

Appendix 1

OVERVIEW AND SCRUTINY

ANNUAL REPORT

2008/09

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INTRODUCTION

I would like to thank both members and officers for all the hard work that has gone into making the Scrutiny system function this year. I would like to pay particular tribute to Martin Day who has worked tirelessly to ensure that members are properly supported in their Scrutiny role. I know we all wish him well in his new post in the Communities, Health and Care Directorate.

The continued under funding of the Scrutiny function compared to the lavish support enjoyed by the Executive continues to be an issue and it is to be hoped that following the re-organisation of the Chief Executive's team and the loss of dedicated Scrutiny officers the quantity and quality of the work we do does not suffer.

Following the decision by Full Council to support a new structure for Scrutiny this came into place last May with all party support. The Scrutiny process was divided into two parts. The Scrutiny of the Executive was undertaken by the Overview and Scrutiny Management Committee whilst inquiry work was undertaken by the other panels.

Despite losing two months due to political disagreements over the membership of panels a number of substantial pieces of enquiry work have been undertaken.

An enquiry into the issue of Fluoridation played an important part in guiding the vote which took place at the November Council. The issue of Fuel Poverty which affects substantial numbers of Southampton resident was the subject of an enquiry which reported to the same meeting. Subsequently the Executive accepted the majority of the recommendations formulated by the panel and this should in time have a genuine effect on the problems caused by the issue.

Recommendations arising from work on the issue of Housing Adaptations for the disabled were accepted by the Executive at a cabinet meeting in January. Enquiries on the effects of truancy on crime levels and on the persistent problem of the number of 16-19 year olds not in employment education or training will report in the near future.

After an uncertain start as members and officers adjusted to the new process Overview and Scrutiny Management is now regularly holding the Executive to account over issues arising from the forward plan. We also have developed a mechanism for the scrutiny of performance indicators focusing on the LAA.

Following a consultation with members, officers and partner organisations we have developed a Scrutiny programme for next year which I hope reflects the priorities of the Executive and the people of Southampton. At its meeting in April Overview and Scrutiny Management Committee agreed this programme.

We have used our powers of call in with care and used it only twice when matters of real public concern were passed by the Executive. They were the decision to close two care homes, which has, at the time of writing, gone to Judicial Review and the decision to substantially increase the costs of cremation to support investment in the service. We dealt with two other potential call in issues by carrying out a post decision review and making recommendations for future similar decisions.

Finally it has to be noted that Scrutiny only works well when the appropriate Executive member is available for questioning and on too many occasions this year we have had to put up with less well informed substitutes. It is to be hoped that this is corrected next year and it does not prove necessary for us to use our constitutional powers to compel attendance.

Councillor Simon Letts
Chair, Overview and Scrutiny Management Committee

NEW SCRUTINY STRUCTURES FOR 2008/09

Background

1. During the course of the 2006/07 and 2007/08 municipal years, the Overview and Scrutiny Management Committee discussed and evaluated options for changing its structures. The main driver behind these deliberations was a desire to create the capacity to enable Scrutiny Panels to undertake inquiries, without the need for any further resources. The key to creating this capacity was to extend the role of the Overview and Scrutiny Management Committee to become the vehicle by which overview and scrutiny would hold the Executive to account.
2. At the annual meeting of the Council in May 2007 the proposals were rejected, as the Local Government and Public Involvement in Health Act had not, at that time, been enacted, and Members considered it was premature to introduce a new system without knowing the details of the final legislation. In November 2007 the Local Government and Public Involvement in Health Act received Royal Assent. Following this, the Council approved new Overview and Scrutiny structures at the annual meeting in May 2008. This represented the biggest overhaul of the Council's Overview and Scrutiny arrangements since they were first introduced under the Local Government Act 2000.
3. A significant new element in the Local Government and Public Involvement in Health Act was the formalisation of powers to engage key partners in the Overview and Scrutiny process. During the winter of 2007/08, South East Employers and Progress through Partnerships undertook a programme with the Council and partners that generated an agreement and process for engaging partner organisations in the development of ideas for inquiry topics, participation in inquiries and being engaged in consultation on the final inquiry recommendations.
4. The new structures resulted in an Overview and Scrutiny Management Committee with a larger membership and enhanced responsibilities. Monthly meetings were timetabled to allow the Committee to respond to developments set out in the Forward Plan. Details of the operation of Overview and Scrutiny Management Committee are detailed in the next section of this report.

Scrutiny Panels Appointed for 2008/09

5. Five Scrutiny Panels were appointed to undertake Inquiries during the course of the year:
 - Children and Young People
 - Economic Well-being
 - Environment and Sustainability
 - Healthy City
 - Safer Communities

6. The Healthy City Scrutiny Panel was given delegated powers to conduct health scrutiny as required by the Health and Social Care Act 2000, and the Safer Communities Scrutiny Panel received delegated powers to scrutinise crime and disorder issues as set out in the Crime and Justice Act 2006.
7. As a consequence of the increased emphasis on scrutiny Inquiries, coupled with a substantial number of new councillors, training sessions were run to help Members get the most out of evidence collecting sessions. The training contained a substantial practical element to enable councillors to learn and practice the techniques and skills they would need to undertake inquiries successfully.
8. Details of the Inquiries undertaken during 2008/09 are set out in detail in the scrutiny Inquiries section of this report.

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

Membership

9. The Overview and Scrutiny Management Committee membership in 2008/09 was increased from 7 to 10 members and for the majority of the year comprised:
 - Councillor Letts (Chair)
 - Councillor Baston (Vice Chair)
 - Councillor Ball
 - Councillor Cooke
 - Councillor Drake
 - Councillor Fuller
 - Councillor Mizon
 - Councillor Rayment
 - Councillor Walker
 - Councillor Richard Williams

Key Responsibilities

10. The new structures for Overview and Scrutiny at the annual meeting of the Council in May 2008 resulted in the Overview and Scrutiny Management Committee having the following key responsibilities:
 - Overall responsibility for the conduct and development of Overview and Scrutiny
 - Holding the Executive to account
 - Exercise of the Call-in function
 - Developing a scrutiny Inquiry programme
 - Monitoring the progress and assessing outcomes from scrutiny Inquiries

Holding the Executive to Account

11. A major new responsibility for the Committee was to hold the Executive to account. The monthly cycle of Overview and Scrutiny Management Committee meetings provided an opportunity to discuss forthcoming decisions with Cabinet Members. The Committee identified at an early stage that it wanted the opportunity for a political discussion with Cabinet Members rather than lengthy discussions on technical issues with officers. Consequently Cabinet Members supplied short briefing papers which outlined the key issues behind a decision and then enabled the policy issues to be discussed.
12. Bringing the scrutiny of all the Portfolio areas into one committee has presented a number of challenges, not least of which have been the duration of meetings and the logistics of scheduling appearances by Cabinet Members at pre-determined times. Members have attempted to use the available time effectively by only identifying those issues of major concern and consequence within the Forward Plan. The Committee wishes to place on record its thanks to the Cabinet Members and officers who have attended meetings and answered questions raised by scrutiny members in a thorough, clear and helpful manner.

Call-in

13. The Constitution provides a mechanism whereby the Overview and Scrutiny Management Committee has the power to call-in decisions they have concerns over and delay implementation until there has been an opportunity to discuss the concerns identified with the relevant Cabinet Member. It is a power that is used sparingly, so as to minimise the impact of implementing Executive decisions.
14. During 2008/09, two decisions were called in. These related to the review of City Council residential care home provision in Southampton and the installation of new cremators and modernisation works at Southampton Crematorium. The details of the call-ins are summarised below.

Review of City Council Residential Care Home Provision in Southampton:

15. Reasons given by scrutiny members for the call-in were:
 - Failure to explore the viability of alternative proposals.
 - The decision will lead to a smaller, less competitive market place for publicly funded care.
 - Failure to take into account the views of those most effected.
16. The recommendations from the call-in meeting:
 - That the Cabinet Member reconsiders the decision at the next Cabinet meeting, and that the following recommendations be considered:

- a. that the search for a private sector partner, beyond the two already consulted to run either or both of these care homes, be extended, including exploring the option for a management co-operative;
- b. that a LIFT scheme to fund a multi-layered residential offer for older people be investigated;
- c. that the PCT minutes detailing full discussions relating to alternatives that had been exhausted be made available to the Overview & Scrutiny Management Committee;
- d. that a mixed use community care provision be investigated in one of the two care homes before any closure, with a suggested split of 60% long term and 40% respite care;
- e. that the Overview & Scrutiny Management Committee be provided with evidence that the demand for respite care in the city was met;
- f. that the Cabinet Member ensured that lessons about the success or otherwise of this consultation process were learnt; and
- g. that the work associated with recommendations (a) to (g) was completed as quickly as possible.

17. The subsequent decision made by the Executive:

- The Cabinet re-affirmed the original decision taking into consideration recommendations (b), (c) and (e), put forward by the Overview and Scrutiny Management Committee recorded above, and an amended recommendation (g), agreeing that the work associated with recommendations (b), (c) and (e) should be completed as quickly as possible.

Installation of New Cremators and Modernisation Works at Southampton Crematorium

18. The reasons given for the call-in were:

- Failure to justify the decision.
- Failure to take into account the effects of the decision on the service.
- Failure to take into account the effects of the decision on Southampton residents

19. Recommendations from the call-in meeting:

- a. that the Cabinet Member be requested to re-consider the decision;
- b. that the Cabinet Member be requested to consider the phasing in of the price increase, once the full financial information was available.

20. The subsequent decision of the Executive:

- The Cabinet resolved to endorse the original decision approved by Cabinet on 24th November 2008.

Management of the Scrutiny Inquiry Programme

21. The Overview and Scrutiny Management Committee were responsible for establishing a Scrutiny Inquiry programme in 2008/09 which satisfied a number of criteria, including:
- Allocating Inquiries to each of the 5 Scrutiny Panels appointed at the annual meeting of the Council
 - Identifying Inquiry topics of interest to members and partners
 - Identifying Inquiry topics relating to significant issues for the city
 - Identifying Inquiry topics where the recommendations might influence future policy development in the council and in partner organisations.
22. In addition to the review of the Strategic Health Authority proposals to fluoridate water supplies in Southampton and parts of South West Hampshire, the following planned Inquiry topics were undertaken by Scrutiny Panels during the course of the year:

Scrutiny Panel	Inquiry Topic
Economic Well-being	Young people not in education, employment or training (NEETs)
Environment and Sustainability	Fuel poverty
Healthy City	Independent living through housing
Safer Communities	Absence from school and entry into criminal behaviour

23. Two potential topics were also identified for the Children and Young People Scrutiny Panel during 2008/09. They were the impact of transferring funding (for education of 16-19 year olds) from the Learning and Skills Council to the Local Education Authority and the results of Ofsted's Annual Performance Assessment of the Local Education Authority. Due to the fact that existing resources were already dedicated in 2008/09 to undertake the ongoing Inquiry programme, these Inquiries have been included in the draft programme for 2009/10, details of which are at Appendix A.

Monitoring the Progress and Assessing Outcomes from Scrutiny Inquiries

24. In addition to selecting Inquiry topics and scheduling reviews, the Overview and Scrutiny Management Committee has introduced a system to monitor progress on the Executive's response to Scrutiny Inquiry recommendations. Six-monthly updates are produced to evidence progress and once action has been completed as far as possible, the recommendation is removed from the monitoring list. The 6 month monitoring period acknowledges the difference between significant operational and policy changes that require a longer lead-in period (arising from recommendations in Scrutiny Inquiry reports) and the

majority of recommendations made in response to the scrutiny of Forward Plan items.

25. The Service to Youth Inquiry was undertaken by the former Children's Services and Learning Scrutiny Panel at the end of the 2007/08 municipal year and considered by the Cabinet in July 2008. Progress on the Executive's response was monitored 6 months after the Cabinet Member's initial response. The recommendations from subsequent inquiries are now programmed into the work programme for 2009/10.

The Scrutiny Inquiry Process

26. A total of 5 Scrutiny Inquiries were commenced in 2008/09. A summary of each of these inquiries is set out below.

Fuel Poverty

27. This Inquiry was undertaken by the Environment and Sustainability Scrutiny Panel whose membership comprised:

- Councillor Thomas (Chair)
- Councillor Letts
- Councillor Drake
- Councillor Galton
- Councillor Jones
- Councillor Willacy
- Councillor Odgers (for meeting 7)

28. It was conducted over the course of 7 meetings between August and October 2008. The terms of reference for the Inquiry were:

- *To identify the causes, extent and impact of fuel poverty within Southampton*
- *To identify what Southampton City Council and its partners are doing to alleviate fuel poverty*
- *To compare Southampton's approach with other public and private organisations*
- *To learn from examples of good practice and develop recommendations to help alleviate fuel poverty*

29. As well as taking evidence from 3 Cabinet Members and officers from 3 Directorates, representatives from Southampton City Primary Care Trust, Age Concern, National Energy Action and Luton Borough Council attended the panel as witnesses.

30. The Scrutiny Inquiry report contained 14 recommendations that set out a number of proposals to address the following key issues:

- Raising the awareness of fuel poverty and improving the co-ordination of services to city residents.
- Reducing fuel poverty amongst households living in privately owned housing in Southampton.
- Reducing fuel poverty amongst households living in social housing in Southampton
- Implementing initiatives to reduce the fuel bills of vulnerable residents.

31. A total of 14 recommendations were produced, 10 of which were subsequently accepted by the Executive.

Independent Living Through Housing

32. The Healthy City Scrutiny Panel undertook this inquiry over a course of 7 meetings between September and December 2008 and the membership comprised:

- Councillor Cooke (Chair)
- Councillor Capozzoli
- Councillor Daunt
- Councillor Drake
- Councillor McEwing
- Councillor Osmond
- Councillor Rayment (for meeting 1)
- Councillor Thomas (for meetings 2-7)

33. The terms of reference for the Inquiry were:

- *To assess the effectiveness and speed of delivery of housing aids and adaptations supplied to people living in private sector accommodation, council accommodation, and housing association properties, and to identify areas where improvements to services are required*
- *To analyse and comment on the outcomes from the review of sheltered housing and to explore the extent to which adequate levels of such accommodation is available in locations where people in need of this type of property wish to live*
- *To assess the effectiveness of the current range of incentives offered to people to relinquish council-owned family homes who might benefit from the facilities offered by high quality sheltered housing*
- *To compare Southampton City Council methods with other local authorities*
- *To highlight examples of good practice and identify recommendations to improve the situation regarding independent living in Southampton.*

34. Evidence was provided by contractors, In Touch Home Improvement Agency, as well as Council officers. The final report contained 17 recommendations, 15 of which were subsequently accepted by the Executive.

Response to the Strategic Health Authority Proposals to Fluoridate Water Supplies in Southampton and Parts of South West Hampshire

35. This Inquiry was the second Inquiry undertaken during the course of the year by the Healthy City Scrutiny Panel and the membership comprised:

- Councillor Cooke (Chair)
- Councillor Capozzoli
- Councillor Daunt
- Councillor Drake
- Councillor McEwing
- Councillor Osmond
- Councillor Rayment (for meeting 1)
- Councillor Marsh-Jenks

36. The inquiry was generated in response to the consultation exercise undertaken by the South Central Strategic Health Authority's to fluoridate the water supply of 160,000 city residents. The terms of reference for the inquiry were:

- *To analyse the SHA's proposals to fluoridate the water supply for 160,000 residents plus workers in the city, paying particular attention to:-*
 - *The potential effectiveness of fluoridating the water supply as a means of improving dental health and addressing dental health inequalities;*
 - *Ethical issues of fluoridating the water supply to the population at large;*
 - *The wider health concerns raised in respect of fluoridation of water supplies.*
- *To formulate recommendations for the full Council meeting on 19th November to enable the Council to produce a formal response from the authority to the SHA's proposals.*

37. Health professionals and officers as well as a range of organisations opposed to water fluoridation presented evidence to the Scrutiny Panel. The tight timetable for responding to the consultation meant it had to be conducted over the course of 3 meetings.

38. The Scrutiny Panel's recommendations were debated at the Council meeting in November 2008, which resulted in the council supporting the SHA's proposals.

SCRUTINY INQUIRIES

Young people Not in Education, Employment or Training (NEETs)

39. The Economic Well-being Scrutiny Panel is, at the time of writing, currently undertaking this inquiry which is scheduled for completion in June 2009. The membership of this Panel comprises:

- Councillor Ball (Chair)
- Councillor Bogle
- Councillor Damani
- Councillor Fuller
- Councillor Osmond
- Councillor Sollitt
- Councillor Wells

40. The terms of reference for the Inquiry are:

- *To identify the number of young people NEET in Southampton and analyse trend information*
- *To identify the causes / reasons for the high level of NEET within Southampton and the impact of NEET on the economy of the city*
- *To review the action being taken to reduce NEET levels by Southampton City Council and partners*
- *To compare the performance and methods of Southampton with other local authority areas and identify successful strategies*
- *To highlight examples of good practice*
- *To develop ideas for strategies that may help to reduce the number of young people NEET in Southampton*

41. In addition to the input of Cabinet Members and officers in the Children's Services and Learning Directorate, other key contributors to the inquiry have included government agencies and the voluntary sector. The final report is scheduled to be submitted to the Overview and Scrutiny Management Committee in June 2009.

The potential links between crime and disorder and absence from school

42. At the time of writing this Inquiry is being undertaken by the Safer Communities Scrutiny Panel. It is being conducted over 6 meetings, the last of which has currently been scheduled for June 2009. The membership of this Panel comprises:

- Councillor Fitzgerald (Chair)
- Councillor Capozzoli
- Councillor Cunio
- Councillor Damani

- Councillor Holmes
- Councillor Mizon
- Councillor Odgers

Appointed Members

- Mr J Bettridge (Secondary Parent Governors)
- Mr T Blackshaw (Church of England)
- Mrs U Topp (Roman Catholic Church)

43. The terms of reference for the Inquiry are:

- *To identify the trends of absence and exclusion from Southampton City Council schools*
- *To identify the causes / reasons for absence and exclusion*
- *To identify if a link exists between school absenteeism and levels of crime and disorder*
- *To identify the impact of any crime and disorder incidents committed by children who are excluded or are truant from school*
- *To identify whether there is a link between children excluded from school, entry into the criminal justice system, and their longer-term economic and social well-being.*
- *To identify the action being taken to reduce levels of school absenteeism within Southampton and the effectiveness of these methods*
- *To compare Southampton City Council's performance on absence and operation practices with other local authorities*
- *To highlight examples of good practice*

44. In addition to substantial contributions from council officers from the Children's Service and Learning Directorate, evidence has been supplied by witnesses from the Wessex Youth Offending Team, Hampshire Constabulary, schools in Southampton, voluntary organisations, and the regional advisor from the Department for Children, Schools and Families.

45. The final report is scheduled to be submitted to the Overview and Scrutiny Management Committee in July 2009.

INNOVATIONS AND NEW REQUIREMENTS FOR 2009/10

Further implementation of the Crime and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007

46. The 3 principal areas for development relate to the Councillor Call for Action, scrutiny of partner organisations and the scrutiny of Crime and Disorder Reduction Partnerships.

Councillor Call for Action

47. Arrangements will be formalised for the Councillor Call for Action. This will enable councillors who have not managed to get council matters resolved in their ward discussed by the appropriate Overview and Scrutiny Committee. It is likely that this will only be used as a last resort when all other avenues have been exhausted. Early indications from authorities that have piloted the arrangements are that the Call for Action process should not be required to be used any more often within a year than call-in is used.

Scrutiny of Partner Organisations

48. Protocols will need to be agreed for the requirements under the Local Government and Public Involvement in Health Act 2007 for the scrutiny of partner organisations once regulations are published. They will build on and formalise the processes used to engage partners in 2008/09.

Scrutiny of Crime and Disorder Reduction Partnerships

49. The Home Office is preparing regulations which will enable the Overview and Scrutiny committee responsible for crime and disorder matters to co-opt members of the police authority (this will be discretionary). Committees will have to look at Crime and Disorder Reduction Partnership issues at least twice a year. Additionally, crime and disorder partners will be expected to attend committee (if given two weeks' notice) unless they have an appropriate reason not to do so.

Developing a Scrutiny Inquiry Programme for 2009/10

50. In order to maximise the output from a scrutiny Inquiry programme, the Overview and Scrutiny Management Committee has already identified the topics it would wish to see included in the 2009/10 inquiry programme. Terms of reference will be submitted to the May 2009 meeting for the early inquiries so that the first Inquiry meetings can be held either in June or July.

Draft Inquiry programme for 2009/10

51. At the meeting on 16th April 2009, the Overview and Scrutiny Committee considered and agreed a draft programme of work for 2009/10 and details are attached at Appendix A.
52. In addition, discussions have taken place on a proposal for a series of *joint* meetings between key members of the Council's Overview & Scrutiny Committee and the LINK. These meetings will be *additional* to those planned for by the OSMC and the work programme agreed by the Healthy City Scrutiny Panel. If agreed, the proposals will not only enable the Council to work more effectively with the LINK (as suggested in the attached national guidance) but help the Council's OSMC to discharge a series of statutorily-required functions in terms of health scrutiny for which little capacity currently exists.

APPENDIX A

DRAFT INITIAL SCRUTINY INQUIRY PROGRAMME FOR 2009/10

INQUIRY AREA	POTENTIAL FOCUS OF THE REVIEW	INQUIRY TYPE	PROPOSED PANEL
Children APA	Review to ensure that an appropriate action plan has been developed and that we learn from last year's results in developing the next submission	Mini Inquiry	Children and Young People
Green Energy - CHP	Ensuring council led projects in the city are as energy efficient and sustainable as possible such as the development of new schools through the roll out of the BSF programme etc	Mini Inquiry	Children and Young People
Public Transport in the City - with a focus on School Transport issues	Consideration of existing bus routes and their links to key facilities within the city such as the accessibility of the General Hospital by public transport for staff and patients. In addition in the light of recent secondary and imminent primary changes due to higher levels of commuting by pupils across the city as a result of changes to secondary school catchment areas etc consideration should also be given to reducing car dependencies for journeys to and from school.	Full Inquiry	Children and Young People
District Shopping Areas	Exploration of how to stimulate local economies with a focus on a particular district centre including assessing the viability of district centres within the city by examining the lessons learnt in Shirley and their potential application to other areas such as Portswood – the review will include engaging with local businesses.	Full Inquiry	Economic Well Being
Knowledge Economy	Maximising the benefits of the 2 universities and creating a knowledge economy in Southampton. Links between the City and University could be enhanced with further potential to develop clusters of knowledge based and small business start ups by working with SEEDA's new innovation team, graduates and businesses in the city and the university.	Full Inquiry	Economic Well Being
Crime	Violent Crime – focusing on reducing the incidence of Domestic Violence in the city	Full Inquiry	Safer Communities

INQUIRY AREA	POTENTIAL FOCUS OF THE REVIEW	INQUIRY TYPE	PROPOSED PANEL
Crime	Improving Enforcement	Mini Inquiry	Safer Communities
Crime	Strategic Policing issues as required	N/A	Safer Communities
Health Inequalities	Links between obesity and diabetes, children's health, smoking cessation and alcohol issues – to be agreed following advice from the Director of Public Health on the potential area of focus.	Full Inquiry	Healthy Cities
Capita Review	Review of progress to date	Mini Inquiry	Healthy Cities
Health	Strategic health issues as required	N/A	Healthy Cities
Night Time Economy	Review of progress against the last night time economy strategy developed for the city centre and current issues within the city that need to be addressed including land planning, public transport and enforcement	Full Inquiry	Environment and Transport
	Developing the Itchen waterfront – a strategic planning brief		Environment and Transport
New Ways of Working	Mobile Working	Mini Inquiry	TBA