

OVERVIEW AND SCRUTINY BOARD

A meeting of the Overview and Scrutiny Board was held on Wednesday 26 June 2024.

PRESENT: Councillors I Blades (Chair), J Kabuye (Vice-Chair), D Branson, E Clynch, D Coupe, J Ewan, B Hubbard, M McClintock and G Wilson

OFFICERS: S Bonner, J Dixon and S Lightwing

APOLOGIES FOR ABSENCE: Councillors J Banks, L Lewis, M Saunders, M Smiles and J Walker

24/1 **WELCOME AND FIRE EVACUATION PROCEDURE**

24/2 **DECLARATIONS OF INTEREST**

There were no declarations of interest received at this point in the meeting.

24/3 **MINUTES - OVERVIEW AND SCRUTINY BOARD - 7 MAY 2024**

The minutes of the Overview and Scrutiny Board meeting held on 7 May 2024 were submitted and approved as a correct record.

24/4 **SCRUTINY - WORK PLANNING**

The Interim Manager of Democratic Services was in attendance to provide the Board with a presentation in relation to scrutiny work planning.

Background was provided in relation to the scrutiny function and changes to the scrutiny structure in Middlesbrough, as agreed by the Overview and Scrutiny Board at its previous meeting on 7 May 2024.

It was highlighted that, as the parent body, the Overview and Scrutiny Board would continue to oversee the work of the two newly formed Scrutiny Panels – People and Place. The scrutiny process itself would largely continue as it had done previously, with the relevant Directors attending each of the Panels' first meetings in July, to provide a service overview of the areas within the Panels' remits, whilst highlighting priorities for the forthcoming year.

Both Scrutiny Panels would also consider a Work Programme report setting out relevant topic suggestions that had been received as part of the consultation exercise seeking suitable topics. The Panels would set their own proposed work programmes and this would be submitted to the Overview and Scrutiny Board for approval. It was suggested that the Panels should choose no more than three topics. Democratic Services Officers would meet with Chairs and Vice Chairs during August to scope the selected topics and reviews would commence in September.

Reference was made to the role and responsibilities of Scrutiny Chairs which included providing regular updates on the Panels' work to the Overview and Scrutiny Board and presenting Final Reports to the Executive.

Prior to commencing a scrutiny investigation, Chairs would be expected to work with the Panel to determine key lines of enquiry and terms of reference for the topic and to hold planning meetings with the Democratic Services Officers.

During the course of a review, in conjunction with Democratic Services Officers, Chairs would ensure that the review adhered to the terms of reference, ensure any witnesses were briefed accordingly and to consider the format of the meeting.

During Scrutiny Panel meetings, the Chair would be expected to introduce the meeting and guests and to explain the purpose of the meeting. It was important to ensure the meeting did not become confrontational and stayed on topic, avoiding personal and/or Ward issues unless relevant to the review, to identify and allocate any tasks and to recap at the end of the meeting to identify any actions.

All Scrutiny Panel Members would be invited to contribute towards:-

- Agenda Setting – suggesting areas for investigation and to identify relevant witnesses that would contribute to the current topic.
- Preparation – ensure meeting dates were in their diaries; read through the agenda pack prior to the meeting; prepare questions/possible areas of challenge; stick to the agenda and stay on topic.
- Evidence Gathering – research the topic, question witnesses, visit other organisations/relevant witnesses and report back to the Panel.

The role of Democratic Services Officers would be to arrange the meetings; prepare and publish agendas, reports and minutes; undertake research when requested by the Panel; liaise with officers and external organisations/services regarding input into the review and to brief witnesses attending meetings to give evidence; support Chairs to write Final Reports and arrange for submission to OSB and Executive; monitor progress of scrutiny recommendations and feed back to the Panels.

Under the new scrutiny arrangements, each of the Scrutiny Panels and the Overview and Scrutiny Board would be supported by two Democratic Services Officers in order to try and maintain continuity and to avoid meeting cancellations where possible, for example, during periods of holiday or sickness.

During the course of discussion, the following issues were raised:-

- It was queried which scrutiny panel would scrutinise the areas of finance and legal and democratic services. It was confirmed that as they were central services of the Council this would usually be OSB.
- In response to a query regarding how many final reports had been submitted to the Executive from the Scrutiny Panels last year, it was confirmed that just three final reports had been submitted to Executive from the five scrutiny panels, two of which had been carried over from the previous year.
- In response to a question around the completion of the previous Environment Scrutiny Panel's final report, it was confirmed that, at its first meeting, the new Place Scrutiny Panel would have the opportunity to determine how it wished to proceed and whether it wished to continue to finalise a report for the Executive.
- Reference was made to monitoring progress on scrutiny recommendations and clarification was provided that this would commence from the current year, however, should Members wish to be provided with an update in relation to previous recommendations, the relevant service area could be asked to provide an update.

A Democratic Services Officer, continued the presentation, providing further details in relation to work programming and referred to guidance issued by Centre for Governance and Scrutiny (CfGS). This included:-

- What makes a good scrutiny topic – critical to the Council's strategic plan; a big priority or concern to the community – affecting all or many people in the town; a major potential risk or threat; important opportunity or policy change.
- Forming a good work plan that should be Member-led with leadership from Chairs with clear process and methodology and an end goal/objective in mind.
- Knowing where ideas from the work plan should come from, such as the Council's corporate plan, strategic documents, executive forward plans and key decisions, suggestions from officers, Members and other stakeholders through consultation exercise.
- What makes a weak scrutiny topic – politically motivated, repetitious, micro-managing, backward looking.

It was highlighted that the criteria for selecting suitable topics should include topics that fell within corporate or community priorities, topics identified by partners that were of joint concern,

where the service was performing poorly or high levels of dissatisfaction, where a review was likely to result in improvements for local people.

Criteria for rejecting topics included where a topic had already been addressed in the last 12 months; the topic was purely to provide Members with information; the topic was unlikely to result in improvements for the community and where scrutiny activity was unlikely to add value to Council priorities.

Information was provided on implementing the work plan which should be flexible to reflect changing or emerging priorities and also to manage the work programming process in terms of identifying key witnesses and how many meetings the review was likely to take. Outcomes from the review should have a high impact.

A discussion ensued and the following issues were raised:-

- Reference was made to instances where scrutiny may only need to hold one meeting to consider the issue it wished to examine, or a one-off meeting to consider an urgent matter, and it was queried whether the same process would apply in terms of producing a final report. It was stated that where any recommendations came out of the meeting, these could be compiled into a briefing note with recommendations for the Executive to consider.
- It was acknowledged that liaison between Overview and Scrutiny Board and the Executive was critical and it was queried whether external organisations could be required to attend scrutiny as there had been occasions where, after agreeing to attend scrutiny meetings, they had failed to attend. It was clarified that internal Council officers and Members and representatives of other public bodies, such as the Police and Health Services, could be required to attend scrutiny meetings. External organisations could be invited to attend but could not be ordered to attend.
- Reference was made to not focussing review topics on one specific ward and it was queried how issues in that ward could be dealt with. It was suggested that Ward Councillors could speak to neighbouring and other area ward councillor to determine whether those issues existed elsewhere in the town and, if so, whether it was a matter for scrutiny or needed to be dealt with through the correct processes.

The Officers were thanked for their presentation and the information provided.

AGREED that the information provided be noted.

24/5

EXECUTIVE FORWARD WORK PROGRAMME

The Chair introduced the item and highlighted that previously the Overview and Scrutiny Board had received the Executive Forward Work Programme at each meeting for noting and proposed that the Board should look at each item on the Programme in greater detail, going forward.

The Overview and Scrutiny Board had delegated powers to manage the work of scrutiny and was able to undertake investigations itself or delegate the work to individual scrutiny panels.

A key duty of OSB was to hold the Executive to account by considering forthcoming decisions of the Executive and to decide whether scrutiny could add value by considering any matter in advance of decisions being made. Greater involvement in pre-decision scrutiny would help to negate a non-executive member's ability to call-in a decision after it had been made.

Suggestions were sought from the Board regarding the possible ways in which to have involvement in pre-decision scrutiny and the following issues were raised:-

- A Member commented that some of the items contained on the Forward Work Programme had been made in May and, therefore, it was too late for OSB to have any input into, whilst other items were due to be decided upon in July so it was unlikely that a report had yet been compiled for submission to Executive and it was queried at what stage OSB could become involved. It was acknowledged that it was difficult in terms of timing and background to the Forward Work Programme was provided.

- It was explained that any decisions which involved spending £250,000 or more and/or affected two or more wards in Middlesbrough was a key decision and must be placed on the Forward Work Programme at least 28 days prior to a decision being made by the Executive. It was considered best practice to also add non-key decisions to the Programme, as was the case in Middlesbrough. In terms of the report creation process, there should be a 46-day lead in period prior to the report being submitted for decision, so it would be possible to speak to Executive Members (and/or relevant officers) prior to the decision being made. Once the Executive had made a decision, it would become live within five days of the decision being made but remained on the Forward Work Programme, therefore, there would always be items on the programme where decisions had already taken place.
- It was also highlighted that the Forward Work Programme was available to view on the Council's website, so Members could view it at any time. Where the Board wished to find out more about a particular item, the further ahead the decision was due to be made, the better it would be in terms of having the opportunity to have input.
- In addition, it was suggested that the Chair and Members may wish to agree to set up their own small task and finish groups to look at specific issues and report back to the following meeting of OSB.
- In summary, the Forward Work Programme could be examined at any time by any Member but the format in which information was requested and received may need to be tailored to each item depending on timescales. Members would not necessarily need to see a written report but may receive information about the content of the report and a description of what the decision was about.
- It was acknowledged that any dialogue between the scrutiny and executive functions would require mutual trust and that whilst scrutiny could have an input in terms of making recommendations, decisions were ultimately made by the Executive.
- A Member suggested recording the issues that the Board looked at from the Forward Work Programme, including what information was received, what the outcome of the decision was, whether the Board's intervention (if any) was affective, etc. This could be reported to OSB on a twice-yearly basis to monitor progress as monitoring progress of recommendations was something that needed to be strengthened.
- It was queried whether there was any way of knowing when a written report was expected in relation to an item on the Forward Work Programme. It was explained that the Forward Work Programme was constantly being updated by the service areas and that some decisions were moved back to later dates but generally a final version of the report would be published five clear working days before the date of the decision-making meeting.

AGREED that the content of the Forward Work Programme be noted and that for future meetings, each item on the programme would be considered to determine whether any further information was needed and what format this should take.

24/6

OSB WORK PROGRAMME 2023/24

A report was submitted to invite the Overview and Scrutiny Board to consider its work programme for the 2024/25 Municipal Year and to suggest potential topics for the People and Places Scrutiny Panels.

Members were aware that at the Overview and Scrutiny Board meeting held on 7 May 2024, a new structure for scrutiny arrangements in Middlesbrough was agreed. Consequently, OSB would work with both the People and Place Scrutiny Panels to deliver scrutiny in Middlesbrough. The following topics were placed on OSB's work programme last year (2023/24) but were not progressed due to other emerging issues:-

- Homelessness
- Electoral Registration
- Cyber Security

A review of Homelessness had initially been commenced by a previous Ad-Hoc Scrutiny Panel and was carried over to OSB last year. The review had been partially scoped following the agreement of terms of reference to investigate what support is provided for those who find themselves homeless and how they could be helped out of homelessness.

No scoping exercises had been undertaken for either the electoral registration or cyber security topics.

The submitted report also outlined a number of topic suggestions received as part of the scrutiny consultation exercise which sought suitable topic suggestions from Council Officers, Partner organisations, Members and members of the public. Suggested topics had been allocated to the relevant Scrutiny Panel (People or Place) for consideration at their respective first meetings. In addition, each of the Scrutiny Panels were also required to receive a number of statutory updates throughout the year and these were also listed in the report.

The Board was asked to consider whether it wished to continue with any of the three topics it had placed on its work programme last year; whether it wished to allocate any of them to the People or Place Scrutiny Panels; or whether it had any additional suggestions it wished to place on its own work programme or to put forward to the other scrutiny panels for consideration.

A discussion took place and the Chair expressed the view that the topic of homelessness would be best placed with the People Scrutiny Panel and proposed it should be put forward as a suggestion for consideration to be included within its work programme. The Chair suggested that the topic of electoral registration be put to one side until after the general election on 4 July as the position on this may change depending on the Government elected to power and could always be revisited at a later date if appropriate.

With regard to cyber security, it was noted that this was being investigated by other Government organisations and it was considered that OSB should not duplicate the work already being done.

The Chair suggested that scrutiny should consider the issue of Home to School Transport and the Chair of the People Scrutiny Panel confirmed that he would discuss this with the Scrutiny Panel for inclusion on its work programme.

The Chair of the Place Scrutiny Panel advised that he would be suggesting the topic of environmental maintenance (including maintaining overhanging trees, grass, paving and rewilding areas) for inclusion in the Place Scrutiny Panel Work Programme.

A Member of the Board referred to the suggestion of rubbish dumping for Place Scrutiny Panel to include fly tipping by businesses and landlords.

Members formed the view that if OSB were to scrutinise the Forward Work Programme more thoroughly, invite Executive Members to each meeting and also monitor developments in relation to the ward boundary review and Middlesbrough local plan, it would have little time to scrutinise review topics and decided against setting any review topics for its work programme but would look into emerging issues where necessary.

AGREED as follows:-

1. That the Overview and Scrutiny Board's Work Programme for 2024/25 would consist of:-
 - i. Further enquiries in relation to items on the Executive Forward Work Programme, to be determined on a meeting-by-meeting basis by the Board.
 - ii. A schedule of Executive Member attendance at OSB meetings.
 - iii. The outstanding topic of Homelessness be forwarded to the People Scrutiny Panel for consideration for inclusion in its work programme.
 - iv. The outstanding topic of Electoral Registration be put on hold until 2025/26 if appropriate.
 - v. The outstanding topic of Cyber Security be discontinued as other organisations were scrutinising this.
 - vi. That an additional topic of Environmental Maintenance be forwarded to the Place Scrutiny Panel for consideration for inclusion in its work programme.

vii. That the issue of fly tipping by businesses and landlords be added to the suggestion of 'Rubbish Dumping' for the Place Scrutiny Panel.

2. That the Overview and Scrutiny Board would investigate emerging issues as and when necessary.

24/7

ANY OTHER URGENT ITEMS WHICH, IN THE OPINION OF THE CHAIR, MAY BE CONSIDERED.

None.