutiny Co-ordinating Committee	£1093.83 (York Centre for Public Scrutiny Event) £42.00 (Meeting Catering)
Informal Chairs	£66.50 (Catering)

Children's Services Scrutiny Forum	£35.00 (Catering for looked after children as part of the investigation)
Neighbourhood Services Scrutiny Forum	£52.00 (Consultation – printing and postage) £37.00 (Focus Group Accommodation)
Adult and Community Services Scrutiny Forum	£43.35 (Witness – Travel expenses)
Health Scrutiny Forum	£225.00 (Additional meeting accommodation)
OVERALL EXPENDITURE	£1594.68

3.2 Whilst this is not the final outturn position for the year it is unlikely that at this late stage that there will be any significant additional expenditure for the 2011/12 financial year.

4. RECOMMENDATION

4.1 It is recommended that the Scrutiny Co-ordinating Committee notes the current budget position for the 2011/12 financial year.

Contact Officer:- Joan Stevens – Scrutiny Manager
Chief Executive's Department - Corporate Strategy
Hartlepool Borough Council
Tel: 01429 284141
Email: joan.stevens@hartlepool.gov.uk

BACKGROUND PAPERS

No background papers were used in the preparation of this report.

SCRUTINY CO-ORDINATING COMMITTEE

17 August 2012



Report of: Scrutiny Manager

Subject: LOCAL AUTHORITY HEALTH SCRUTINY –
CONSULTATION

1. PURPOSE OF REPORT

1.1 To:

- i) Inform Members that a public consultation on proposed changes to how local authorities exercise health scrutiny functions was launched on 12 July and will run until 7 September 2012; and
- ii) To seek views on the questions put as part of the consultation for consideration by the Health Scrutiny Forum in the formulation of its response to the Department of Health.

2. BACKGROUND INFORMATION

- 2.1 The reforms set out in *Equity and excellence: liberating the NHS* are underpinned by a clear commitment to increasing accountability and local democratic legitimacy in health. Strengthening health scrutiny is one element of this. The full consultation is attached as **Appendix A** to this report.
- 2.2 The regulations currently in force have, on the whole, served the system well. However, since the health scrutiny powers were introduced in 2003, NHS organisations, health services and local authorities have changed substantially, and the Health and Social Care Act 2012 will bring about further structural reforms. There is a need to bring the arrangements for health scrutiny into line with these changes.
- 2.3 This consultation sets out a number of proposals to strengthen and streamline the arrangements and regulations for local authority health scrutiny. The consultation does not outline a draft version of the new regulations, but asks for views and comments on what the content of those regulations should be.

- 2.4 The proposals set out in the consultation document are drawn from a series of engagement, testing and other design processes, which have taken place since publication of *Equity and excellence: liberating the NHS* (July 2010) and passage through Parliament of the Health and Social Care Act 2012. The results of this public consultation will be summarised into a report from the Department of Health, which will in turn inform the regulations and associated guidance for local authority health scrutiny, ready for their statutory introduction from April 2013.
- 2.5 The aim is to make sustainable changes that will support the structural reforms, make the NHS more accountable to local people and communities and enable health scrutiny to be conducted effectively, as part of local government's wider responsibility in relation to health improvement and reducing health inequalities for their area and its inhabitants.
- 2.6 The changes proposed in this consultation will strengthen local accountability and help to ensure that the interests of patients and the public are at the heart of the planning, delivery and reconfiguration of health services. In preparing this consultation, the Department has discussed the range of possible options with representatives from the NHS, local authorities and patient and public representative groups. Their involvement has been helpful in developing the proposals.
- 2.7
- Q1. Do you consider that it would be helpful for regulations to place a requirement on the NHS and local authorities to publish clear timescales? Please give reasons
- Q2. Would you welcome indicative timescales being provided in guidance? What would be the likely benefits and disadvantages of this?
- Q3. Do you consider it appropriate that financial considerations should form part of local authority referrals? Please give reasons for your view.
- Q4. Given the new system landscape and the proposed role of the NHS Commissioning Board, do you consider it helpful that there should be a first referral stage to the NHS Commissioning Board?
- Q5. Would there be any additional benefits and drawbacks of establishing this intermediate referral?
- Q6. In what other ways might the referral process be made to more accurately reflect the autonomy in the new commissioning system and emphasise the local resolution of disputes?
- Q7. Do you consider it would be helpful for referrals to have to be made by the full council? Please give reasons for your view.

- Q8. Do you agree that the formation of joint overview and scrutiny arrangements should be incorporated into regulations for substantial service developments or variations where more than one local authority is consulted? If not, why not?
- Q9. Are there additional equalities issues with these proposals that we have not identified?
Will any groups be at a disadvantage?
- Q10. For each of the proposals, can you provide any additional reasons that support the proposed approach or reasons that support the current position? Have you suggestions for an alternative approach, with reasons?
- Q11. What other issues relevant to the proposals we have set out should we be considering as part of this consultation? Is there anything that should be included that isn't?

3. RECOMMENDATIONS

- 3.1 Members of the Scrutiny Co-ordinating Committee are asked to express views in relation to the questions put as part of the consultation, for consideration by the Health Scrutiny Forum in the formulation of its response to the Department of Health.

Contact Officer:- Joan Stevens – Scrutiny Manager
Chief Executive's Department - Corporate Strategy
Hartlepool Borough Council
Tel: 01429 284141
Email: joan.stevens@hartlepool.gov.uk

BACKGROUND PAPERS

The following background papers were used in the preparation of this report:-

- (i) Department of Health – Local Authority Health Scrutiny – Proposals for Consultation – 12 July 2012



Local Authority Health Scrutiny

Proposals for consultation

DH INFORMATION READER BOX

Policy	Clinical	Estates
HR / Workforce	Commissioner Development	IM & T
Management	Provider Development	Finance
Planning / Performance	Improvement and Efficiency	Social Care / Partnership Working

Document Purpose	Consultation/Discussion
Gateway Reference	17717
Title	Local Authority Health Review and Scrutiny: proposals for consultation
Author	Department of Health
Publication Date	12 July 2012
Target Audience	PCT Cluster CEs, NHS Trust CEs, SHA Cluster CEs, Care Trust CEs, Foundation Trust CEs, Local Authority CEs, Directors of Adult SSs
Circulation List	PCT Cluster Chairs, NHS Trust Board Chairs
Description	This consultation document sets out a number of proposed changes to the regulations governing health overview and scrutiny. A small number of focused questions seek respondents views on these proposed changes
Cross Ref	The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002
Superseded Docs	
Action Required	N/A
Timing	The consultation will close on 7 September 2012
Contact Details	Scrutiny Consultation Patient and Public Engagement and Experience Room 5E62, Quarry House Quarry Hill, Leeds LS2 7UE
For Recipient's Use	

Local Authority Health Scrutiny

Proposals for consultation

Prepared by the Patient and Public Engagement and Experience Team

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Introduction

1. This document sets out the Government's intentions to strengthen and streamline the regulations on local authority health scrutiny, following amendments to the National Health Service Act 2006¹ ("NHS Act 2006") by the Health and Social Care Act 2012² ("the 2012 Act"). These enable regulations to be made in relation to health scrutiny by local authorities.
2. The proposed changes to health scrutiny by local government will strengthen local democratic legitimacy in NHS and public health services, helping to ensure that the interests of patients and the public are at the heart of the planning, delivery, and reconfiguration of health services, as part of wider Government strategy to create a patient-centred NHS.
3. In this document, we will build on proposals set out in *Equity and Excellence: Liberating the NHS*³, which set out a vision of increased accountability, and *Local Democratic legitimacy in health: a consultation on proposals*⁴, which posed a number of questions around health overview and scrutiny in particular.
4. The Government recognises that health scrutiny has been an effective means in recent years of improving both the quality of services, as well as the experiences of people who use them. There is much that is good within the existing system on which to build.
5. Our aim is to strengthen and streamline health scrutiny, and enable it to be conducted effectively, as part of local government's wider responsibility in relation to health improvement and reducing health inequalities for their area and its inhabitants.
6. We are aware from engagement to date that there are a range of related matters on which the NHS and local authorities would welcome further clarification and advice that cannot be provided within regulations. We therefore intend to produce statutory guidance to accompany the new regulations that will address some of these issues.
7. Your views on the proposed revisions to health scrutiny are critical. Your participation in this consultation will help us to ensure that the new regulations and any associated guidance will be successfully implemented.

¹ <http://www.legislation.gov.uk/ukpga/2006/41/contents>

² <http://www.legislation.gov.uk/ukpga/2012/7/contents/enacted/data.htm>

³ http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_117353

⁴ http://www.dh.gov.uk/en/Consultations/Closedconsultations/DH_117586

8. The proposals in this document are being consulted on until 7th September 2012. The comments received will be analysed and will inform the development of new regulations for local authority health scrutiny.
9. We would welcome your comments on the proposals outlined in this document, your suggestions as to how to improve them, together with any general points you wish to make. The document sets out a number of questions on which we would particularly like your views. These are repeated as a single list at Annex A. Details of how to respond and have your say are set out on page 22.
10. Once we have considered your views, a summary of the response to this consultation will be made available before or alongside any further action, such as laying legislation before Parliament, and will be placed on the Consultations website at <http://www.dh.gov.uk/en/Consultations/Responsestoconsultations/index.htm>. It is our intention to bring the new Regulations into effect from April 2013.
11. The rationale for changes to the scrutiny regulations is set out in the impact assessment published alongside *Local Democratic Legitimacy in Health: a consultation on proposals*. This consultation document is published alongside an Equalities Screening that considers the impact on equalities. The Department welcomes any information or evidence that will help further analyse the impact of the proposals contained in this document.

Increasing Local Democratic Legitimacy in Health

12. *Equity and Excellence: Liberating the NHS* set out the Government's ambition to achieve significant improvements in health outcomes and the quality of patient care. These ambitions will be delivered through a new clinically-led commissioning system and a more autonomous provider sector. Underpinning the White Paper reforms is a commitment to increasing accountability by ensuring a strong local voice for patients and local communities and putting their views and experiences at the heart of care.
13. Strengthening health scrutiny is one of the mechanisms proposed to increase accountability and enhance public voice in health. In addition, health and wellbeing boards are being established within local authorities. Through health and wellbeing boards, local authorities, the NHS and local communities will work together to improve health and care services, joining them up around the needs of local people and improving the health and wellbeing of local people. By including elected representatives and patient representatives, health and wellbeing boards will significantly strengthen the local democratic legitimacy of local commissioning and will provide a forum for the involvement of local people. Overview and scrutiny committees of the local authority will be able to scrutinise the decisions and actions of the health and wellbeing board, and make reports and recommendations to the authority or its executive.
14. Health and wellbeing boards will consist of elected representatives, representatives from clinical commissioning groups (CCGs), local authority commissioners and patient and public representatives. A primary responsibility of health and wellbeing boards is to develop a comprehensive analysis of the current and future health and social care needs of local communities through Joint Strategic Needs Assessments (JSNAs). These will be translated into action through Joint Health and Wellbeing Strategies (JHWSs) as well as through CCGs' own commissioning plans for health, public health and social care, based on the priorities agreed in JHWSs. The involvement of local communities will be critical to this process and to the work of the health and wellbeing board. It will provide on-going dialogue with local people and communities, ensuring that their needs are understood, are reflected in JSNAs and JHWSs, and that priorities reflect what matters most to them as far as possible.
15. From April 2013, local authorities will also commission local Healthwatch organisations – the new consumer champion for local health and social care services. Local Healthwatch will help to ensure that the voice of local people is heard and has influence in the setting of health priorities through its statutory seat on the health and wellbeing board.
16. *Local Democratic legitimacy in health*, a joint consultation between the Department of Health and the Department of Communities and Local Government, proposed an

enhanced role for local authorities and asked a number of questions about how the commitment to strengthen public voice in health could be delivered. It aimed to find ways to strengthen partnership working between NHS commissioners and local authorities so that the planning and delivery of services is integrated across health, public health and social care.

17. In the light of responses to that consultation, the Government decided to expand and adapt its proposals for legislation around local democratic legitimacy. *Liberating the NHS: Legislative Framework and Next Steps*⁵ proposed extending the scope of scrutiny to include any private providers of certain NHS and public health services as well as NHS commissioners. It also accepted that its original proposition to confer health scrutiny powers onto health and wellbeing boards was flawed. It instead proposed conferring scrutiny functions on local authorities rather than on Health Overview and Scrutiny Committees (HOSCs) directly, giving them greater freedom and flexibility to discharge their health scrutiny functions in the way they deem to be most suitable. These intentions are encompassed within changes made by the 2012 Act to the health scrutiny provisions in the NHS Act 2006.

Aim of Health Overview and Scrutiny

18. This consultation document deals exclusively with health scrutiny. This is an essential mechanism to ensure that health services remain effective and are held to account. The main aims of health scrutiny are to identify whether:
 - the planning and delivery of healthcare reflects the views and aspirations of local communities;
 - all sections of a local community have equal access to health services;
 - all sections of a local community have an equal chance of a successful outcome from health services; and
 - proposals for substantial service change are in the best interests of local health services

The History of Health Scrutiny

19. The Local Government Act 2000⁶ established the basis for the arrangements that are still in place today, where there are two groups of councillors in most local authorities;
 - The Executive (sometimes called the Cabinet), responsible for implementing council policy; and

⁵ http://www.dh.gov.uk/en/Healthcare/LiberatingtheNHS/DH_122624

⁶ <http://www.legislation.gov.uk/ukpga/2000/22/contents>

- The Overview and Scrutiny Committees (sometimes called Panels or Select Committees), responsible for holding the Executive to account and scrutinising matters that affect the local area.
20. This Act established that, for the first time, democratically-elected community leaders were able to voice the views of their local constituents, and require local NHS bodies to respond, as part of the council's wider responsibilities to reduce health inequalities and support health improvement.
21. The Health and Social Care Act 2012⁷ subsequently amended the Local Government Act, to require local authorities to ensure that their overview and scrutiny committee or committees (OSC) had the power to scrutinise matters relating to health service. The Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2012⁸ ("the 2012 Regulations") required NHS bodies to consult formally with the HOSC on any proposals for substantial variations or developments to local services.
22. The 2012 Regulations also set out the health scrutiny functions of such committees and the other duties placed on NHS bodies. These regulations are still in force today. They:
- a. enable HOSCs to review and scrutinise any matter relating to the planning, provision and operation of health services in the local authority's area;
 - b. require NHS bodies to provide information to and attend (through officers) before meetings of the committee;
 - c. enable HOSCs to make reports and recommendations to local NHS bodies and to the local authority on any health matters that it scrutinises;
 - d. to require NHS bodies to respond within a fixed timescale to the HOSC's reports or recommendations, where the HOSC requests a response;
 - e. require NHS bodies to consult HOSCs on proposals for substantial developments or variations to the local health service; and
 - f. enable local authorities to appoint joint HOSCs;
 - g. enable HOSCs to refer proposals for substantial developments or variations to the Secretary of State where they have not been adequately consulted, or believe that the proposals are not in the best interests of the local health service.

⁷ <http://www.legislation.gov.uk/ukpga/2012/15/contents>

⁸ <http://www.legislation.gov.uk/uksi/2012/3048/contents/made>

Benefits

23. The current health scrutiny functions support the accountability and transparency of public services. They provide a means for councillors to engage with commissioners, providers and local people across primary, secondary and tertiary care.
24. HOSCs set their own priorities for scrutiny to reflect the interests of the people they serve. Councillors on HOSCs have a unique democratic mandate to act across the whole health economy, using pathways of care to hear views from across the system and examining priorities and funding decisions across an area to help tackle inequalities and identify opportunities for integrating services.
25. By creating a relationship with NHS commissioners, health scrutiny can provide valuable insight into the experiences of patients and service users, and help to monitor the quality and outcomes of commissioned services. It can also provide important insight that will contribute to the process of developing JSNAs and JHWSs, on which future commissioning plans will be based.
26. Where relationships between the NHS and HOSCs are mature, health scrutiny adds value by building local support for service changes. Some HOSCs also advise the NHS on appropriate forms of public engagement, including alternatives to full public consultation, thus saving NHS resources. These effective relationships are usually a result of early engagement between the NHS and the HOSC, where there is co-operation on proposals for consultation and potential areas of dispute are surfaced and solutions agreed as part of wider consultation.

Proposals for Consultation

Why are we looking at this?

27. The current reform programme is underpinned by a commitment to increasing local democratic legitimacy in health. Strengthening health scrutiny is one element of this.
28. These important reforms are taking place against a backdrop of a very challenging financial environment for public services. The need to deliver improved quality and outcomes in this economic context will be a significant challenge for both NHS commissioners and local authorities. Commissioners will need to focus on achieving the very best outcomes for every pound of health spend, meaning that complex decisions over the current and future shape of services are likely to be required. In a tax-funded system, it is important that such decisions are grounded with effective local accountability and discussed across local health economies. The role and importance of effective health scrutiny will therefore become more prominent.
29. Since the scrutiny provisions were implemented in 2003, NHS organisations, health services and local authorities have changed substantially. The 2012 Act will bring about further structural reforms with the introduction of the NHS Commissioning Board, CCGs, health and wellbeing boards and Healthwatch.
30. The Government recognises that the current arrangements for health scrutiny need to be updated to ensure the scrutiny provisions reflect the new structure and are appropriate to the new system. It is important that the new NHS bodies are made subject to effective scrutiny and held to account.
31. In updating the scrutiny regulations, we propose to retain the best of the existing system but take this opportunity to address some of the challenges that have been experienced by both local authorities and NHS bodies since 2003.
32. The 2012 Act has made changes to the regulation-making powers in the 2006 Act around health scrutiny. In future, regulations will:
 - a. confer health scrutiny functions on the local authority itself, rather than on an overview and scrutiny committee specifically. This will give local authorities greater flexibility and freedom over the way they exercise these functions in future, in line with the localism agenda. Local authorities will no longer be obliged to have an overview and scrutiny committee through which to discharge their health scrutiny functions, but will be able to discharge these functions in different ways through suitable alternative arrangements, including through overview and scrutiny committees. It will be for the full council of each local authority to determine which arrangement is adopted;

- b. extend the scope of health scrutiny to “relevant NHS bodies” and “relevant health service providers”. This includes the NHS Commissioning Board, CCGs and providers of NHS and public health services commissioned by the NHS Commissioning Board, CCGs and the local authority, including independent sector providers.
33. These important changes to health scrutiny regulations were consulted upon widely through the *White Paper, Liberating the NHS*, and throughout the passage of the 2012 Act in Parliament. This document does not consult further upon the merits of these changes.
34. The Government recognises that the existing health scrutiny regulations have, on the whole, served the system well. Some elements of the regulations, for example around the provision of information and attendance at scrutiny meetings, are fundamental to the effective operation of health scrutiny, and will need to be retained. We propose therefore to preserve those provisions which:
 - a. enable health scrutiny functions to review and scrutinise any matter relating to the planning, provision and operation of health services in the local authority’s area;
 - b. require NHS bodies to provide information to and attend (through officers) before meetings of the committee to answer questions necessary for the discharge of health scrutiny functions;
 - c. enable health scrutiny functions to make reports and recommendations to local NHS bodies and to the local authority on any health matters that they scrutinise;
 - d. require NHS bodies to respond within a fixed timescale to the HOSC’s reports or recommendations;
 - e. require NHS bodies to consult health scrutiny on proposals for substantial developments or variations to the local health service;
35. The provisions will be modified in accordance with amendments to the 2006 Act by the 2012 Act so, for example, they will apply in relation to the NHS Commissioning Board, CCGs and providers of NHS and public health services commissioned by the NHS Commissioning Board, CCGs and local authorities, in line with paragraph 32 b) above.
36. The Health Act 2009⁹ introduced the Unsustainable Providers Regime for NHS trusts and NHS foundation trusts. The purpose of this regime is to deliver a swift resolution in the unlikely event that an NHS provider is unsustainable, to ensure patients are not put at risk. Parliament accepted the principle that under these exceptional circumstances, public consultation and local authority scrutiny should be restricted to a truncated 30-working day consultation period. Therefore, the provisions in the 2002 Regulations on

⁹ <http://www.legislation.gov.uk/ukpga/2009/21/contents>

consultation of HOSC and referrals by them, and on provision of information to them and attendance before them, do not apply in relation to a Trust Special Administrator's report.

37. The 2012 Act introduced a framework to secure continued access to NHS services, which included a modified and improved version of the 2009 Act failure regime for NHS foundation trusts. We intend to retain the exemption from the need to consult local authority scrutiny functions on proposals contained in a Trust Special Administrator's report and the other exceptions mentioned above. In line with paragraph 32 b) above, we also intend to extend this exemption to Health Special Administration¹⁰ proposals, which will provide equivalent continuity of service protection to patients receiving NHS care from corporate providers in the unlikely event that one such provider becomes insolvent.

Proposals under consultation

The current position on service reconfiguration and referrals

38. Throughout its history, the NHS has changed to meet new health challenges, take advantage of new technologies and new medicines, improve safety, and modernise facilities. The redesign and reconfiguration of services is an important way of delivering improvements in the quality, safety and effectiveness of healthcare.
39. The Government's policy is that service reconfigurations should be locally-led, clinically driven and with decisions made in the best interest of patients. The spirit of 'no decision about me, without me' should apply, with patients and local communities having a genuine opportunity to participate in the decision-making process.
40. Reconfigurations should also demonstrate robust evidence against the Secretary of State's four tests for major service change¹¹. This means all proposals should be able to demonstrate evidence against the following criteria.
- a clear clinical evidence base, which focuses on improved outcomes for patients;
 - support for proposals from the commissioners of local services;
 - strengthened arrangements for patient and public engagement, including consultation with local authorities; and
 - support for the development of patient choice.
41. Effective patient and public engagement is at the heart of any successful reconfiguration. NHS bodies have a legal duty to make arrangements that secure the involvement of patients and the public in the planning of service provision, the development and consideration of proposals for changes in the way services are provided and decisions to be made affecting the operation of those services.

¹⁰ Chapter 5 of Part 3 of the 2012 Act

¹¹ http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_118085.pdf

42. Under the current system, NHS bodies must consult the HOSC on any proposals for “a substantial variation” in the provision of the health service or “a substantial development” of the health service. The existing health scrutiny regulations do not define what constitutes ‘substantial’. The Government’s view, taking into account previous consultation on this issue, is that this is a matter on which NHS bodies should aim to reach a local understanding or definition with their HOSC.
43. It is normal for local stakeholders and communities to have different views on how best to reorganise and reshape services to best meet patient needs within available resources. In the majority of cases, these differences of opinion are reconciled locally through effective partnership working and engagement.
44. However, there may be occasions where a local authority scrutiny body does not feel able to support a particular set of proposals for service change or feels that consultation has been inadequate. Under the 2002 Regulations, a HOSC or a joint HOSC can refer proposals to the Secretary of State if they:
 - a. do not feel that they have been adequately consulted by the NHS body proposing the service change, or
 - b. do not believe that the changes being proposed are in the interests of the local health service
45. Upon receiving a referral, the Secretary of State will then usually approach the Independent Reconfiguration Panel (IRP) for advice. The IRP is an independent, advisory non-departmental public body that was established in 2003 to provide Ministers with expert advice on proposed reconfigurations. In providing advice, the IRP will consider whether the proposals will provide safe, sustainable and accessible services for the local population.

Proposed changes

46. The Government is aware through conversations with stakeholders from the NHS, local government and patient groups that existing dispute resolution and referral mechanisms do not always work in the best interests of improving services for patients. Moreover, the current referral process was developed in 2002, which pre-dates considerably the current raft of reforms and structural changes underway across the health and social care system. It is essential that the system changes so that local conversations on service reconfiguration are embedded into commissioning and local accountability mechanisms.
47. More integrated working between clinical commissioners, local authorities and local patient representatives will help to move the focus of discussions about future health services much earlier in the planning process, strengthening local engagement and helping build consensus on the case for any change.

48. The introduction of health and wellbeing boards will significantly improve joint working and planning between local authorities and the NHS across health services, social care and public health. Whilst the 2012 Act is very clear that health scrutiny remains a separate function of the local authority (and cannot be delegated to health and wellbeing boards), health and wellbeing boards provide a forum for local commissioners (NHS and local authority) to explain and discuss how they are involving patients and the public in the design of care pathways and development of their commissioning plans.
49. It is sensible, therefore, that we look further at how a balance can continue to be struck between allowing services to change and providing proportionate democratic challenge that ensures those changes are in the best interests of local people.
50. We are proposing a number of changes around service reconfiguration and referral which are designed to clarify and streamline the process in the future. Our proposals on referrals break down into four main areas:
 - a. requiring local authorities to publish a timescale for making a decision on whether a proposal will be referred;
 - b. requiring local authorities to take account of financial considerations when considering a referral;
 - c. introducing a new intermediate referral stage for referral to the NHS Commissioning Board for some service reconfigurations;
 - d. requiring the full council of a local authority to discharge the function of making a referral.

Publication of timescales

51. Under the 2002 Regulations, an HOSC can decide to refer a reconfiguration proposal at any point during the planning or development of that proposal. The 2002 Regulations do not specify a time by which an HOSC must make this decision. Most referrals are done at the point where the NHS has concluded its engagement and consultation and decided on the preferred option to deliver the proposal. Where referrals have been made earlier in the process, the IRP have usually advised the Secretary of State against a full review and advised that the NHS and HOSC should maintain an on-going dialogue as options are developed.
52. We are aware from feedback from both the NHS and local authorities, that the absence of clear locally agreed timetables can lead to considerable uncertainty about when key decisions will be taken during the lifetime of a reconfiguration programme. Some have expressed a view that timescales should be specified in regulations but we believe that imposing fixed timescales in this way would be of limited value. Each reconfiguration

scheme is different and it is right to allow local flexibility for the adoption of timetables that are appropriate to the nature and complexity of any change.

53. We therefore propose introducing a requirement in regulations that, in relation to proposals on which the local authority scrutiny function must be consulted, the NHS commissioner or provider must publish the date by which it believes it will be in a position to take a decision on the proposal, and notify the local authority accordingly. We propose that on receipt of that notification, local authorities must notify the NHS commissioner or provider of the date by which they intend to make a decision as to whether to refer the proposal.
54. If the timescales subsequently need to change – for example, where additional complexity emerges as part of the planning process – then it would be for the NHS body proposing the change to notify the local authority of revised dates as may be necessary, and for the local authority to notify the NHS organisation of any consequential change in the date by which it will decide whether to refer the proposal. The regulations will provide that the NHS commissioner or provider should provide a definitive decision point against which the local authority can commence any decisions on referral.

Q1. Do you consider that it would be helpful for regulations to place a requirement on the NHS and local authorities to publish clear timescales? Please give reasons

Q2 Would you welcome indicative timescales being provided in guidance? What would be the likely benefits and disadvantages of this?

Financial sustainability of services

55. Under present regulations, an HOSC can make a referral if it considers the proposal would not be in the best interest of the local health service. The regulations do not define what constitutes ‘best interest’ but evidence from previous referrals indicates that local authorities interpret this in terms of the perceived quality and accessibility of services that will be made available to patients, users and the public under the new proposals.
56. The Government protected the NHS in the Spending Review settlement with health spending rising in real terms. However, this does not mean that the NHS is exempt from delivering efficiency improvements - it will need to play its part alongside the rest of the public services. Delivery of these efficiencies will be essential if the NHS is to deliver improved health outcomes while continuing to meet rapidly rising demands.
57. As local authorities and the NHS will increasingly work together to identify opportunities to improve services, we believe it is right that health scrutiny be asked to consider whether proposals will be financially sustainable, as part of its deliberations on whether to support or refer a proposed service change.

58. It would not be right for a local authority to refer a reconfiguration proposal to the Secretary of State without considering whether the proposal is both clinically and financially sustainable, within the existing resources available locally. We believe health scrutiny would be improved in it was specifically asked to look at the opportunities the change offered to save money for use elsewhere in improving health services.
59. We therefore propose that in considering whether a proposal is in the best interests of the local health service, the local authority has to have regard to financial and resource considerations. Local authorities will need support and information to make this assessment and the regulations will enable them to require relevant information be provided by NHS bodies and relevant service providers. We will address this further in guidance.
60. Where local authorities are not assured that plans are in the best interests of the local health services, and believe that alternative proposals should be considered that are viable within the same financial envelope as available to local commissioners, they should offer alternatives to the NHS. They should also indicate how they have undertaken this engagement to support any subsequent referral. This will be set out in guidance rather than in regulations.

Q3. Do you consider it appropriate that financial considerations should form part of local authority referrals? Please give reasons for your views.

Referral to the NHS Commissioning Board

61. The 2012 Act ensures the Secretary of State's duty to promote a comprehensive health service remains unchanged in legislation, as it has since the founding NHS Act 1946. The NHS Commissioning Board has a parallel duty. The 2012 Act also makes clear that the Secretary of State remains ultimately accountable for the health service. However, the Secretary of State will no longer have general powers to direct the NHS. Instead, NHS bodies and the Secretary of State will have specific powers that are defined in legislation, enabling proper transparency and accountability. For example, Ministers will be responsible, not for direct operational management, but for overseeing and holding to account the national bodies in the system, backed by extensive powers of intervention in the event of significant failure. The NHS Commissioning Board and CCGs will have direct responsibility for commissioning services. The NHS Commissioning Board will help develop and support CCGs, and hold them to account for improving outcomes for patients and obtaining the best value for money from the public's investment.
62. We believe that where service reconfiguration proposals concern services commissioned by CCGs, the NHS Commissioning Board can play an important role in supporting resolution of any disputes over a proposal between the proposer of the change and the local authority, particularly where the local authority is considering a referral.

63. We are seeking views on how the NHS Commissioning Board could provide this support and help with dispute resolution. One option is to introduce an intermediate referral stage, where local authorities make an initial referral application to the NHS Commissioning Board. Upon receiving a referral, the NHS Commissioning Board could be required by regulations to take certain steps, which could include working with local commissioners to resolve the concerns raised by the local authority. The NHS Commissioning Board would be required to respond to the local authority setting out its response and any action that it had taken or proposed to take.
64. If the local authority was not content with the response from the NHS Commissioning Board, it would continue to have the option to refer the proposal to the Secretary of State for a decision, setting out in support of its application where the NHS Commissioning Board's response fell short in addressing the concerns of the authority.
65. The exception to this referral intermediate stage would be where the reconfiguration proposals relate to services commissioned directly by the NHS Commissioning Board. In such a case, any referral would be made directly to the Secretary of State.
66. The Government believes this option holds most true to the spirit of a more autonomous clinical commissioning system, strengthening independence from Ministers, and putting further emphasis on local dispute resolution. However, we are aware through testing this option with NHS and local authority groups that it is not without complexities. It may be difficult for the NHS Commissioning Board to both support CCGs with the early development of reconfiguration proposals (where CCGs request this support) and also to be able to act sufficiently independently if asked at a later date by a local authority to review those same plans. Furthermore, this additional stage could lengthen the decision-making timetable for service change, which could delay higher quality services to patients coming on stream.
67. An alternative approach would be for the NHS Commissioning Board to play a more informal role, helping CCGs (and through them, providers) and the local authority to maintain an on-going and constructive dialogue. Local authorities would be able to raise their concerns about a CCG's reconfiguration proposals with the NHS Commissioning Board and seek advice. However, that would be at the local authority's discretion rather than a formal step in advance of referral to the Secretary of State.
68. If a local authority chose to engage the NHS Commissioning Board in this way, the Board would need to determine whether it was able to facilitate further discussion and resolution, and respond to the CCG and local authority accordingly. If following the Board's intervention the local authority's concerns remained, the local authority would continue to have the option as under current regulations to refer the proposal to the Secretary of State for review.
69. The Government does not have a preference between the formal and informal methods set out above, and would welcome comments from interested stakeholders on the

advantages and disadvantages of both approaches. Irrespective of the referral route any informal dispute resolution process that may be put in place, we do not propose to fundamentally remove a local authority's power of referral to the Secretary of State. This ability to refer to Secretary of State is unique within local authority scrutiny and provides a very strong power for local authorities within the new landscape, where the Secretary of State will have fewer powers to direct NHS commissioners and providers.

- Q4. Given the new system landscape and the proposed role of the NHS Commissioning Board, do you consider it helpful that there should be a first referral stage to the NHS Commissioning Board?**
- Q5. Would there be any additional benefits or drawbacks of establishing this intermediate referral?**
- Q6. In what other ways might the referral process be made to more accurately reflect the autonomy in the new commissioning system and emphasise the local resolution of disputes?**

Full council agreement for referrals

70. Under existing regulations, it is for the HOSC to determine whether to make a referral to the Secretary of State for Health. A referral to the Secretary of State in many ways represents the break down in the dialogue between local authorities and the NHS. It should be regarded as a last resort and the decision itself should be open to debate.
71. Given the enhanced leadership role for local authorities in health and social care, we believe it is right that the full council should support any decision to refer a proposed service change, either to the NHS Commissioning Board or to Secretary of State. We propose that referrals are not something that the full council should be able to delegate to a committee, and that the referral function should be exercised only by the full council.
72. This will enhance the democratic legitimacy of any referral and assure the council that all attempts at local resolution have been exhausted. It is potentially undesirable for one part of the council (the health and wellbeing board) to play a part in providing the over-arching strategic framework for the commissioning of health and social care services and then for another part of the council to have a power to refer to the Secretary of State.
73. This change would mean scrutiny functions would need to assemble a full suite of evidence to support any referral recommendation. It is important that all councillors should be able to contribute their views, to allow them to safeguard the interests of their constituents. This will also bring health oversight and scrutiny functions in line with other local authority scrutiny functions, which also require the agreement of a full council. The Government believes that this additional assurance would help encourage local resolution, and further support closer working and integration across the NHS and local government.

Q7. Do you consider it would be helpful for referrals to have to be made by the full council? Please give reasons for your view.

Joint Overview and Scrutiny

74. There are many occasions when scrutiny functions from more than one local authority area will need to work together to ensure an effective scrutiny process. Joint scrutiny is an important aspect of existing health scrutiny practice, and has been very successful in a number of places. Some regions have established standing joint OSCs, or robust arrangements for introducing joint OSCs on specific regional issues. Joint scrutiny arrangements are important in that they enable scrutineers to hear the full range of views about a consultation, and not just those of one geographical area.
75. The Government is aware from its engagement with patients and the public, the NHS and with local authorities, that there are differences of opinion as to when a joint scrutiny arrangement should be formed. The current regulations enable the formation of joint scrutiny arrangements, but do not require them to be formed. We propose to make further provision within the regulations on this issue.
76. Under the 2003 Directions to Local Authorities (Overview and Scrutiny Committees, Health Scrutiny Functions)¹² where a local NHS body consults more than one HOSC on any proposal it has under consideration for a substantial development of the health service or a substantial variation in the provision of such service, local authorities of those HOSCs must appoint a joint HOSC for the purposes of the consultation. Only that joint HOSC may make comments on the proposal, require information from the NHS body, require an officer of that NHS body to attend before the joint HOSC to answer questions and produce a single set of comments in relation to the proposals put before them. This is fundamental to the effective operation of joint scrutiny and we propose that it should be incorporated into the new regulations.

Q8. Do you agree that the formation of joint overview and scrutiny arrangements should be incorporated into regulations for substantial service developments or variations where more than one local authority is consulted? If not, why not?

77. The ability of individual local authorities to refer proposals to the Secretary of State for review has been an important enabler of local democratic legitimacy. It is important that this ability to refer is preserved, where a joint health scrutiny arrangement is formed. Should a local authority participating in a joint health scrutiny arrangement wish separately to refer a proposal either to the NHS Commissioning Board or to the Secretary of State, they will still be required to secure the backing of their full council in order to make the referral.

¹² http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_4006257

78. There are a range of circumstances beyond service variation or development in which two or more local authorities may wish to come together to scrutinise health matters, for example where a CCG or NHS foundation trust spans two local authority boundaries. In such circumstances, the formation of a joint scrutiny arrangement would be discretionary.

Responding to this consultation

79. The Government is proposing a number of measures to strengthen and improve health scrutiny.
80. The Government wants to hear your views on the questions posed in this document, to help inform the development of the health overview and scrutiny regulations. We are also seeking your views on the following questions:
- Q9. Are there additional equalities issues with these proposals that we have not identified? Will any groups be at a disadvantage?**
- Q10. For each of the proposals, can you provide any additional reasons that support the proposed approach or reasons that support the current position? Have you suggestions for an alternative approach, with reasons?**
- Q11. What other issues relevant to the proposals we have set out should we be considering as part of this consultation? Is there anything that should be included that isn't?**

Deadline for comments

81. This document asks for your views on various questions surrounding the issue of local authority health overview and scrutiny.
82. This is an 8 week consultation, running from 12th July 2012 to 7th September 2012 and building on earlier consultation on *Liberating the NHS, Local Democratic Legitimacy in Health*. In order for them to be considered, all comments must be received by 7th September 2012. Your comments may be shared with colleagues in the Department of Health, and/or be published in a summary of responses. Unless you specifically indicate otherwise in your response, we will assume that you consent to this and that your consent overrides any confidentiality notice generated by your organisation's email system.
83. There is a full list of the questions we are asking in this consultation on page 25. You can respond online at http://consultations.dh.gov.uk/public-patient-engagement-experience/http-consultations-dh-gov-uk-ppe-local-authority/consult_view by email to scrutiny.consultation@dh.gsi.gov.uk or by post to:

Scrutiny Consultation
Room 5E62
Quarry House

Quarry Hill
Leeds LS2 7UE

84. When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation, please make it clear whom the organisation represents and, where applicable, how the views of the members were assembled.
85. It will help us to analyse the responses if respondents fill in the questionnaire, but responses that do not follow the structure of the questionnaire will be considered equally. It would also help if responses were sent in Word format, rather than pdf.

Criteria for consultation

86. This consultation follows the Cabinet Office Code of Practice for Consultations. In particular, we aim to:
 - formally consult at a stage where there is scope to influence the policy outcome;
 - follow as closely as possible the recommendation duration of a consultation which is at least 12 weeks (with consideration given to longer timescales where feasible and sensible) but in some instances may be shorter. In this case, it is 8-weeks in light of previous consultation referred to in paragraph 82 above and engagement undertaken by the Department throughout passage of the 2012 Act.
 - be clear about the consultation process in the consultation documents, what is being proposed, the scope to influence and the expected costs and benefits of the proposals;
 - ensure the consultation exercise is designed to be accessible to, and clearly targeted at those people it is intended to reach;
 - keep the burden of consultation to a minimum to ensure consultations are effective and to obtain consultees' "buy-in" to the process;
 - analyse responses carefully and give clear feedback to participants following the consultation;
 - ensure officials running consultations are guided in how to run an effective consultation exercise and share what they learn from the experience.
87. The full text of the code of practice is on the Better Regulation website at www.bis.gov.uk/policies/better-regulation/consultation-guidance

Comments on the consultation process itself

88. If you have any concerns or comments which you would like to make relating specifically to the consultation process itself, please contact

Consultations Coordinator
Department of Health
Room 3E48
Quarry House

Quarry Hill
Leeds LS2 7UE

Email: consultations.co-ordinator@dh.gsi.gov.uk

Please do not send consultation responses to this address

Confidentiality of information

89. We manage the information you provide in response to this consultation in accordance with the Department of Health's Information Charter.
90. Information we receive, including personal information, may be published or disclosed in accordance with the access to information regimes (primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).
91. If you want the information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a Statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.
92. The Department will process your personal data in accordance with the DPA and, in most circumstances, this will mean that your personal data will not be disclosed to third parties.

After the consultation

93. Once the consultation period is complete, the Department will consider the comments that it has received, and the response will be published in the Autumn
94. The consultation and public engagement process will help inform Ministers of the public opinion, enabling them to make their final decision on the content of the health scrutiny regulations.
95. A summary of the response to this consultation will be made available before or alongside any further action, such as laying legislation before Parliament, and will be placed on the consultations website at <http://www.dh.gov.uk/en/Consultations/Responsestoconsultations/index.htm>

Annex A - Consultation Questions

- Q1. Do you consider that it would be helpful for regulations to place a requirement on the NHS and local authorities to publish clear timescales? Please give reasons
- Q2. Would you welcome indicative timescales being provided in guidance? What would be the likely benefits and disadvantages of this?
- Q3. Do you consider it appropriate that financial considerations should form part of local authority referrals? Please give reasons for your view.
- Q4. Given the new system landscape and the proposed role of the NHS Commissioning Board, do you consider it helpful that there should be a first referral stage to the NHS Commissioning Board?
- Q5. Would there be any additional benefits and drawbacks of establishing this intermediate referral?
- Q6. In what other ways might the referral process be made to more accurately reflect the autonomy in the new commissioning system and emphasise the local resolution of disputes?
- Q7. Do you consider it would be helpful for referrals to have to be made by the full council? Please give reasons for your view.
- Q8. Do you agree that the formation of joint overview and scrutiny arrangements should be incorporated into regulations for substantial service developments or variations where more than one local authority is consulted? If not, why not?
- Q9. Are there additional equalities issues with these proposals that we have not identified? Will any groups be at a disadvantage?
- Q10. For each of the proposals, can you provide any additional reasons that support the proposed approach or reasons that support the current position? Have you suggestions for an alternative approach, with reasons?
- Q11. What other issues relevant to the proposals we have set out should we be considering as part of this consultation? Is there anything that should be included that isn't?

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