

**OVERVIEW AND SCRUTINY MANAGEMENT BOARD**  
**13th April, 2012**

Present:- Councillor Whelbourn (in the Chair); Councillors Falvey, J. Hamilton, Hughes, Jack, G. A. Russell, Steele and Whysall.

Apologies for absence:- Apologies were received from Councillors Gilding and License.

**169. DECLARATIONS OF INTEREST**

There were no Declarations of Interest to report.

**170. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS**

There were no members of the public or press present at the meeting.

**(THE CHAIRMAN AUTHORISED CONSIDERATION OF THE FOLLOWING ITEM IN ORDER TO PROCESS THE MATTER REFERRED TO)**

**171. SCRUTINY UPDATE AT FULL COUNCIL**

The Chairman advised the Management Board that the next Scrutiny Update at Council was due to take place on Friday, 18<sup>th</sup> May, 2012, which was the Annual Council Meeting.

It was, therefore, suggested that this update be deferred and that it be taken in conjunction with the Annual Scrutiny Report, which was to be presented to the meeting scheduled to take place on Wednesday, 25<sup>th</sup> July, 2012.

Resolved:- That the update be deferred and this be included as part of the Annual Scrutiny Report in July, 2012.

**172. HEALTH INEQUALITIES SCRUTINY REVIEW - BMI>50**

Consideration was given to a report presented by Councillor Steele and Kate Green, Scrutiny Officer, which set out how Rotherham had been involved in a programme of work with the Centre for Public Scrutiny (CfPS) to look at the way in which scrutiny could be used to help tackle health inequalities at a local level.

Being part of this project involved undertaking a scrutiny review looking at an issue in relation to health inequalities; Rotherham chose to look at the quality of life and services provided for people with a BMI > 50.

As identified by the review findings, services in relation to people with a BMI >50 were not always as fully co-ordinated as they could be and there were issues with the sharing of data and information. If some of these issues could be addressed through simple measures, there could be a positive outcome and improved quality of life for people out in the community, as well as potential efficiency savings for organisations.

The Management Board welcomed this report, key findings and its contents and the data and information that had been obtained from various organisations and suggested that this also be submitted to the Health and Wellbeing Board for their information and the relevant Elected Members kept fully informed. The Health Select Commission would continue to monitor the outcome of this review, some of which had already commenced.

The Review Group developed a set of recommendations to address some of the issues that have been presented and which were divided into three elements. One of the issues arising from this review was around the sharing of data across organisations, which was resulting in protocols being worked on with the various organisations.

The Management Board asked a range of questions, which were answered, relating to the movement and handling of people with a BMI>50 and the negative press this review had received.

Resolved:- (1) That all those involved in the review be thanked for their input.

(2) That the report and the findings of the review as well as the evaluation of the review methodology used be noted.

(3) That the report be submitted to the Cabinet for approval.

### **173. PROPOSED POLICY STATEMENT FOR PART 2 OF THE LOCALISM ACT 2011 - GOVERNMENT CONSULTATION**

Consideration was given to a report presented by Steve Eling, Policy Officer, which set out how Part 2 of the Localism Act 2011(c. 20) provided a new discretionary power for the Government to require a public authority to pay all or part of any financial sanction imposed by the European Court of Justice for non-compliance [infraction] with any European obligation, where such a sanction had been imposed and the public authority demonstrably caused or contributed to that sanction.

Section 49 of the Act required the Government to consult on a policy statement on the application of Part 2. The report provided recommendations for a response to the Government's consultation.

Reference was made to the rationale for the process, the fact that there had never been any sanctions in the U.K., the involvement with Local Government and the three key principles.

The Management Board considered each of the consultation questions in turn and suggested that:-

- In relation to Question 4 that the Local Government Association and SIGOMA be included as stakeholders for this process.
- In relation to Question No. 7 concern be expressed how this would be put into practice.

- In relation to Question No. 12 concern about the arbitration process and should there be any sanctions.

Discussion ensued on the membership of an independent advisory panel and the selection process, the types of sanctions that could be imposed, although it was acknowledged that the U.K. had never received any such sanctions and the scope covered by the policy document,

The Management Board was sufficiently concerned to suggest that the Deputy Leader, in his consideration of the report on Monday, 16<sup>th</sup> April, 2012, request that any potential risks be identified and included in the Corporate Risk Register and that all risks and uncertainties be clearly identified in Section 9 of the report template in order to be fully prepared for any eventuality.

Resolved:- (1) That the recommended responses to the consultation questions as set out in the appendix to the report be noted.

(2) That the response to the consultation be submitted to the Deputy Leader for approval, subject to an addition to the response to Question 4 as follows:-

- That the Local Government Association and SIGOMA be specifically referred to as stakeholders for this process.

(3) That the Deputy Leader give consideration to arrangements being made to identify future risks for the Council arising from Part 2 of the Localism Act 2011 and include these in the Corporate Risk Register, identified in the "Risks and Uncertainties" section of reports and included in report writing guidance.

#### **174. YOUTH CABINET/YOUNG PEOPLE'S ISSUES.**

There were no items raised in relation to the Youth Cabinet or young people's issues.

However, the Scrutiny and Policy Manager confirmed that she was progress chasing what discussions had taken place to address concerns previously expressed by the Youth Cabinet about anti-social behaviour in parks and gangs of youths. Progress on this matter would be reported to the Management Board in due course.

#### **175. MINUTES OF THE PREVIOUS MEETING HELD ON 30TH MARCH, 2012**

Resolved:- That the minutes of the meeting of the Overview and Scrutiny Management Board held on 30th March, 2012, be approved as a correct record for signature by the Chairman.

Reference was made to Minute No. 162 (Government Consultations) and reports that the process had bypassed the Cabinet Member for Safeguarding Children and Adults.

The Scrutiny and Policy Manager agreed to investigate the position and ensure that Cabinet Members received the Government consultations for approval in line with their Cabinet portfolio and that all consultations received by the Council received the necessary attention.

The Chairman also confirmed that a meeting between the Cabinet/Scrutiny/Strategic Leadership Team had taken place and it was envisaged that these meetings would continue on a more regular basis. The issue of consultation responses had been raised at this meeting and the process would be reviewed in light of the concerns raised.

With regards to Minute No. 164 (Scrutiny Review of the Private Rented Sector) it was noted that this report had been passed to the Health and Wellbeing Board for their consideration to supplement the work taking place on fuel poverty. The seminar on fuel poverty, which was poorly attended, would be rescheduled and all Members would be encouraged to attend.

#### **176. WORK IN PROGRESS (CHAIRS OF SELECT COMMISSIONS TO REPORT)**

The Chairmen of the relevant Select Commissions provided updates and drew attention to:-

Self Regulation Select Commission:-

Work on improvements to the budget process were taking place, which was proving positive. There was to be a further update on the budget at the next meeting, which would be reported back to the Management Board in due course.

Improving Lives Select Commission:-

Further consultations had been considered at the last meeting of the Select Commission. It was noted that the Children and Young People's Directorate were receiving a high volume of consultations, which was very time consuming.

It was suggested that consideration be given to collaboration between Cabinet Members where consultation responses were cross cutting.

Discussion had also taken place on the work programme for the Select Commission and the level of work driven by the Cabinet when resources were being streamlined.

A further meeting of the Select Commission was to take place in two weeks time.

Health Select Commission:-

A joint meeting with the NHS was to be held to discuss further the Scrutiny Review into Continuous Care, which may have a large effect on the Local Authority.

Improving Places Select Commission:-

Work which was due to take place on the allocations/letting policy and the software used in Key Choices would be delayed and form part of the work programme early in the new municipal year.

Work had taken place looking at tourism in the Borough and a representative from the Yorkshire and Humber had attended the meeting to provide an update. A discussion had taken place on the value for money of Welcome to Yorkshire and the value for Rotherham now it no longer had a tourism section.

It had been suggested that a representative from Welcome to Yorkshire attend a future meeting and provide an update in due course.

**177. CALL-IN ISSUES**

There were no formal call-in requests.