

Subject:	Relationship between Overview and Scrutiny and the Local Strategic Partnership		
Date of Meeting:	14 July 2009		
Report of:	Director of Strategy and Governance		
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Wards Affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report presents a recommended model for developing the relationship between the Council's Overview and Scrutiny function and the Local Strategic Partnership.

2. RECOMMENDATIONS:

- (1) That Members agree the proposed ways of working as set out in paragraph 3.26 of the report.

3. BACKGROUND INFORMATION

- 3.1 Increasing importance is being placed on partnership working in the delivery of Council and city-wide priorities. The opportunity therefore exists to move the Council's O&S function away from being essentially inward looking to becoming a 360 degree tool that looks at issues as they affect the City, rather than as the council delivers services. Put another way O&S needs to be place, not just service, based.
- 3.2 This necessitates improved coordination between O&S and partners in the Local Strategic Partnership (LSP) and increased involvement in monitoring the associated Local Area Agreement (LAA). Similarly O&S can have a key role relating to the Comprehensive Area Assessment.

Legislative Framework

- 3.3 Sections 121 and 122 of the Local Government and Public Involvement in Health Act 2007 establish new powers for overview and scrutiny in

relation to partner organisations.¹ In essence Council Overview and Scrutiny Committees will be able to:

- Scrutinise LAA targets
- Require information from partner organisations involved in delivering LAA targets
- Require partners to 'have regard to' scrutiny recommendations

3.4 Consideration therefore needs to be given as to how best O&S and local partners and partnerships can work together. The Council and its partners have an opportunity to consider the best way in which these powers can be implemented locally prior to national regulations and guidance being published.

3.5 Agreed ways of working should be applicable to all partners and build upon the good working relationships that already exist in Brighton and Hove, rather than national legislation.

3.6 It should be noted that scrutiny of NHS organisations and the Police is covered by separate legislative provision and is the remit of HOSC and ECSOSC respectively.

The Local Strategic Partnership

3.7 The LSP is a multi-agency body that brings together representatives from the public, private, community and voluntary sectors. The LSP is not an executive body but exists to liaise between partners and coordinate the agreement of local priorities that form the LAA.

3.8 The LSP has a number of thematic groups:

- Advice Services Strategy Group (ASSG)
- Arts Commission, Brighton & Hove
- Crime & Disorder Reduction Partnership (CDRP)
- Children & Young People's Trust Partnership (CYPT)
- Economic Partnership, Brighton & Hove
- Healthy City Partnership
- Learning Partnership, Brighton & Hove
- Strategic Housing Partnership (SHP)
- Stronger Communities Programme Partnership
- City Sustainability Partnership
- City Inclusion Partnership

3.9 The LSP is responsible for developing the Sustainable Community Strategy. This sets out the long term vision for Brighton and Hove, backed by action plans to achieve it.

¹ Regulations and guidance on the implementation of Section 121 and 122 of the LGPIHA 2007 have not yet been published.

- 3.10 O&S needs to respond to the increasing importance of partnership working and develop an approach that includes examination of LSP/LAA/Sustainable Community Strategy issues.

Comprehensive Area Assessments

- 3.11 The introduction of Comprehensive Area Assessments (CAA) presents similar opportunities and challenges to Overview and Scrutiny.
- 3.12 The process for CAA is very different to the CPA inspection regime it replaces with the focus being on-going dialogue about priority areas for improvement and performance monitoring published in an annual report. The CAA will pay particular attention to the achievement of the ambitions set out in the Sustainable Community Strategy and the LAA
- 3.13 The Centre for Public Scrutiny identifies key stages of the CAA where O&S could potentially provide a key role:
- CAA asks how well the council and its partners understand the area and community's needs in defining the goals of public services: an understanding to which scrutiny reviews can contribute
 - It assesses how well these goals are being delivered by a range of public services: an assessment to which new LAA scrutiny powers are central
 - It involves a regular dialogue about the area's achievements: this may raise issues of concern which scrutiny enquiries could investigate
 - It will take into account the self evaluation which Councils and LSPs are encouraged to carry out: a self evaluation which overview and scrutiny is well-placed to support
 - The CAA report will highlight problem areas which need attention: follow-up work by O&S could investigate possible solutions ²
- 3.14 Targets on issues such as climate change, health inequalities, worklessness, need new ways of thinking about solutions, which good scrutiny reviews are able to provide. It is important to encourage partners to understand the potential benefits of scrutiny: as a tool of improvement, and a means to generate ideas and solutions.
- 3.15 Examples of O&S looking at these crosscutting issues already exist. An ad hoc panel is investigating Climate Change Adaptation in relation to National Indicator 188, an issue that will need to be addressed across the LSP partnership not just by the Council. Similarly the review of Environmental Industries – Capturing the potential and economic benefits for Brighton & Hove is another example of this work.

² <http://www.cfps.org.uk/news/scrutiny-news/local-government/?id=78>

- 3.16 There are various levels in which scrutiny could contribute further: by reviewing the needs of the City; in-depth reviews on particular issues and targets including asking more forward-looking questions; supporting Members in reviewing performance data relating to specific LAA targets; reviewing the needs of particular sections of the population.
- 3.17 O&S Committees should consider the CAA report and utilise its findings to identify issues requiring in-depth reviews: both in the work of the Council and partners. This would demonstrate a constructive local response to criticism, with the Council taking in the lead in driving improvement.

Working Better Together

- 3.18 In April 2009 the Audit Commission published a short paper that posed six key questions relating to the role of O&S in LSPs:
- How well do elected members communicate back to their executives, councils, and party groups?
 - How well do elected members on overview and scrutiny challenge your LSP and its partners?
 - How effective is the policy development role of overview and scrutiny in influencing joint working through the LSP?
 - How robust is your LSP's (and partners') approach to delivering performance against LAA targets?
 - How does the LSP ensure there is accountability, through its member organisations, for its actions?
 - How well are elected members involved in challenging LAA performance through the scrutiny process?
- 3.19 Response to these questions and the issues outlined in the previous sections are contained in the section below and in the final recommendations.

Developing the Relationship

- 3.20 Partner agencies need to be aware of the new powers afforded to O&S and how they can engage with the Committees. There are real benefits to developing a successful relationship between the Council's partners and the O&S function, not least an increased local democratic accountability of partnerships and partner organisations.
- 3.21 It is also necessary to ensure that areas of work that are identified as priorities within O&S are not already being looked at by other partners. Coordination and avoiding duplication of effort can be easily achieved through improved information flows both internally within the Council and with the LSP.

- 3.22 Understanding by partner organisations of the O&S function will allow the LSP to suggest areas where O&S could undertake forward looking policy development work for the LSP or one of its themed groups, or if a problem area is identified a scrutiny review of the issue. There should be a synergy between O&S work programmes and Council and LSP priorities.
- 3.23 Care should however be taken that O&S does not negatively impact upon the good relations currently enjoyed with our local delivery partners. Building relationships and shared understanding of the role of O&S with the individual partners and partnerships should go a long way to achieving this.
- 3.24 O&S Committees already receive Local Area Agreement performance data. Thought needs to be given as to how best to tie this monitoring role with a wider scrutiny role with the LSP.
- 3.25 Whilst the performance of the LSP could be a topic for scrutiny there seems to be limited utility in this approach, rather the focus should be on specific issues or policy areas. Similarly O&S should not be looking to scrutinise the performance of partner organisations, this would be unhelpful and counterproductive.
- 3.26 Set out below are a number of recommendations that should help to develop the role of scrutiny within the LSP:
1. Overview and Scrutiny Committees continue to receive quarterly performance reports on the LAA.
 2. The Chair of the LSP is invited to the Overview and Scrutiny Commission once a year to provide an overview of the priorities and achievements of the LSP.
 3. The Chairs of each of the Thematic LSP Groups are invited to attend the relevant O&S Committee once a year.
 4. That the LSP be invited to suggest items for the O&S work programme including in-depth reviews into specific areas of work.
 5. When undertaking work-planning O&S Committees take into account the work of the relevant LSP themed groups and actively consult with them. This is especially relevant when looking to establish a scrutiny panel.
 6. That the possible roles of O&S in relation to the CAA be considered.

7. That the Head of Overview and Scrutiny attends the Partnership Managers Group and provides regular updates to that group.
8. O&S undertake a desk based review of good practice with regard to LAA/Scrutiny as part of a wider study of the O&S function.

4. CONSULTATION

- 5.1 Consultation has taken place with the Chair of the Overview and Scrutiny Commission. This paper has also been tabled at the LSP meeting on the 15th July.

5. FINANCIAL & OTHER IMPLICATIONS:

5.1 Financial Implications:

The changes proposed are not expected to increase resource requirements and can therefore be met within the existing budget.

5.2 Legal Implications:

One of the responsibilities of the O&S Commission is to scrutinise the effectiveness for partnership working including the LSP, specifically in relation to the Local Area Agreement. (Part 6.1, section 2.1.7 of the council's constitution refers)

The legislation referred to in 3.3 above came into effect on 1 April 2009. The equivalent legislation in relation to crime and disorder matters is section 19 of the Police and Justice Act 2006; and in relation to health matters is section 244 of the National Health Service Act 2006.

5.3 Equalities Implications:

Equality issues fall under the remit of the Overview and Scrutiny Commission. Regular updates on equality issues are included on the Commission's work plan. Improved coordination with the LSP will help the Commission look at work undertaken on equalities across the City.

5.4 Sustainability Implications:

Sustainability is a key theme for both the LSP and O&S; ensuring improved working links will help promote the sustainability agenda.

5.5 Crime & Disorder Implications:

ECSOSC and the Community Safety Forum have an agreed protocol as to how and when crime and disorder issues are dealt with.

5.6 Risk & Opportunity Management Implications:

Developing the relationship between O&S and the LSP presents real opportunities to help drive improvements within the Council and across the LSP. Failure to do so will limit the importance of O&S.

5.7 Corporate / Citywide Implications:

O&S has an important role in supporting the Council and the LSP deliver their key objectives. The issues that O&S looks at should seek to improve the quality of life for people across the City; the LSP can help O&S identify which issues it should focus on.

