

# Overview and Scrutiny

## Annual Report 2018-19



Derby City Council



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## Introduction and Foreword

Welcome to the Annual Report for Overview and Scrutiny, which sets out the work undertaken by Derby City Council's six scrutiny boards during the 2018-2019 municipal year.

Over the past year, Scrutiny has played a role in Derby City Council's decision making process. The boards have held the Council Cabinet to account for its policies, decisions and actions, whilst also supporting policy making by conducting in-depth reviews and monitoring performance.

This work has involved scrutinising a range of topics and conducting a number of reviews through the topic specific scrutiny boards. The Executive Scrutiny Board looked closely at areas of underperformance to monitor service outcomes and drive service improvement. The Board also challenges decision-making and helps ensure that public funds are used effectively to deliver good services to the people of Derby.

The Performance Forward Plan gives backbench members an opportunity to look in detail at areas of the council which are underperforming and make recommendations for improvement. Meanwhile, all Council Cabinet reports have been debated prior to being considered at Council Cabinet. This enabled the views and recommendations of the Board to be considered during Council Cabinet's deliberations. Scrutiny members also have an opportunity to consider decisions made by individual Cabinet Members, to ask questions and make suggestions for changes or improvements during formal decision making Cabinet Member meetings.

Delivering effective scrutiny requires a great deal of time and commitment from all Members of Scrutiny Boards. These elected members have a vital role to play in scrutinising existing and developing council policies and making informed recommendations to drive improvement and the development of services within their remits. Council officers, co-optees and partner organisations help to make scrutiny a success through their invaluable support, input and co-operation. As the Chair of Executive Scrutiny Board for 2018-19, I would like to thank all those involved in the scrutiny process for their hard work and commitment over the last year.

During my time as the Chair of Executive Scrutiny Board Councillors and officers have enjoyed robust discussion about a wide variety of issues and I hope this healthy debate will continue under whichever future governance arrangements Derby City Council decides to adopt.



**Councillor Alan Graves**  
**Chair of the Executive Scrutiny Board for 2018-19**

## What do Overview and Scrutiny Boards do?

Overview and Scrutiny represents a fundamental part of the democratic process.

It provides a check and balance to the executive powers of the Council Cabinet and an opportunity for elected members from across the political spectrum to challenge, review and improve the services provided by the local authority.

The Overview and Scrutiny Boards cover all Council functions between them, as well as services provided by other public bodies such as health, police and the fire service.

In total, there were six Overview and Scrutiny Boards for 2018-2019:

- Executive Scrutiny Board
- Adults and Health Scrutiny Review Board
- Children and Young People Scrutiny Review Board
- Communities Scrutiny Review Board
- Corporate Services Scrutiny Review Board
- Regeneration and Housing Scrutiny Review Board

Each Overview and Scrutiny Board is made up of councillors from the different political groups. The number of councillors from each party reflects the political balance of the Council.

The Executive Scrutiny Board is the main body by which the 'key' decisions made by Council Cabinet are reviewed. This Board acts as an umbrella to the other scrutiny boards, with membership includes some of the Chairs and Vice-Chairs of those boards. The five other boards review services and put forward recommendations for development and improvement; participate in the early stages of consultation for changes and new proposals; contribute to policy development; and, monitor the performance and progress of specific projects.

The aim of scrutiny is to make sure that decision makers are held accountable and local services are fit for purpose. Scrutiny of decisions is carried out in public and in an impartial manner, mainly through scheduled meetings held throughout the year. These meetings can involve thorough questioning of Cabinet Members, council officers and representatives of partner organisations about their decisions and policies.



The fundamental purpose of scrutiny boards is to examine policies and proposals before decisions are taken. This enables elected members to influence the development of service improvements and ensure that the decisions being made are done transparently and in accordance with the council's decision making procedures.

Cabinet Members, council officers, representatives of external organisations or experts in a particular subject may be asked to attend meetings to give information and respond to

questions. Board members can also speak to local people who will be affected by the decisions being taken.

Scrutiny also has legal powers to ask representatives from some other public organisations to attend. These are called 'responsible authorities' and include:



This report provides information on what each of the Boards has looked at over the period of the May 2018 to April 2019 Municipal Year.

## **Executive Scrutiny Board**

The Executive Scrutiny Board is responsible for scrutinising Executive decisions and the Forward Plan, as well as considering statutory reports and performance issues. It also has an annual responsibility to scrutinise the Council's Revenue and Capital Budget Proposals.

The Executive Scrutiny Board is made up of thirteen elected members, with the composition of the Board reflecting the Council's overall political balance.

The Board meets monthly and has an opportunity to pre-emptively examine every 'Executive decision and in particular Key Decisions' that the council takes and can make recommendations on these to Council Cabinet, who typically meet the following night.

A 'Key Decision' is any decision resulting in a financial cost or saving of £250,000 or more. A decision would also be considered 'key' if it is likely to have a significant environmental, physical, social or economic impact on people living or working in communities in two or more wards in the city.

Council Cabinet considers recommendations made by the Scrutiny Board alongside the relevant Council Cabinet papers. These recommendations are wide-ranging and can include suggestions to look at elements of decisions in further detail, provide endorsements or issue challenges to the implementation of decisions.

During the 2018-19 Municipal Year the Executive Scrutiny Board made 74 recommendations to Council Cabinet, of which 27 were accepted, 27 rejected and 18 were noted.

The Board made recommendations to Council Cabinet on the following decisions or proposals:

- Inward Investment
- The A52 Wyvern Transport Improvement Scheme
- Final Accounts 2017/18
- New Primary School Provision
- Bad Debts
- Children's Residential Homes – Reconfiguration
- Changes to Council Tax Support Scheme
- Derby Plan
- Becketwell Regeneration
- Derby Opportunity Area – Developing Emotionally Healthy Schools
- Social Impact Bond
- Long Term Waste Management Contract
- Derbyshire Business Support Grants Scheme
- Building Safer and Stronger Communities
- Improving Special Educational Needs and Disability Provision
- Emotional Health and Wellbeing Service for Children in Care , Leaving Care and Adopted Children
- Air Quality
- Playing Pitch Strategy
- New Swimming Pool



- Review of Governance System
- Disposal of Property
- Pear Tree Library
- D2N2 European Structural Investment Fund
- Castleward Urban Village
- Opportunity Areas
- Medium Term Financial Plan
- Compliance with Contract and Financial Procedure Rules

As part of its remit to ensure robust performance monitoring and provide appropriate challenge at a corporate level, the Executive Scrutiny Board also sets a Performance Work Programme at the start of the Municipal Year.

Throughout 2018-19 the Board received presentations and reports from a number of service areas, with a view to agreeing remedial actions, encouraging further investigation or supporting planned service improvements

Performance items examined during 2018-19 included:

- Council Scorecard
- Special Educational Needs and Disabilities Update
- Annual Report
- Council Plan
- Leisure and Culture Projects
- Corporate Peer Challenge – Progress since review in 2017
- Complaints
- Managing Demand in Peoples Services
- Inspections Update
- Rent Arrears and the Wider Impact of Universal Credit
- Sickness Absence
- Residential Care Debt
- Regeneration Projects Update

### **Call-In of Council Cabinet Key Decisions**

In addition to scheduled scrutiny meetings, the Executive Scrutiny Board has a responsibility for meeting to consider key decisions that have been 'called in'. This is a process where three or more elected members are questioning that a particular Council Cabinet decision has been made in line with the council's Decision-Making Principles.

If councillors wish to call-in a decision, a notice must be submitted within five working days of the publication of the minutes of the relevant Council Cabinet meeting, stating which of the principles they believe to have been breached. The call-in suspends the implementation of the decision until it has been considered by the relevant board, which must meet within ten working days to decide whether the objection should be upheld. The views of the board are then referred back to Council Cabinet or in certain circumstances to Council.

Councillors who ask for the 'call-in' have to prove that the decision is wrong on one of the following grounds:

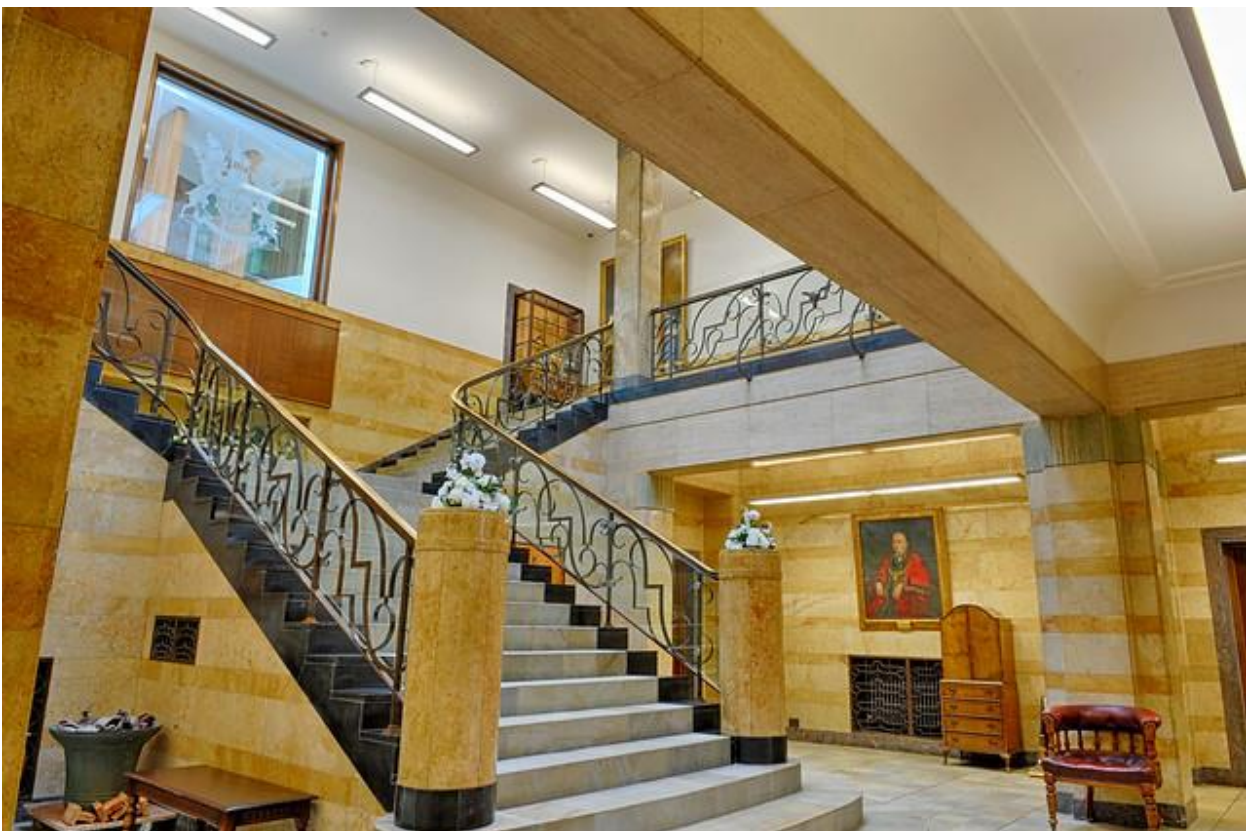
- Proportionality - the action must be proportionate to the desired outcome
- Due consultation - professional advice must have been taken from officers
- A presumption in favour of openness - all relevant information in the public interest must have been disclosed
- Clarity of aims and desired outcomes
- Respect for human rights

Call-in also applies if a record has not been provided of what options were considered, the reasons for that decision and if relevant issues do not appear to have been taken into consideration.

During 2018-19 the Executive Scrutiny Board considered one call-in, on the following matters:

- New Assembly Rooms

The Board resolved that the Council's decision-making principles had not been breached and therefore did not uphold the call-in.



## Scrutiny Review Boards

Sitting beneath the Executive Scrutiny Board are five topic-led Scrutiny Boards which act as a means to conduct in-depth reviews of particular topics or services. In addition, the Scrutiny Review Boards may look at policy development, aid in the formulation of council strategies or participate in early stage consultation.

These Boards are comprised of eight elected members, with their composition broadly reflecting the political balance of the council, as defined under the 'Widdecombe rules'.

This means that matters can be referred down from Executive Scrutiny for further in-depth review; the Executive Scrutiny Board may also refer items to the review boards for Performance Surgeries, supported by the Performance and Intelligence Division.

The Corporate Parenting Committee stands outside of the main Overview and Scrutiny framework. In 2018-19, it was chaired by the Cabinet Member for Children and Young People. However, the Chair and Vice Chair of the Children and Young People Scrutiny Review Board both sat on the Corporate Parenting Committee, allowing for relevant matters to be referred between the two boards.



## Adults and Health Scrutiny Review Board

The Adults and Health Board is responsible for scrutinising adult social care and public health services in Derby. In 2018-19, these service areas fell within the portfolio of the Cabinet Member for Adults, Health and Housing.



The Board is also the statutory health scrutiny committee, meaning it has legal powers to review and scrutinise any matter relating to the planning, provision and operation of health services in the city. This includes services delivered by external organisations such as the Southern Derbyshire Clinical Commissioning Group, University Hospitals of Derby and Burton NHS Foundation Trust and the East Midlands Ambulance Service.

Given the wide remit of the Board, members chose not to carry out a single topic review and instead focused on a number of relevant issues over the course of the municipal year.

Overarching themes included the impact of increasing demand and cost pressures on adult social care services, as well as considering national policy on how a funding shortfall for the sector should be met.

### Future of Carers Services

The Board considered the results of a comprehensive consultation with Carers which informed the modelling of our local Carers services.

Carers told us that:

- Carers value the opportunity to participate in peer support and meet other Carers
- Carers would like a City Centre venue to obtain and exchange advice and support, complemented by locally based groups
- Carers would like practical information, advice and support from an independent organisation
- Carers would like the Carers journey to be straightforward, with preferably one lead organisation they can call
- Caring is everybody's business and that carers need to be helped to identify themselves as Carers and the needs of Carers should be promoted widely

As a result of feedback received during the consultation, the Council is transforming our local Carers offer. Carers told us that Services have a significant positive impact on their lives, and whilst on the whole many carers were satisfied with the support they receive, they told us that they found that the current set up of the services was confusing and felt they had to repeat information to different organisations. Carers Assessments were also felt to be taking a long time to process and not effective as they could be.

In response to what Carers told us, the Council is commissioning 2 new services and changing the way carers assessments are undertaken:

- A new 'universal' service is currently being commissioned; this ensures that any carers can access support services locally free of charge. The new service will also provide Carers with a single point of access for information and advice, training and wellbeing activities. Smaller carers groups will also be supported. This service is currently out to tender
- A decision had been taken to bring Carers Assessments back 'in-house' to the council to improve the timeliness and quality of assessments and to enable a more holistic and family centred approach to the assessment process and to ensure carer needs are met in a timely fashion and they receive the services they require to support them in their caring role. The transition process to achieve this is currently underway.
- A new provider list will also be commissioned shortly, to help Carers identify good quality support services, which offer vfm, to spend their personal budgets with should they wish to. Providers will tender to be included in the provider list at which point they will be scored for issues such as quality and financial robustness so that Carers can be assured that good quality providers are on the list.

### **Access to GP Surgeries**

During the previous Municipal Year the Board heard evidence from the Southern Derbyshire Clinical Commissioning Group (CCG) on efforts to improve access to GP surgeries. This included measures to improve recruitment and retention of clinicians and to extend opening hours at evenings and weekends.

Members were briefed on two Derby-based surgeries that were acting as pilots, trialling new consultation methods, improved IT systems as well as enhanced triage and signposting techniques. The Board also expressed a desire to consider local issues in more detail and scrutinise under-performing clinics; the Board therefore continued to receive update during this municipal year.

### **Shaping the vision for East Midlands Ambulance Service (EMAS)**

The board was consulted on the vision for shaping the future for EMAS.

As part of the engagement process EMAS involved the following from across the East Midlands:

- Staff and volunteers
- Health Overview and Scrutiny Committees
- Healthwatches
- Healthcare partners and commissioners - including local authorities and social care and Sustainability and Transformation Plan partners (STPs)
- MPs
- Police, Police and Crime Commissioners and fire service partners
- More than 3,000 members of our Trust
- The patient voice group which was a representative group of patients from across the East Midlands

**Other items scrutinised by the Board included:**

- Engagement with the Community and Voluntary Sector
- Livewell Annual Report and Service Developments
- Air Quality and Health in Derby
- Local Area Coordination
- Psychodynamic and psychotherapy services
- CCG Update and Financial Plan
- Social Care Funding
- Independent Sector Home Care

Regular briefings were also provided by the Southern Derby Clinical Commissioning Group, Derby Healthwatch and the Derbyshire Healthcare Foundation Trust to keep members up to date on their projects and services and highlight any areas for future scrutiny.



## Children and Young People Scrutiny Review Board

The Children and Young People Board was responsible for the scrutiny of services relevant to the portfolio of the Cabinet Member for Children and Young People.

These included:

- Adult Learning
- Children's Quality Assurance
- Children's Residential Care
- Early Help & Children's Safeguarding
- Fostering & Adoption Services
- Inclusion & Intervention
- Integrated Children's Disabled Services
- Integrated Commissioning (Children's)
- Quality, standards and performance (Education)
- School organisation and provision
- Skills and Development
- Youth Offending



The Children and Young People Board had a particularly busy work programme over the course of the 2018-19 municipal year. Given the extensive remit of the Board, members were keen to scrutinise topics from across the full spectrum of relevant services.

A key consideration for the Board was the outcome from inspections and readiness for future inspections. This included HMIP Inspection of Derby Youth Offending Service.

### Monitoring Safeguarding Practice

The Board continued to monitor safeguarding practice throughout the year and this was a topic considered at almost every meeting. Having a stable and competent workforce was a pre requisite for safeguarding children and young people and driving forward improvements. The Board received updates on workforce developments and safeguarding pressures including -

- Suitable Workforce
- Deployment of Social Workers
- Agency Social Workers
- Open Cases
- Average Social Worker Caseloads
- Making Derby a More Attractive Place to Work for Social Workers

### Topic Review – Child Poverty

The Board undertook a topic review on Child Poverty, its implications, causes and what was currently being done to tackle the issues surrounding Child Poverty in Derby.

Evidence was gathered from the Hope Centre, Derby Homes, Derby Multi Faith Centre, Headteachers and Public Health. A report of the UN special rapporteur on extreme poverty and human rights was also considered.

**Other items scrutinised by the Board included:**

- Care Leavers Local Offer
- Children's Mental Health
- Derby Child Sexual Exploitation Annual Report
- Derby Safeguarding Children's Board Annual Report
- Dedicated Schools Grant – Derby's Story and the Implementation of the National Funding Formula
- Early Help Annual Report
- Education Performance Outcomes
- Fostering Soft Market Testing
- Integrated Disabled Children's Service
- Off-Rolling in Derby Schools
- Opportunity Areas
- Progress on SEND



## Communities Scrutiny Review Board

The Communities Scrutiny Review Board was responsible for the scrutiny of services under the remit of the Cabinet Member for Neighbourhoods and Streetpride and the Cabinet Member for Leisure, Culture and Tourism.

The Board scrutinises services such as Streetpride and neighbourhood working, as well as Leisure Culture and Tourism. The Board also acts as the council's statutory Crime and Disorder Committee.



Services under the remit of the Communities Scrutiny Review Board in 2018-19 included:

- Bereavement Services
- Building Control
- Culture (including Derby LIVE)
- Grounds maintenance and street cleansing
- Highways and engineering
- Leisure Facilities
- Libraries
- Neighbourhood Agenda
- Parks, Golf and Nature Reserves
- Refuse and Waste Management
- Tourism
- Traffic and transportation

The Board chose not to carry out a topic review and instead focused on a number of relevant issues over the course of the municipal year.

### Tree Management Policy and Strategy

The Board, whilst not carrying out a specific topic review, decided to have an extra meeting to look at the tree management policy and strategy in more depth.

### Other items scrutinised by the Board included:

- Derby Destination Management Plan
- Dustbin Renewal Contract
- Garden Waste Recycling Scheme
- Grass cutting Update
- Highways Infrastructure Asset Management
- Libraries and CML Process
- Moorways Update
- Riverside Library
- Street Cleansing Service and City Centre Deep Clean

## Corporate Services Scrutiny Review Board

The remit of this board covered service areas that fell within the portfolio of the Cabinet Member for Strategy and Policy and the Cabinet Member for Governance and Licensing.

These included:

- Business Support
- Communications and Consultation
- Community Safety, Cohesion and Integration
- Corporate Health and Safety
- Derby Plan, Council Plan, Policy and Strategy
- Emergency Planning and Business Continuity
- Finance, Procurement, Revenues and Benefits
- HR and Organisational Development
- ICT and Customer Management
- International Development
- Legal and Democratic Services
- Markets
- Performance Monitoring and Review
- Property Services
- Strategic Partnerships
- Taxi Licensing

The Board did not choose to undertake a topic review during this Municipal Year.

### Items scrutinised by the Board included:

- Asset Management Plan
- Assembly Rooms, costings, business case, timings and consultancy
- Budget Setting Process
- Corporate Asset Management Plan
- Corporate Health and Safety
- Procurement of Contracts / Services
- Sinfin Lane Waste Treatment Plant



The Board also received a briefing on Modern Slavery which recognised the work of public, private and voluntary sector partners in tackling modern slavery in Derby and Derbyshire, including the Council's Neighbourhood Teams. The Board asked Council Cabinet to seek to protect services involved in the prevention of modern slavery as part of the 2019/20 budget proposals.

## **Regeneration and Housing Scrutiny Review Board**

The remit of this board covered areas that fell within the portfolios of the Cabinet Member for Regeneration and Public Protection (Deputy Leader of the Council) and the Cabinet Member for Adults, Health and Housing.

These included:

- Derby Homes and Derby Advice
- Economic Development
- Empty Homes, Housing Development, Housing Enforcement and Housing Options
- Environmental Health
- Regeneration and Strategic Assets
- Strategic Housing
- Strategic Planning and Transport
- Trading Standards

Rather than focus on an individual topic review, the Regeneration and Housing Board chose to consider various matters throughout the municipal year, reflecting the broad range of services and projects that fell within its remit.

These included scrutinising the council's strategic partnerships, such as the Derby Nottingham Metropolitan Strategy, and considering the impact of major transport infrastructure projects on the city, such as HS2.



The Board received regular updates on housing issues across Derby, with a particular focus on meeting housing demand through the delivery of new homes and tackling homelessness. Major regeneration projects were also a regular topic of discussion for the Board.

The Board received an update from Marketing Derby about steps being taken to generate inward investment.

### **Additional items scrutinised by the Regeneration and Housing Board included:**

- Affordable Housing Delivery
- Air Quality – Reducing NO2
- Derby City Centre Masterplan
- Derby and Derbyshire Energy Efficiency Project
- Empty Homes – The Relationship Between the City Council's Empty Homes Service and the Private Sector
- Impact of the Homelessness Reduction Act 2017
- Job Losses at Rolls Royce and Diversifying the Economy

- Local Cycling and Walking Infrastructure
- Permit Parking in Derby
- Redevelopment of Britannia Court
- Response to Consultation on the Housing Green Paper
- South Derby Growth Zone and Infinity Garden Village

## **Overview and Scrutiny Membership 2018 - 2019**

### **Executive Scrutiny Board** (Labour 6, Conservative 5, Lib Dem 1, UKIP 1)

Chair: Councillor Graves

Vice Chairs: Councillors Hassall, Hudson, Marshall, Ashburner, J Khan

Other members: Councillors Eldret, Jackson, Potter, Rawson, Shanker, Stanton, Willoughby

### **Adults and Health Scrutiny Review Board #** (Labour 4, Conservative 3, UKIP 1)

Chair: Councillor J Khan

Vice Chair: Councillor Evans

Other members: Councillors Froggatt, McCristal, A Pegg, Raju, Repton, Wood

### **Children and Young People Scrutiny Review Board** (Labour 4, Conservative 3, Lib Dem 1)

Chair: Councillor Russell

Vice Chair: Councillors Hezelgrave

Other members: Councillors Ashburner, Harwood, Hussain, Keith, Willoughby, Winter

### **Communities Scrutiny Review Board \*** (Labour 4, Conservative 3, Lib Dem 1)

Chair: Councillor Naitta

Vice Chair: Councillor Hudson

Other members: Councillors Afzal, Cooper, A Holmes, Nawaz, Peatfield, Sandhu

### **Corporate Services Scrutiny Review Board** (Labour 4, Conservative 3, UKIP 1, Independent 1)

Chair: Councillor Marshall

Vice Chair: Councillor Shanker

Other members: Councillors Anderson, Bettany, Cooper, Jackson, A Pegg, P Pegg

### **Regeneration and Housing Scrutiny Review Board** (Labour 4, Conservative 3, Lib Dem 1)

Chair: Councillor Hassall

Vice Chair: Councillor Care

Other members: Councillors Bayliss, Hussain, McCristal, Potter, Rawson, West

### **Consideration of education related matters on scrutiny boards**

Co-optees – Gillian Butler, Nicky Fenton, Chris Hulse, Stephen Grundy, Dr Christopher Reynolds and Ruth Richardson



