

7 June 2012

Consideration of Panel Work Programme for 2012/13

Ward(s) All

Portfolio Holder: Councillor McCracken

Summary of report:

The purpose of this report is to provide relevant background information for Members so that the Panels work programme can be agreed for 2012/13

It is important for Members to consider the wide range of potential issues within their remits that they could consider during the year which could range from council specific to completely external issues.

When agreeing items it is important that consideration is given to what, value the Panel can add and what tools and performance measures are available to support them in their work.

RECOMMENDATIONS:

That Member's consider the range of items within their remit available to them and agree a work programme for 2012/13 along with any potential working groups and their membership.

Resource and legal considerations:

In terms of resources it is important that the right balance and number of items and working groups are selected so that the work programme can be completed during the year without placing undue pressure on Member capacity.

Legal considerations for specific items will need to be addressed as and when necessary based on the items that are selected for inclusion on the work programme.

Citizen impact:

An effective work programme will enable the Panel to focus its work on the most important issues within its remit. Consideration of these issues and subsequent recommendations, if accepted, could improve the quality of services delivered to

local residents.

Environmental impact:

The level of environmental impact will be dependant on which issues are selected to become a part of the panels work programme for 2012/13. The borough's Sustainable Community Strategy places an importance on considering the impact of present decisions on future generations which includes environmental issues.

Performance management:

The report asks Members to consider performance management information when deciding on their work programme, and also to consider how they wish to use performance management information and tools in assisting them with their work over the course of the year.

Equality Implications:

Ensuring equality for all is a key theme in the boroughs Sustainable Community Strategy as well as being one of the Council's core values. Members are advised to consider what, if any, equality implications there are for any items on their work programme.

Consultation:

Members may wish to consider the results of any formal or informal consultation exercises, including that with the public and partners, when considering what items they wish to include in their work programme. Whilst Council officers carry out a range of consultation activity on behalf of the Council, Members themselves engage with the public on a much more frequent basis and it is valuable to consider feedback from these sources as well.

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Introduction

At the start of each municipal year it is good practice for scrutiny and performance panels to spend some time discussing and agreeing its work programme for the year ahead for issues within its remit.

As Members will already be aware scrutiny and performance panel remits were amended by Council at its meeting on 21 and 23 May 2012. For information the Panels remit in Article 6 of the Walsall Council Constitution now reads as:

Social Care and Inclusion Scrutiny and Performance Panel

All aspects and general services related to social care and inclusion for example; adult services as conferred under the Health and Social Care Act 2001 within the functions set out in section 21 of the Local Government Act 2000.

Work Programme

In agreeing its work programme for 2012/13 the Panel will be informed from a range of sources, including all 60 Members, last years Panel work streams and suggested carry over items, Council Officers, and Partners.

When agreeing the items to be included in its work programme focus should be given to the range of performance management information available that could assist the Panel with each particular issue. A whole host of performance information is available on a range of subjects that Members could utilise to measure success or otherwise.

Working Groups

Members need to decide whether they want to operate any working groups for this year. Working Groups are at their most effective when they are considering broad policy areas that require detailed investigation time that cannot be completed at Panel level. The Panel will set the working group remit, its membership and once a working group has completed its investigations it will report its findings and recommendations to the Panel for consideration and adoption.

It is very important that Member capacity is considered when deciding on what working groups are formed as many members sit on more than one panel and their respective working groups. As such getting suitable dates in the municipal diary and getting suitable attendance at those meetings is difficult if too many working groups are formed. In previous years experience and given the number of Panel's in this years municipal diary, it is suggested that each Panel should look to operate one working group at any one time. Panels that wish to operate more than working group during the year should timetable the second to start as the first finishes.

A copy of the councils working group toolkit has been despatched separately to Members and is available to members of the public by request. Member's are asked to familiarise themselves with this toolkit ahead of deciding what, if any, working groups they wish to run.

Value for Money Service Reviews

The Corporate Scrutiny and Performance Panel has developed a value for money (vfm) toolkit to assist Members if it is decided to complete a service review. Previously, the Corporate Scrutiny and Performance Panel used the value for money toolkit to review the Councils Communication and Payroll and Pensions services. The two reviews were well received by both Members and Officers and resulted in positive recommendations for both services. The Corporate Panel recommended that other Panel's also look to use this toolkit and this recommendation was endorsed by the scrutiny working group of Chair's and Vice-Chairs.

The vfm assessment tool provides a framework for members in partnership with services to work through and is divided into 3 broad themes:

1. What does it cost to provide this service? (economy)
2. How is this service performing? (efficiency)
3. What quality is the service being provided? (effectiveness)

For each of these themes there is the opportunity/potential for scrutiny panels with the service being assessed to benchmark with other service providers to give a clearer picture of relative performance.

The aim is that on completing this assessment scrutiny members will be able to make a judgement regarding the vfm provided by the service and identify and recommend any potential further action.

The vfm toolkit can be used to support the investigations of working groups or independently. When used independently the Corporate Scrutiny and Performance Panel appointed a lead member who liaised with the service area whilst the toolkit is completed and then reports back their findings to the Panel for agreement of recommendations and any other further action that may be necessary.

Suggested Items

Appendix One contains a number of suggested items completed on a standard template to assist Members with deciding what they wish to include on their work programme. This template requires the following points to be considered-

- o **What the Issue Is**
- o **Where it has come from-** for example it could be a carry over item from last year's panel, a suggestion from a Councillor or member of the public or it could be a new item officers are aware of that is coming up this year,
- o **Why it is important-** with limited time available to Members they need to be able to prioritise their work and concentrate on those things that really matter.
- o **Who it affects-** Does it impact on any particular ward or user group? Does it concern partner agencies or staff groups? Any potential equalities issues may be highlighted here if the item is likely to have a disproportionate affect on any particular group.
- o **How can scrutiny add value-** What specifically can Scrutiny do? E.g. provide feedback and recommendations ahead of a Cabinet (or partner executive) decision, support the development of policy, service review, public engagement

- etc. Suggestions have also been made here for it the item is particular suited to a particular method of scrutiny such as a working group or value for money review.
- o **Timings-** This will highlight any critical timings that would need to be taking into consideration such as statutory deadlines which would dictate when scrutiny would need to have considered the item by if they are to have any valuable input

The items highlighted at appendix one are not an exhaustive list, but only those that it is possible to provide in advance of the meeting. Members should consider these alongside any items they wish to raise themselves and use them to develop a balanced work programme that concentrates on what is important to them and on where they believe they can make a difference.

Appendix Two is a copy of the forward plan for June to September 2012.

Proposed Items for Scrutiny Work Programme

Issue	Local Healthwatch and NHS Complaints Advocacy					
Who from	Previous years panel	Individual Member	Officer	Public	Other Council Committee	Other
Why is it important?	<p>The Health and Social Care Bill gained Royal Assent to become the Health and Social Care Act 2012 on 27th March 2012. The Act requires the Council to commission a Local Healthwatch organisation by April 2013, and to take over responsibility for delivering an NHS Complaints Advocacy service (currently provided regionally by the Department of Health).</p> <p>Local Healthwatch is intended to be the new consumer champion for health and social care. It will replace the current Local Involvement Network (LINK) arrangements and have many of the same functions, including involving and engaging service users and exercising 'enter and view' powers. It will also take on additional responsibilities, including the 'signposting' elements of the Patient Advice and Liaison Service, reporting local experiences to HealthWatch England (due to be established by October 2012), and be represented on the local Health and Wellbeing Board.</p> <p>The Act requires that the Local HealthWatch organisation will be a body corporate carrying out statutory functions and will be required to be a 'social enterprise'. The Council's Procurement Team have advised that any tendering process for the new body will be required to meet EU Procurement Rules as the expected value of the contract for the new body will exceed EU tender thresholds.</p>					
Who does it affect?	Walsall residents, organisations providing health and social care services to Walsall residents.					
Who needs to be involved?	<p>In consultation: Walsall residents, community organisations (particularly members of the LINK and MyNHS) and health and social care service providers.</p> <p>For procurement: Procurement, Legal Services, Communication and Partnership & Community Development</p>					

	teams.
How can scrutiny add value?	The Health & Performance Scrutiny Panel have requested sight of the draft specification for Local Healthwatch (see below).
Timings	<p>Authority to start the procurement process was given by Cabinet 4 April 2012. The Council will undertake a public consultation on aspects of the Local Healthwatch organisation and delivery that are amenable to local control. Stakeholder consultation has commenced, and wider public consultation is likely to start in late June 2012. This will inform the development of a tender specification expected to be issued in September 2012. Any subsequent appointment will be subject to Cabinet approval, and it is anticipated that this will be sought in December 2012, to allow lead-in time for the establishment of the new body.</p> <p>The Panel is asked to note that this Briefing is based on the best available information to date and that guidance may change. Secondary legislation, making further Regulations about the role and functions of Local HealthWatch, is not expected until November 2012. Final funding allocations for Local HealthWatch will not be made until the Autumn Statement.</p>
Performance Information	Commissioning Local Healthwatch and an NHS Complaints Advocacy service are statutory responsibilities and are required to be in place by April 2013.

Proposed Items for Scrutiny Work Programme

Issue	Changes to social care legal framework					
Who from	Previous years panel	Individual Member	Officer ✓	Public	Other Council Committee	Other
Why is it important?	<p>The law governing the arrangement and provision of adult social care has grown by accretion since the National Assistance Act 1948. It has become an overly complex and confusing patchwork of primary and secondary legislation and ministerial guidance.</p> <p>In May 2011 the Law Commission recommended new primary legislation to consolidate and bring up to date the duties of local authorities with respect to adult social care, including the safeguarding of vulnerable adults and older people.</p> <p>The Queen's Speech of May 2012 included a draft Social Care Bill to be introduced in the current session of parliament.</p>					
Who does it affect?	<p>Everyone needing or likely to need adult social care support or services.</p> <p>Vulnerable adults and older people experiencing, or at risk of, abuse or neglect.</p>					
Who needs to be involved?	Users of services and their carers, elected members, council officers, partner agencies and service providers.					
How can scrutiny add value?	The content of adult social care legislation is fundamental to the operation of key council services, the expenditure of a substantial proportion of the council's budget, and the prospects and outcomes for vulnerable adults and older people in Walsall. The implications and progress of change are suggested as important issues for Scrutiny.					
Timings	Uncertain. Dependent on the introduction and progress of the draft Bill in the current parliamentary session, and a substantive Bill in the next session.					

Performance Information	Timescales yet to be clarified. Success measures will be dependent on the content of the Bill.

Proposed Items for Scrutiny Work Programme

Issue	Personalisation					
Who from	Previous years panel	Individual Member	Officer	Public	Other Council Committee	Other
Why is it important?	Personalisation is a national programme aimed at creating more individual choice in the way people receive their care. The Department of Health has stated, "personalisation of social care services means that every person who receives support whether provided by statutory services or funded by themselves, will have choice and control over the shape of that support in all care settings".					
Who does it affect?	Local citizens in receipt of care or support.					
Who needs to be involved?	The personalisation working group.					
How can scrutiny add value?	To review the implementation of the recommendations identified in the personalisation working group report.					
Timings	The implementation of Personalisation will be ongoing throughout 2012/13					
Performance Information	A number of targets exist for implementation of the programme.					



Walsall Council

FORWARD PLAN OF KEY DECISIONS

**Civic Centre,
Darwall Street,
Walsall, WS1 1TP
www.walsall.gov.uk**

11 May 2012

FORWARD PLAN

The forward plan sets out decisions that are termed as “key decisions” which the Executive (Cabinet) intend to take over the following 4 months. Preparation of the forward plan helps the Council to programme its work. The purpose of the forward plan is to give plenty of notice and an opportunity for consultation on the issues to be discussed. The plan is updated each month with the period of the plan being rolled forward by one month and republished. The plan is available for public inspection at the Civic Centre Reception, Darwall Street, Walsall. Copies of the plan can be obtained from John Garner, Democratic Services, Walsall MBC, Civic Centre, Darwall Street, Walsall, WS1 1TP, 01922 653500 or e-mail cabinetoffice@walsall.gov.uk. The forward plan can also be accessed from the Council’s website at www.walsall.gov.uk. The Cabinet are allowed to make urgent decisions which do not appear in the forward plan.

Please note that the decision dates are indicative and are subject to change. Please contact the above addressee if you wish to check the date for a particular item.

Cabinet responsibilities are as follows:

- Leader of the Council
- Deputy Leader and Regeneration
- Business support services
- Children’s services
- Communities and partnerships
- Finance and personnel
- Leisure and culture
- Social care and housing
- Transport and environment

The Cabinet agenda and reports are available for inspection by the public 7 days prior to the meeting of the Cabinet. The papers can be seen at First Stop Shop at the Civic Centre, Walsall. The papers are also available on the Council’s website referred to above shortly before the meeting. Background papers are listed on each report submitted to the Cabinet and members of the public are entitled to see these documents unless they are confidential. The report also contains the name and telephone number of a contact officer. These details can also be found in the forward plan.

Meetings of the Cabinet are open to the public and take place in Conference Room 2 at the Council House, Walsall. Occasionally there are items included on the agenda which are confidential and for those items the public will be asked to leave the meeting.

The forward plan does not list all decisions which have to be taken by the Cabinet only “key decisions” which are those decisions which have a significant effect within the community or which involve considerable expenditure or savings. The Council’s Constitution defines a key decision as an executive decision which is likely:

- “(1) to result in the Council in incurring expenditure which exceeds that included in any approved revenue or capital budget or the limits set out within an approved borrowing or investment strategy and was not the subject of a specific grant;
- (2) to result in the Council incurring expenditure, or the making of savings, which are equivalent to or more than 5% of any approved revenue budget or 10% of any capital budget, whichever is the lower, subject to a de minimus level of £50,000;
- (3) to be significant in terms of its direct effects on communities in an area comprising two or more wards in the Borough.”

Dates of Cabinet meetings for 2012/2013 *(To be approved at Adjourned Council 23 May 2012)*

**FORWARD PLAN OF KEY DECISIONS
JUNE TO SEPTEMBER 2012 (11.5.12)**

1	2	3	4	5	6	7
Reference No./ Date first entered in Plan	Key decision to be considered (to provide adequate details for those both in and outside the Council)	Decision maker	Background papers (if any) and Contact Officer	Main consultees	Contact Member (All Members can be written to at Civic Centre, Walsall)	Date item to be considered
7/12 (13.2.12)	Civil enforcement of bus lane contraventions: Approval and publication of charges (within legislative constraints) to be applied for enforcement of bus lane contraventions and approval to enter into an agreement with the Bus Lane Adjudication Service Joint Committee	Cabinet	Paul Leighton 652458	Finance, legal services	Transport and Environment portfolio	13 June 2012
11/12 (13.2.12)	Building Control service: Whether to approve the joint provision of the Council's local authority building control service with Birmingham City Council's wholly owned Company ACIVICO via its Special Purpose Vehicle Acivico Building Consultancy	Cabinet	David Elsworthy 652409 Mark Skidmore 652444	Legal services, finance	Regeneration portfolio	13 June 2012
17/12 (11.5.12)	Black Country Enterprise Zone – Darlaston Site Investigation Strategy: To agree retrospective approval of the growing places fund bid for grant funding and for the Council to act as the accountable body	Cabinet	Jo Nugent 652483 Caroline Glover 653692	Legal services, finance, procurement	Regeneration portfolio	13 June 2012
18/12 (11.5.12)	Noirit Site infrastructure project: To agree retrospective approval of the growing places fund bid for grant funding and for the Council to act as accountable body	Cabinet	Richard Chadwick 652576 Caroline Glover 653692	Legal services, finance, procurement, property services, planning	Regeneration portfolio	13 June 2012

19/12 (11.5.12)	Bringing the Turner Prize to Walsall in 2015: To approve the submission of an expression of interest and work towards the development of a bid for the New Art Gallery to host the Turner Prize in 2015	Cabinet	Sue Grainger 650338 Stephen Snoddy New Art Gallery		Leisure and culture portfolio	13 June 2012
20/12 (11.5.12)	Creative people and places fund: The fund is administered by the Arts Council to encourage more people to experience and be inspired by the arts and focuses on areas where involvement in art is significantly below national average. Walsall has submitted a bid on a behalf Black Country Arts Consortium for £3m over 3 years to engage local communities in Walsall, Wolverhampton and Sandwell. To agree that the Council act as accountable body for this grant should the bid be successful.	Cabinet	Sue Grainger 650338	Black Country Arts Partnership, Black Country Arts organisations, legal, finance	Leisure and culture portfolio	13 June 2012
56/11 (12.10.11)	University Technical College - full business case: Approval of delegated authority for the Director of Children's Services or Director of Regeneration to approve the full business case and contract award for the development of the technical college at the former Sneyd School site	Cabinet	Kevin Kendall 471259	Finance, legal services	Regeneration portfolio	25 July 2012