

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Scrutiny Committee**
held on Thursday, 7th August, 2008
at the Tatton Room Town Hall Macclesfield SK10 1DX

PRESENT

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

Councillors G Baxendale, S Broadhurst, S Conquest, M Davies,
Miss S Furlong, Ms O Hunter, Mrs L Smetham and J Wray

8 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Barratt.

9 DECLARATIONS OF INTEREST

There were no declarations of Interest made.

10 PUBLIC SPEAKING TIME/OPEN SESSION

There were no questions from the public

11 MINUTES OF PREVIOUS MEETING

RESOLVED - The minutes of the meeting held on 3 July be approved as a correct record.

12 ACTION TAKEN BY CHAIRMAN - WAIVER OF CALL-IN PERIOD

1) Waiver of Call-in Period - Key Decision CE02 – Transforming Learning Communities.

It was noted that the Chairman had been consulted in accordance with Procedure Rule 13, Access to Information Rules: Special Urgency for Key Decisions, and had agreed to treat as urgent the decision of the 17 July 2008 Cabinet meeting in respect of Key Decision CE02 – Transforming Learning Communities. Any delay in the Cabinet endorsing the Primary Strategy for Change may have held up consideration by the Department for Children Schools & Families with consequential uncertainties on funding to support the 14 year capital programme for schools commencing 2009/10. As a result the call-in procedure had not been applied to this decision.

2) Key decisions for Cheshire East Cabinet 12 August - Rule 12, Access to Information Rules

It was noted that the Chairman had received a notification in accordance with Procedure Rule 12, Access to Information Rules: General Exception for Key Decisions, that each of the following decisions would be considered by the Cabinet at its meeting on 12 August 2008 and none of the items had been included in the Forward Plan of Key Decisions for July 2008 but decisions in relation to all these matters had to be taken by such a date that it was impracticable to defer the decision until it could be included in the next Forward Plan for the reasons set out below. The Chairman had agreed to the waiver of call in of the following decisions:

- (1) **Shared Services:** the decision follows from a meeting of the Joint Liaison Committee held on 1 August, and the decision was urgent in shaping the organisational structure of the new Council;
- (2) **Progressing the Extra Care Strategy:** the decision followed from a meeting of the Joint Liaison Committee held on 1 August, and the decision was urgent to ensure continuity of the Private Finance Initiative Extra Care contracts;
- (3) **Residential and Nursing Care Contracts:** the decision followed from a meeting of the Joint Liaison Committee held on 1 August, and the decision was urgent because the nursing home providers were entitled to be given 6 months' notice of amended contract arrangements which need to be in place by 1 April 2009.

RESOLVED - the action taken by the Chairman in respect of these two matters be noted.

13 SCRUTINY TRAINING AND DEVELOPMENT NEEDS

The Committee received an update on the proposed training programme for Scrutiny Committee members. It was noted that a Training Questionnaire had been circulated to all members and analysis of the returned forms would inform the training programme. A Member Development Panel was to be set up and Members thought it important that there should be scrutiny representation on the Panel.

Members expressed their delight with the training session that had been organised for them prior to the meeting, and felt that this might be usefully supplemented by hearing about how Scrutiny was actually undertaken in a best-practice Authority. The Committee was reminded that they had previously agreed to participate in the CWIEP Scrutiny Training Project, further information on which would be available shortly.

RESOLVED –

1. Councillor G Baxendale be nominated as the Scrutiny Representative on the proposed Member Development Panel/ Committee; and
2. An approach be made to Tameside MBC to see whether a Member and Officer would be willing to contribute to the Committee's training programme.

14 PROPOSALS FOR A HEALTH & ADULT SOCIAL CARE SCRUTINY COMMITTEE FOR CHESHIRE EAST COUNCIL

In accordance with the request made at the last meeting of the Committee, the Cheshire East Governance Lead Officer submitted a report detailing proposed arrangements to constitute a Health and Adult Social Care Scrutiny Select Committee for East Cheshire, and in particular the draft Terms of Reference (ToR) for the Committee and how it might operate. The ToR included scrutiny of the Authority's own Social Care Services and acknowledged the Government's expectations for the integration of Commissioning between Health and Social Care and that Scrutiny Committees could add best value with focus on that Commissioning.

Health and Social Care was becoming increasingly regulated and inspected. It was important that the Overview and Scrutiny Committee (OSC) should have a good understanding of the NHS workings and key policies and drivers. It was suggested that regular time be set aside to build and maintain relationships with key partners to enable the Committee to be a "critical friend" and help achieve desirable outcomes for the health of the population. Similar consideration would be given to the relationship with the Local Involvement Network (LINK) and drawing up agreed protocols.

It was noted that scrutiny of health issues could span PCT or Local Authority boundaries and may sometimes be on a Sub-Regional or Regional basis – e.g. the Ambulance Services, Cancer Networks or Specialised Commissioning. A Joint Committee currently existed with Wirral MBC and Cheshire County Council to scrutinise the activities of the Cheshire and Wirral Partnership Foundation Trust. The Joint Committee had been influential in sustaining the profile of mental health issues.

Government Guidance stipulated that Health Trusts must bring significant proposals for change to Scrutiny. There was no similar requirement for major changes within social care to be brought to scrutiny. It was suggested that it would be good practice for the Committee to act as even-handedly as possible and therefore to use internal mechanisms such as the Forward Plan and Call-In to achieve this.

Consideration was given to the establishment of a separate Health and Adult Social Care Scrutiny Committee within the Authority's structure and the extent to which there would be cross representation with the Councils

main Scrutiny Committee; where representation on any external Joint Health Scrutiny Committee would be drawn from, together with the issue of co-option of non-voting sector representatives for the perspective they bring. It was noted that the Committee's recommendations would be referred to the Governance and Constitution Committee for advice prior to adoption by the full Council.

Members referred to the extra workload that Health and Adult Social Care issues would place on members of this Committee. It was also noted that Cheshire County Council was currently represented on the Cheshire and Wirral Health Partnership that considered issues relating to mental health for the whole of Cheshire. It was suggested that consideration to continued involvement in this Partnership be given at the first meeting of the Health and Adult Social Care Scrutiny Committee.

RESOLVED - 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 to the report;
2. recommend that the proposed Committee consist of 14 Members but that no action be taken as regards Co-option 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; and
4. refer these proposals to the Governance and Constitution Committee for consideration of the constitutional aspects and the provision of advice to Council.

15 SCRUTINY: BUILDING THE FRAMEWORK

The Committee gave further consideration to the development of the Council's scrutiny function. Members were reminded that at its first meeting, the Committee had considered a paper on Key Issues for Scrutiny within the New Council. The paper had 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 were set out in the Appendix to the report and were discussed in detail by the Committee. It was noted that some of the points had been discussed informally at the earlier Induction Event. During the discussion the following matters were raised:-

- Consideration might be given to the development of a Scrutiny newsletter/Press Release.

- The third of the proposed Key objectives in the Appendix should be amended to read: "...whilst improving service quality".
- Members suggested there was merit in arranging to spend time with each Partner to build links with them very early on. Members requested that a list of key Bodies and major partners be submitted to the next meeting.
- There may be pan Cheshire issues that will require scrutiny to be shared with adjoining Councils.
- Performance reporting to scrutiny should be on a 6 or 12 monthly basis and individual Portfolio holders should be invited to attend Scrutiny meetings where Performance reporting was on the agenda to answer prepared questions and to give them the opportunity to set out the biggest challenges/issues facing them.

RESOLVED

1. to agree in principle to the framework for Scrutiny being developed as set out in the Appendix (subject to the changes referred to above) and to commission further work as appropriate; and
2. an opportunity be provided at the next meeting to enable Members to discuss how to operate the Scrutiny function and the procedural rules/protocol for dealing with witnesses including Cabinet Portfolio holders.

The meeting commenced at 2.00 pm and concluded at 3.25 pm

Councillor A Thwaite (Chairman)