

# Scrutiny Committee

## Agenda

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**Date:** Thursday, 7th August, 2008  
**Time:** 14.00pm  
**Venue:** Tatton Room Town Hall Macclesfield SK10 1DX, SK10 1DX

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1. **Apologies for absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

4. **Minutes of Previous meeting** (Pages 1 - 4)

5. **Action taken by Chairman - Waiver of Call-in period**

To note the Chairman's action in agreeing to treat as urgent the 17 July 2008 Cabinet meeting decision in respect of Key Decision CE02 - Transforming Learning Communities and that as a result, the call-in procedure had not been applied to this Cabinet decision.

6. **Scrutiny Training and Development Needs**

To consider a verbal report of the Lead Officer for the Member Development Officer Working Group.

7. **Proposals for a Health & Adult Social Care Scrutiny Committee for Cheshire East Council** (Pages 5 - 10)

To consider in detail the arrangements for constituting a Health and Adult Social Care Scrutiny Committee for East Cheshire, and in particular the draft Terms of Reference for the Committee.

8. **Scrutiny: Building the Framework** (Pages 11 - 14)

To give further consideration to the development of the Council's Scrutiny function.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the Scrutiny Committee  
Held on Thursday, 3rd July, 2008  
In the Fred Flint Room, Westfields, Middlewich Road, Sandbach

PRESENT

Councillor A Thwaite (Chairman)  
Councillor A Richardson (Vice-Chairman)

Councillors G Baxendale, S Conquest, P Edwards, Mrs B Howell, Mrs L Smetham,  
A Barratt, S Broadhurst, M Davies and Ms O Hunter

Also Present

Councillor Mrs D Flude

Apologies

Councillors R Menlove

1 APPOINTMENT OF CHAIRMAN

RESOLVED:- That Councillor A Thwaite be appointed Chairman for the ensuing year.

2 APPOINTMENT OF VICE CHAIRMAN

RESOLVED:- That Councillor A Richardson be appointed Vice Chairman for the ensuing year.

3 DECLARATIONS OF INTEREST

No declarations of interest were reported.

4 PUBLIC SPEAKING

There were no questions from members of the public

5 KEY ISSUES IN SCRUTINY

The Committee considered a report of the Cheshire East Governance Lead Officer regarding a framework for scrutiny arrangements, particularly in view of additional powers introduced by the Local Government and Public Involvement in Health Act 2007 (LGPIH) and the requirements for Health Scrutiny. It was anticipated that such work would include the development of a scrutiny structure, relationship building and member development.

Over recent years, Scrutiny's role had been strengthened through legislation and Government Guidance. The level of expectation regarding its activities and outputs had increased. In addition it is anticipated that the effectiveness of scrutiny arrangements would be an important factor in the Comprehensive Area Assessment.

Some of the key internal roles for scrutiny at a strategic level would include holding the Cabinet to account and providing an operational framework for the Councillor Call for Action and for Local Petitions arising from the LGPIH Act 2007.

External Scrutiny – of LAA Partners, Health Services etc – would underpin the Authority's community leadership role. Acknowledging the Authority's statutory role in relation to Health Scrutiny from April 2009 and the anticipated consequential work-load, the Committee unanimously resolved to recommend the establishment of a separate Health & Adult Social Care Scrutiny Committee.

In order to undertake its role the Committee would need to produce a work programme for the Civic Year. Issues which would need to be addressed included an ongoing programme of training and development and resources available to the Scrutiny function. It was felt that the Scrutiny Committee should be supported by trained and experienced Scrutiny Officers.

RESOLVED: - a. That the report be received.

b. That Council be recommended to appoint a Health & Adult Social Care Scrutiny Committee at the earliest opportunity

## 6 SCRUTINY TRAINING & DEVELOPMENT NEEDS

The Committee received a verbal update from the Lead Officer for Member Development on opportunities for scrutiny training. The Cheshire & Warrington Innovation Programme organised various training opportunities which included an accelerated learning forum for Chairmen and Vice Chairmen, and training on specific skills such as questioning and chairing a meeting. Other initiatives were also available which included working with a coach/facilitator who would attend Committee meetings as a "critical friend", role play sessions and electronic training. Visits to other local authorities were also suggested as well as basic training in scrutiny best practice for all members of the Committee.

It was reported that the County Council's Health and Adult Social Care Scrutiny Select Committee had extended a standing invitation to a representative of this Committee to attend its future meetings as part of the Induction process. It was agreed that notice of the meetings should be circulated to all Committee Members and those who could, would attend as observers.

RESOLVED: - a. That a basic training session in scrutiny best practice be held in August for all Scrutiny Committee members.

b. That the Lead Officer for Member Development submit a report to the next meeting outlining a proposed training programme for Scrutiny Committee members

## 7 DATES & TIMES FOR FUTURE MEETINGS

RESOLVED:- a. That the next meeting of the Committee be held on either the 7<sup>th</sup> or 14<sup>th</sup> August 2008 to be preceded by a basic training session on scrutiny best practice.

The meeting commenced at 2.00 pm and concluded at 3.10 pm

ANDREW THWAITE  
CHAIRMAN

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## CHESHIRE EAST

### SCRUTINY COMMITTEE

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**Date of meeting:** 7 August 2008  
**Report of:** Governance Lead Officer  
**Title:** Proposals for a Health and Adult Social Care Scrutiny Committee for East Cheshire

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#### **1.0 Purpose of Report**

- 1.1 To consider in detail the arrangements for constituting a Health and Adult Social Care Scrutiny Committee for East Cheshire, and in particular the draft Terms of Reference for the Committee.

#### **2.0 Decision Required**

- 2.1 That the Committee:
- 1) reaffirm its earlier recommendation that a separate Health and Adult Social Care Scrutiny Committee be established within the Council's Political Structure with terms of reference as set out in the Appendix
  - 2) recommend that the proposed Committee consist of 14 Members but that no action be taken as regards Cooption for the time being
  - 3) support the principle of continuing Joint Scrutiny arrangements of the Cheshire and Wirral Partnership NHS Trust and authorise further discussions with the Authorities concerned with a view to bringing forward more detailed proposals
  - 4) refer these proposals to the Governance and Constitution Committee for consideration of the constitutional aspects and the provision of advice to Council.

#### **3.0 Financial Implications for Transition Costs**

- 3.1 There are no implications for transition costs, except the funding of appropriate Member development in view of the new roles and responsibilities involved.

#### **4.0 Financial Implications 2009/10 and beyond**

- 4.1 To be considered as part of the overall support to be provided to the Scrutiny function.

## **5.0 Information**

- 5.1 The Committee at its last meeting considered a paper on Key Issues for Scrutiny which inter alia reminded Members that, as from 1 April, the East Cheshire Council, as a Social Services Authority, would have a statutory responsibility to have machinery in place to respond to consultations by NHS bodies about “substantial variations and developments” to Health Services locally. Taking into account of the anticipated workload, the Committee agreed unanimously to recommend the establishment of a separate Scrutiny Committee to exercise this function. This paper makes proposals for how such a Committee might operate to enable Members to make firm recommendations to the Council.
- 5.2 Draft Terms of Reference for the proposed Committee are attached in the Appendix. Members will note that the Terms of Reference include scrutiny of the Authority’s own Social Care Services. This is in acknowledgement of the Government’s expectations for the integration of Commissioning between Health and Social Care, and that Health Scrutiny Committees can best add value with a focus on that Commissioning.
- 5.3 Members will appreciate that Health (and indeed Social) Care is increasingly regulated and inspected. In order to be clear where Scrutiny can add value, it is important for the OSC to have a good understanding of how the NHS works and the key policies and drivers. Time therefore should be set aside regularly for building and maintaining relationships with key partners to enable the Committee to be a “critical friend” and help achieve the desirable outcomes for the health of the local population. Similar considerations apply to the relationship with the Local Involvement Network (LiNK). Experience suggests that early work in drawing up agreed Protocols will assist this.
- 5.4 The Terms of Reference allude to the scrutiny of Health issues which span PCT or local authority boundaries, sometimes on a sub-regional or regional basis – eg Ambulance Services, Cancer Networks, Specialised Commissioning. The activities of the Cheshire and Wirral Partnership Foundation Trust – the provider of mental health, learning disability, and drug and alcohol services – is a prime example. A Joint Committee currently exists with Wirral MBC to scrutinise the delivery of those services and which has been influential in sustaining the profile of mental health issues.
- 5.5 Although Government Guidance stipulates that Health Trusts must bring significant proposals for change to Scrutiny, there is no similar requirement that major changes within Social Care be brought to Scrutiny. Nevertheless it would be good practice for the Scrutiny Committee to act as even-handedly as possible, and therefore to use

internal mechanisms such as the Forward Plan, Call-In etc to achieve this.

#### Membership of Committee

5.6 On the assumption that a Health and Adult Social Care Scrutiny Committee would be a separate Committee within the Authority's formal structure, a Committee of 14 would be appropriate. Consideration would need to be given to:-

- extent of cross representation with the membership of the Council's main Scrutiny Committee,
- representation on any external Joint Health Scrutiny Committee to be drawn from the H&ASC Scrutiny Committee.

5.7 Also important will be the issue of Cooption. There is no requirement in this respect. Experience suggests that limited cooption of non-voting sector representatives can bring a useful perspective to the Committee's deliberations. However, not all Health Scrutiny Committees operate Cooption arrangements and some restrict Cooption to Task and Finish Panels. There may be advantages in leaving this issue "on the table" for the time being.

#### **6.0 Conclusion**

6.1 The Committee is asked to give further consideration to the proposed arrangements for the scrutiny of Health and Adult Social Care, including the constitution of a Committee for this purpose. The Committee's recommendations will need to be referred to the Governance and Constitution Committee for advice prior to adoption by the full Council.

#### ***For further information:***

Officer: Robin Roberts  
Tel No: 01244 972213  
Email: robin.roberts@cheshire.gov.uk

#### ***Background Documents:***

*Documents are available for inspection at:*

*Cheshire East Shadow Council Support Office  
Congleton Borough Council  
Westfield  
Middlewich Road  
Sandbach*

**Draft**

**EAST CHESHIRE COUNCIL  
HEALTH AND ADULT SOCIAL CARE SCRUTINY SELECT COMMITTEE**

The Health and Adult Social Care Scrutiny Committee will:

1. fulfil the Health Scrutiny duties falling on the Authority by virtue of the Health and Social Care Act 2001 (consolidated into the NHS Act 2006) and subsequent relevant legislation and Government Guidance;
2. liaise with NHS Trusts on any matter relating to the planning, provision and operation of Health services in East Cheshire, including commenting on the annual “health check” of the performance of those Trusts;
3. respond to any formal consultations undertaken by relevant NHS Trusts on any substantial development or variation in service;
4. participate with other relevant local authorities in joint scrutiny arrangements of NHS Trusts providing cross-border services to East Cheshire residents, in particular the Cheshire and Wirral Partnership Foundation Trust;
5. prepare an annual Work Programme and commission scrutiny reviews to ensure that all sections of East Cheshire’s local communities have equal access to Health services and have an equal chance of a successful outcome from those services;
6. liaise with the Local Involvement Network (LiNK) for East Cheshire, commissioning work and receiving reports and recommendations as appropriate;
7. deal with any matter referred by the Department of Health, the Local Involvement Network or by the Council;
8. offer advice to the Cabinet on Key Decisions relating to the operation of the Council’s Adult Social Care functions;
9. receive reports from the Council’s external inspectors on its Adult Social Care responsibilities and to offer advice thereon to the Cabinet;
10. keep under review the Council’s performance management arrangements in relation to its Adult Social Care responsibilities and offer advice as appropriate;

11. deal with any Health or Adult Social Care matter which is the subject of a Call-In, a Councillor Call for Action or Local Petition;
12. provide a regular programme of training and development for all Members and Co-opted Members involved in the work of the Committee;

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## CHESHIRE EAST

### SCRUTINY COMMITTEE

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**Date of meeting:** 7 August 2008  
**Report of:** Governance Lead Officer  
**Title:** Scrutiny: Building the Framework

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#### **1.0 Purpose of Report**

- 1.1 To assist the Committee in giving further consideration to the development of the Council's scrutiny function.

#### **2.0 Decision Required**

- 2.1 To indicate in principle how aspects of the framework for scrutiny should be developed, and to commission further work as appropriate.

#### **3.0 Financial Implications for Transition Costs**

- 3.1 There are no implications for transition costs, except the provision of appropriate Member development in view of the new roles and responsibilities involved.

#### **4.0 Financial Implications 2009/10 and beyond**

- 4.1 To be considered as part of the overall support to be provided to the Scrutiny function.

#### **5.0 Information**

- 5.1 At its first meeting, the Committee considered a paper on Key Issues for Scrutiny within the New Council. The paper posed a number of questions designed to assist the Committee in building a robust and responsive operational framework for Scrutiny within the Authority. The key points are set out in the Appendix. Some of these will have been discussed informally at the earlier Induction Event.
- 5.2 The Committee is invited to consider how it wishes to take these matters forward.

#### ***For further information:***

**Officer:** Robin Roberts  
**Tel No:** 01244 972213  
**Email:** robin.roberts@cheshire.gov.uk

***Background Documents:***

*Documents are available for inspection at:*

*Cheshire East Shadow Council Support Office  
Congleton Borough Council  
Westfield  
Middlewich Road  
Sandbach*

## **FRAMEWORK FOR SCRUTINY**

### **1. SCOPE**

**Internal:**      Holding the Executive to account  
                     Call In  
                     Performance Monitoring  
                     Policy Development  
                     Cross-Service Reviews  
                     Councillor Call for Action  
                     Local Petitions

**External:**     LAA  
                     Local Working  
                     Crime and Disorder Partnership  
                     (Health)

**Government and Community Expectations**

### **2. KEY OBJECTIVES**

**Eg:**    make a difference to people's lives  
          shift policy to improve services  
          save resources whilst retaining service quality  
          solve problems through a fresh independent look  
          articulate the concerns of local communities

### **3. RELATIONSHIP BUILDING**

**Internal/External**  
**Who should do it?**

### **4. BUSINESS MANAGEMENT**

**Priorities: short-term/medium-term/Annual Plan**  
**Relationship with Advisory Panels**  
**Settling the Agenda: Mid-Point Meetings**  
**Lead Members**  
**Task/Finish Panels**  
**Procedural Rules and Protocols**

### **5. ASSESSING THE IMPACT**

**Link to Objectives**  
**Monitoring Recommendations**  
**Public Perception**

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