
**Manchester City Council
Report for Resolution**

Report To: Resources and Governance Overview and Scrutiny
Committee – 21 May 2009

Subject: Work Programme 2009/10

Report of: City Solicitor

Summary

This report is provided to assist the Committee to select topics for inclusion in the Committee's work programme for 2009/10.

Recommendations

That the Committee:

1. Considers the information set out in this report
 2. Identifies topics for investigation during the coming year
 3. Request that the Chair of the Committee, in consultation with the relevant officers, draft a work programme based on topics raised in this meeting and returned topic suggestion forms
 4. Agrees the programme, membership and terms of reference for the Governance and Human Resources Sub Groups.
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Background documents (available for public inspection):

None

Appendixes

1. Existing Work Programme
2. Terms of Reference for the Human Resources Sub Group
3. Terms of Reference for the Governance Sub Group

1.0 Introduction

- 1.1 The Resources and Governance Overview and Scrutiny Committee has a central role in contributing to the improvement of outcomes for Manchester residents.
- 1.2 By representing the views of local people about the services they receive and providing democratic accountability for the delivery of the Community Strategy and Local Area Agreement, the Committee can influence important issues affecting Manchester residents, regardless of which agency is responsible for delivering them.
- 1.3 A balanced and effective work programme will enable the Committee to dedicate its time and resources to those areas where it can have the greatest impact. It will help members to commission relevant information, be it from written reports or witnesses, which will assist the Committee in formulating recommendations which support the council and its partners to achieve the goals for the city.

2.0 The Work Programme

- 2.1 The Overview and Scrutiny process is led by elected Members and is an important part of the decision-making process.
- 2.2 The Resources and Governance Overview and Scrutiny Committee has a number of responsibilities as part of its role in challenging and supporting decision-makers:
 - representing the interests, views and wishes of Manchester residents;
 - scrutinising how the City Council and the Manchester Partnership are using their resources in a way that provides the greatest value for money;
 - holding the City Council's Executive to account and reviewing Executive decisions
 - championing the principles of strong and effective governance across the City Council and Manchester Partnership;
 - scrutinising the work of the Manchester Partnership in delivering the Community Strategy
 - helping to develop new policies and reviewing existing ones
 - monitoring performance
- 2.3 The Committee is not obliged to consider every topic within its remit during the course of the municipal year and in order to discharge its responsibilities effectively, the Committee should select only those topics to which it can make a real difference. Guidance on prioritising topics for the work programme is set out below (See point 2.25).

Remit of the Resources and Governance Overview and Scrutiny Committee

2.4 Issues within the remit of the Resources and Governance Overview and Scrutiny Committee are:

- Corporate Finance
- Human Resources
- Governance
- Manchester Improvement Programme
- Corporate Audit and inspection Reports
- Revenues and Benefits
- IT
- Capital Programme
- Those functions not falling within the remit of other Overview and Scrutiny Committees

2.5 The Committee also has responsibility for overseeing the work of the Manchester Board and Public Service Board.

Work Programme Sources

2.6 By gathering topic ideas from a broad range of sources, the Committee can make informed decisions about which topics it would like to influence and evaluate over the next twelve months.

2.7 Examples of information sources that may assist the Committee to identify potential work programme topics include:

- Suggestions from elected members, members of the public, the Executive, Council officers and partner organisations
- Work programme of the Manchester Board and Public Service Board
- Forward Plan of Key Decisions
- Local Area Agreement
- Service and Business Plans
- Performance Monitoring Information
- Audit and Inspection Reports
- National and regional policy developments and initiatives

2.8 An Overview and Scrutiny Topic Suggestion Form was sent out to elected members with this set of papers. Members are invited to bring completed suggestion forms with them to this meeting. These will be discussed in the pre-meeting before the Committee and summarised during this item. Additional copies of suggestion forms can be obtained by contacting the contact officer for this report.

2.9 Topics can also be added to Overview and Scrutiny Work Programmes through the call in process and the new Councillor Call for Action (CCfA).

New powers for Overview and Scrutiny Committees

- A) Councillor Call for Action
- 2.10 Councillor Call for Action (CCfA) is a new tool at members' disposal that allows local concerns to be brought before a Scrutiny Committee where they cannot be resolved by other means.
- 2.11 A CCfA can be raised by a Councillor in relation to any local government matter or local crime and disorder matter in their ward. A local government matter is one which relates to the discharge of any function of the authority. A local crime and disorder matter is one which concerns crime and disorder (including anti-social behaviour) or the misuse of drugs, alcohol or other substances.
- 2.12 Some matters are excluded by law from the term 'local government matter' and therefore cannot be raised as a CCfA. These include: -
- a) Where the matter relates to a planning decision
 - b) Where the matter relates to a licensing decision under the Licensing Act 2003 (this mainly covers licenses to sell alcohol.)
 - c) Where the matter relates to processes that are subject to a statutory right of appeal.
 - d) Where the matter is vexatious, discriminatory or not reasonable.
- 2.13 However, it should be noted that a matter which would otherwise be excluded because it relates (a), (b) or (c) above, can be raised as a CCfA if it consists of an allegation that the function for which the Council is responsible has not been discharged at all or that its discharge has failed or is failing on a systematic basis.
- 2.14 The Chair of the Committee in consultation with the City Solicitor will decide if the matter is vexatious, discriminatory or not reasonable.
- 2.15 A CCfA can be made by submitting a written notice to the Chief Executive signalling your intention to make the CCfA, and setting out what the issue is, and what attempts have been made to resolve it. The notice should also state why you feel it is appropriate that the matter should be handled as a CCfA and what outcome you hope to obtain by raising it.
- 2.16 The new powers give members a right to place the Call for Action on the agenda of Overview and Scrutiny Committee with the appropriate remit. If the CCfA relates to a local crime and disorder matter it will be placed on the agenda of the Council's Crime and Disorder Committee, (this is the Citizenship and Inclusion Overview and Scrutiny Committee).
- 2.17 If the CCfA is received 4 weeks or more before the next scheduled meeting of the appropriate Overview and Scrutiny Committee it will be

added to the agenda of that meeting. If its is received less than 4 weeks before the next scheduled meeting of the Committee it will be added to the agenda of the following meeting. This period will allow sufficient time for information to be brought to the Committee detailing the circumstances relating to the CCfA.

2.18 At the agenda-setting meeting of the Committee there will be a discussion about what information the Committee requires to address the CCfA. The written notice to the Chief Executive will be submitted to the Committee.

2.19 The Committee will hear the reasons for the Call for Action and what attempts have been made to resolve the issue. The Committee will then discuss the Call for Action and make a decision on whether it wishes to consider the matter any further. In making this decision the Committee may wish to consider the following: -

- Is the matter an individual complaint that would be better addressed initially through the Council's complaints procedure?
- Does the matter represent an individual's own personal agenda or a 'hobby horse' issue, which does not affect their local community?
- Have there been attempts to resolve the issue through local service managers or partnership bodies, such as community safety co-ordinators or neighbourhood partnerships or, if that proved unsuccessful, the appropriate Executive Member?

2.20 The Home Office will be issuing guidance on the application of the CCfA as it relates to local crime and disorder matters. This report has been written prior to the issue of this guidance. If the guidance issued by the Home Office has a significant impact on the procedure as set out above this will be reported to Overview and Scrutiny Committees at their meetings in June.

2.21 A series of seminars for Councillors will be organised to describe the new power and its possible uses and to answer any questions members have. This will be held on the following dates: -

- 19th May at 1:00 (Conference Hall)
- 20th May at 12:30 (Banqueting Hall)
- 21st May at 1:00 (Banqueting Hall)

Lunch will be provided during these seminars.

B) Duty to Respond to Overview and Scrutiny Recommendations

2.22 Overview and Scrutiny Committees now have the power to make recommendations to the Executive or Council and require a response indicating what action (if any) they propose to take.

2.23 Overview and Scrutiny Committees also now have the power to make recommendations to certain partner authorities that relate to a local

improvement target included in the Local Area Agreement. The Committee can require a response indicating what action (if any) the partner proposes to take.

- 2.24 Although these are new powers they were adopted on a voluntary basis and have been used for the past year. Responses to recommendations made in this way will continue to be reported back to Overview and Scrutiny Committees via the Information and Overview Reports.

Prioritising Topics

- 2.25 The Work Programme should support the Committee to contribute to the delivery of the City Council's and its partners' shared aims and objectives, as set out in the Community Strategy.
- 2.26 By concentrating on those issues that are of strategic importance to the City Council and its partners, the Committee can help to reflect the needs and wishes of local communities before decisions are taken. This will maximise the influence of Overview and Scrutiny and ensure that the most benefit is made from the available time and resources.
- 2.27 The City Council and some of its partners have a formal duty to respond to reports and recommendations made by Overview and Scrutiny Committees setting out what, if any, action they propose to take. Priority should therefore be given to those topics where there is a potential to make recommendations that can make a real difference.
- 2.28 Past experience suggests that Overview and Scrutiny is most effective when it looks at fewer issues in more depth. This will ensure that Members have sufficient time to give full consideration to key issues and to gather and evaluate evidence from different sources, including external witnesses. A maximum of three substantial items per meeting is suggested so that each one can be fully explored.
- 2.29 The Committee may also wish to take the following factors into account in selecting topics for the work programme:
- A) Does the topic relate to one of the Council's key priorities in the Community Strategy?
 - B) Will scrutiny lead to better outcomes for services to people in Manchester?
 - C) Are there widespread public concerns about the service or topic?
 - D) Will scrutiny contribute to the formulation of future plans or strategies?
 - E) Is the issue likely to be of interest to members of the public?

F) When is the best time to look at this issue?

G) Would it be better to refer the topic to be considered elsewhere?

Implementing the Work Programme

2.30 The Work Programme should be flexible enough to respond to changing needs and priorities: it is likely the Committee will still occasionally be required to respond to issues at short notice. Members will therefore need to review the work programme on a monthly basis.

2.31 An up to date version of the Committee's work programme will continue to be submitted to every meeting as part of the Information and Overview report. This will provide an opportunity for all members of the Committee to shape and influence the Committee's work. Members of the Committee wish to propose additional items, fact-finding visits, inviting external witnesses that may help the Committee in its work or suggestions for how the public could be involved in scrutiny work.

3 Sub Groups

3.1 The Resources and Governance Overview and Scrutiny Committee has established two groups of its members to undertake more detailed scrutiny of important issues than is possible during the course of a Committee meeting. These sub groups are named the Governance Sub Group and the Human Resources Sub Group.

3.2 At its meeting of the Overview and Scrutiny Co-ordinating Group on 12 March 2009 it was agreed that all meetings of sub groups should be open to the press and public and that papers should be publicly available in advance of the meeting except where the group is considering information which is confidential or exempt from publication.

3.3 This report includes the Terms of Reference for the Human Resources and Governance Sub Groups. The Terms of Reference sets out the membership of the sub group, the scope of its work and its future work programme including dates of meetings for the year ahead. The Terms of Reference also includes details of how the meetings and papers for the meeting will be made publicly available. The Committee is asked to nominate members to the Sub Groups and amend and approve the Terms of Reference included as appendixes.