



COMMUNITY SELECT COMMITTEE

Date: Wednesday, 7 March 2018
Time: 6.00 pm
Location: Shimkent Room - Daneshill House, Danestrete
Contact: Colin Sweeney on 01438 242706

Members: Councillors: S Mead (Chair), M Notley (Vice-Chair), J Brown, E Connolly, L Harrington, J Lloyd, J Mead, S Mead, A Mitchell CC, M Notley, C Saunders and G Snell

AGENDA

PART 1

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

To receive any apologies for absence or declarations of interest from Members.

2. MINUTES OF 7 FEBRUARY 2018

To approve as a correct record the minutes of the meeting held on 7 February 2018.

3. COMMUNITY SELECT COMMITTEE - SCRUTINY WORK PROGRAMME 2018/2019

The Committee to agree the Scrutiny Work Programme for the Select Committee for the 2018/2019 Municipal Year and to consider the issues raised by the Communities and Local Government Parliamentary Select Committee report entitled "Effectiveness of local authority overview and scrutiny committees."

4. URGENT PART 1 BUSINESS

To consider any Part 1 business accepted by the Chair as urgent.

5. EXCLUSION OF PUBLIC AND PRESS

To consider the following motions –

1. That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as described in paragraphs 1 – 7 of Part 1 of Schedule 12A of the Act as amended by Local Government (Access to Information) (Variation) Order 2006.

2. That Members consider the reasons for the following reports being in Part II and determine whether or not maintaining the exemption from disclosure of the information contained therein outweighs the public interest in disclosure.

6. URGENT PART II BUSINESS

To consider any Part II business accepted by the Chair as urgent.

NOTE: Links to Part 1 Background Documents are shown on the last page of the individual report, where this is not the case they may be viewed by using the following link to agendas for Executive meetings and then opening the agenda for Wednesday, 7 March 2018 – <http://www.stevenage.gov.uk/have-your-say/council-meetings/161153/>

Agenda Published – 27 February 2018

STEVENAGE BOROUGH COUNCIL

COMMUNITY SELECT COMMITTEE MINUTES

Date: Wednesday 7 February 2018

Place: Shimkent Room, Daneshill House, Danestrete, Stevenage

- Present:** Councillors: S Mead (Chair), M Notley (Vice-Chair), E Harrington, J Lloyd, J Mead, A Mitchell CC and G Snell
- In Attendance:** M Levi-Smythe (Graduate – HR & Organisational Development), D Panter (Mechanical and Electrical (M & E) Compliance Manager) and W Oglina (Empty Homes Manager)
- Start and End Time:** Start Time: 6:00 pm
End Time: 7:40 pm

1. APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors J Brown, E Connolly and C Saunders.

There were no declarations of interest.

2. MINUTES – 8 JANUARY 2018

It was **RESOLVED** that the Minutes of the meeting of the Community Select Committee held on 8 January 2018 are agreed as a correct record and signed by the Chair.

3. HOUSING ALLOCATIONS REVIEW – FINAL REPORT

The Scrutiny Officer informed Members that some of the papers for the meeting were being tabled, including responses to questions that Members had raised at the last meeting. Members expressed concern regarding the late submission of these papers and said that such a practice was not acceptable as it affected their preparations for meetings.

The Chair informed Members that the purpose of the review was to provide the Community Select Committee's input to the wider officer and Executive Portfolio Holder review of the Housing Allocations Policy.

With regard to Recommendation 5, Members sought clarification on the timescale for converting properties, living arrangements for families in properties earmarked for conversion and the design specifications of converted bedsits – particularly the position of windows - and requested a site visit to one of these schemes to see the before and after

transformation.

It was noted that there were myths about housing allocation and that these were not helped by a complicated policy and prospective bidders often not reading or understanding the available guidance. Members highlighted that future communication campaigns for the Housing Allocations Policy should be user-friendly and should include audio and visual methods.

With regard to Recommendation 7, it was confirmed that there were very few queries from bidders who wanted to find out their positions on respective bids. Members were informed that the majority of the queries were received from bidders who had been on the waiting list for a long period and who sought clarification on why their bids were not successful. The Empty Homes Manager stated that bidders were able to check their bid positions using the online self-service facility.

Members agreed that more needed to be done to manage the expectations of bidders. It was noted that there was no guidance on possible waiting times for each Band.

With regard to Recommendation 8, the Mechanical & Electrical (M.E.) Compliance Manager acknowledged that it was good practice to complete an up-to-date gas check on the property before a new tenant moves in and the gas to be approved and fully working prior to the tenant moving in. Members were informed that such a practice created a financial risk for the Council and provided few benefits for the new tenant. The M & E Compliance Manager outlined the council practice of capping gas supply as soon as a tenant moves out and supplies being restored within 24 hours of a new tenant contacting their preferred supplier. Members were informed that the main issue was having sufficient gas credit during the property transfer stage. This could have a financial cost to the Council if it were to adopt the Committee's recommendation.

Members agreed that circumstances of individual tenants should be taken into consideration and that new tenants should be given the option to have a fully working boiler at the point of their moving in and if this incurred a cost that the tenant be given the option to pay for this. Members expressed that their expectation is that boilers and heating be in fully working order on the first day of the tenancy particularly in view of the tenants either having children or wanting to decorate and fit carpets where a damp atmosphere is not suitable. Members also posed questions regarding timescales between a new tenant accepting the tenancy and the move in date. The Empty Homes Manager confirmed that under normal circumstances a tenancy started at the beginning of the week and it was highly unlikely that new tenants would be expected to start their tenancy on a Friday (or during the weekend).

Members highlighted a case that involved a tenant moving into a property that was in severe disrepair and had a faulty boiler. The M & E Compliance Manager confirmed that he was aware that the tenant had moved during

the weekend. The M & E Compliance Manager informed Members that this was a rare case given that it was one of just two incidents out of 800 properties that are capped annually.

Members sought clarification on audit arrangements for gas checks and the state of properties that still used solid fuel systems. In response to Members questions, the M & E Compliance Manager indicated that a third party was responsible for auditing gas safety checks. It was confirmed that information packs for new tenants included a recommendation that gas and electric cookers be fitted by qualified personnel. The M & E Compliance Manager brought to the attention of Members the arrangement by Nottingham City Homes to engage Energy Angels as a partner to advise tenants on energy price comparison.

Members noted that not all aspects of the review's scoping document had been addressed, such as the allocation of lead Member roles. However, the Chair stated that she was content that the key issues identified in the scoping document had been addressed within the review.

It was **RESOLVED** that the final report and recommendations be agreed with the following additions and amendments:

- Recommendation 3 be amended to “Priority should be given to under occupiers wishing to downsize their properties and to co-ordinate with over occupiers, with a review of the Bands to identify customers wishing to downsize and that when a move is possible, a realistic timeframe be established.”
- Recommendation 5 be amended to “That officers make alternative and improved use of hard to let sheltered accommodation that will have a positive impact on the current voids situation whilst maintaining suitable living standards.”
- Recommendation 7 be amended to include “That officers should stop the current practise of automatically informing bidders where their bid was within the top 50 bids, and that a narrative be used on the bidding website to explain the scenarios that are likely to result in multiple unsuccessful bids over a long period of time.”
- Recommendation 8 be amended to “In all cases of a new tenancy, an up-to-date gas check be completed on the property before the new tenant moves in and the gas to be approved and fully working prior to the tenant moving in. In the instances that a ‘one-off’ exception occurs, the tenant should be offered a suitable reduction in rent for the duration of not having a working gas supply.”
- An additional recommendation that officers publish an annual statement detailing allocations per band as a percentage of total allocations.
- An additional recommendation that officers to consider engaging a third party energy comparison partner such as Energy Angels to help tenants get the best energy deal.

4. URGENT PART I BUSINESS

None

5. EXCLUSION OF THE PRESS AND PUBLIC

Not required

6. URGENT PART II BUSINESS

None.

CHAIR

Meeting COMMUNITY SELECT COMMITTEE
Portfolio Area
Date 7 MARCH 2018



COMMUNITY SELECT COMMITTEE SCRUTINY WORK PROGRAMME 2018-19

Authors Stephen Weaver on ext. 2332
Contributors Jackie Cansick and Richard Protheroe
Lead Officers Stephen Weaver on ext. 2332

1 PURPOSE

- 1.1 To agree the Scrutiny Work Programme for the Select Committee for the new Municipal Year.
- 1.2 To consider the issues raised by the Communities and Local Government Parliamentary Select Committee – Effectiveness of local authority overview and scrutiny committees.

2 RECOMMENDATIONS

- 2.1 That Scrutiny Members' feedback on ideas for improving Scrutiny (see section 4) including their response to the Parliamentary Select Committee into the effectiveness of local authority overview and scrutiny committees (see section 4.6), be noted.
- 2.2 That having considered ideas put forward by individual Members, and from the public (see section 5), the Committee determines the subject matters to be added to a 'long list' work programme of potential Scrutiny reviews items for 2017/2018.

- 2.3 That consideration is given to including in the work programme, specific monitoring or review of recommendations from previous studies (see section 6.2).
- 2.4 That the policy development work identified so far for the Committee (see section 7.1) be noted.

3 BACKGROUND

- 3.1 Scrutiny Committees are asked to draft their work programme ahead of the new Municipal year in order that work may begin as soon as the Committees are appointed at Annual Council. Any outstanding and unfinished studies, where applicable, might also need to be included.
- 3.2 During January and February 2018 Members provided feedback on the current Scrutiny activity and on ideas for the Work Programme for the 2018/19 Municipal Year.
- 3.3 When considering what work to undertake in the coming year, Members may wish to consider if the matter in question is of a cross-cutting nature and might lend itself to being considered jointly with another Select Committee.
- 3.4 Officers have also been requested to bring to the Committee's attention, policy development items that the Select Committee might be requested to consider and comment on before reports there are submitted to the Executive.
- 3.5 The Committee may also consider whether specific time should be allocated for monitoring or review of recommendations of previous studies. It is recognised that there is a limited dedicated officer resource for the scrutiny work of three Scrutiny Committees and therefore it is important to ensure that work plans are in place in order that the call on those resources and on each Committee's time on all its activities are prioritised and evenly spread across the year.

4. MEMBERS' IDEAS FOR IMPROVING SCRUTINY

- 4.1 In January 2018, all Members of the Council's Scrutiny Committees were emailed a survey to gauge views of the Scrutiny work undertaken and ideas for future studies. The following summary is based on the eight replies received from the 22 Members who are on one or more of the Council's Scrutiny Committees.
- 4.2 Members were asked to comment on current scrutiny activity and any issues that could be addressed to improve the current arrangements. Members provided challenge around the following areas:
 - 4.2.1 Have a better range of witnesses (x2) - "I always think that it would be helpful to have a better range of witnesses, especially external, but appreciate this can be difficult to secure." and "More external witnesses and real life case studies."

- 4.2.2 Have more comprehensive responses from Portfolio Holders – “Better, more comprehensive responses from Portfolio Holders - Officers input during and after scrutiny has been of an excellent nature.”
- 4.2.3 Monitoring recommendations – “Revisiting all of the topics within a certain timeframe, as I know for example at least one of the recommendations has not been implemented for the Locality Budgets.”
- 4.2.4 Late submission of papers – “Scrutiny Members need time and resources to do the job properly. It is no good providing papers at the last moment.”
- 4.2.5 Revise Members taking lead roles on reviews – “We need to revise the intention where Members are given individual areas to cover within a scrutiny.”
- 4.2.6 Introduce debriefing sessions – “Introduce debriefing sessions following evidence gathering (which can be shorter meetings to discuss and digest information together).”
- 4.2.7 Scheduling of meetings – “Officers could do with being informed of known information about Members holidays and commitments prior to their setting.”
- 4.3 Members have also previously provided feedback following Scrutiny Member Training, this included the following points:
- The scrutiny process must be more Member-led and Members must take greater ownership
 - There must be time made available to engage in scrutiny investigations and information gathering. Time committed must be utilised efficiently
 - Members need to work on prioritisation
 - Members need to work on identifying sources of verbal and written evidence and assessing the value of them.
 - Members should review decisions post implementation
 - Members must feel able to challenge evidence presented
 - Any papers, reports and evidence must be presented in a timely way
Members can say that they won’t consider issues presented late
- 4.4 As part of the 2018 Members’ Survey, Members have provided the following comment and suggestions for Scrutiny Member Training:
- 4.4.1 Scrutiny Public Opinion Survey – “I would like to explore setting out a survey in which to collect public opinion – where relevant parties can respond to relevant questions relating to the scrutiny topic, the data from which can be used to supplement scrutiny findings”
- 4.4.2 Improved evidence taking and questioning
- 4.5 Annual Centre for Public Scrutiny Conference - The Scrutiny Officer and Councillor Jim Brown attended the annual Centre for Public Scrutiny Conference, where the following challenges were raised:

- 4.5.1 There was a strong emphasis on pre-decision policy development work with Scrutiny Committees, so to this end Stevenage is moving in the right direction with an increased emphasis on this.
- 4.5.2 Engaging the public in Scrutiny and in Policy Development is a challenge to all authorities and using digital platforms to achieve this is being pioneered by some authorities. Increased and meaningful public engagement can reduce the number of complaints
- 4.5.3 Challenging private partners who run services for local authorities is difficult but vital work which Members need to be prepared to do as they are protecting the public purse.
- 4.6 CLG Parliamentary Select Committee review into effectiveness of local authority overview and scrutiny committees
- 4.6.1 As part of the Members' Survey, Members were invited to consider the report and recommendations of the Communities and Local Government Parliamentary Select Committee review of the "Effectiveness of local authority overview and scrutiny committees." The summary and recommendations of the Parliamentary Select Committee are appended to this report - from this Members raised the following issues:
- 4.6.2 "At Stevenage Borough Council, Chairs of Committees are given independent license to select scrutiny items – including those given by members of the public. We are not guided by the Executive either in any informal way or any formal way.
- The scrutiny work that has happened and policy development work undertaken has led to positive changes to council policy and kept expectations of services high.
- The scrutiny practice at SBC has led to external witnesses giving evidence against officer testimony, which has given rise to evidence based recommendations and Committee has been able to identify issues with existing policy."
- 4.6.3 "I tend to agree with Party Politics and Organisational Culture – Point 4. Scrutiny Committees should report to Full Council, then the Executive to respond back to Full Council. Point 5 and 6 we do anyway. I tend to agree with points 7 and 8, though I think that the Chairs should be opposition Members. Accessing information - As far as I am aware, we receive all the information we require. We do points 12 and 13. Resources – Point 14, might be worth looking into. Point 15 – I think we do this. Point 16 – Might be worth looking into Member training and skills – we get training and can always ask for more. The role of the public – We engage with the public when necessary – not sure about digital engagement. Point 19 – We do this, but maybe more – hence my request – Stevenage Bus Service."
- 4.6.4 "In principle, I agree with all the recommendations, of these the standouts are:
That Executive Members should attend meetings of scrutiny committees only when invited to do so as witnesses and to answer questions from the committee. – "This would lead to greater independence of scrutiny committees"

That there is great merit in exploring ways of enhancing the independence and legitimacy of scrutiny chairs such as a secret ballot of non-executive councillors. This “would allow greater involvement of back bench Councillors in the forming of scrutiny committees and give further independence from the Executive.”

There should be a greater parity of esteem between scrutiny and the Executive, and committees should have the same access to the expertise and time of senior officers and the Chief Executive as their Executive counterparts. Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator. – “I would hope by publishing expenditure, the right amount of scrutiny resource could be secured. My personal feelings are that scrutiny and its officers in all councils in England are a Cinderella service, undermanned and under-funded.”

Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by commercial organisations. Committees should be able to access information and require attendance at meetings from service providers.

4.6.5 Personally, I agree that it is inappropriate for scrutiny chairs to be appointed by the Executive.

- Scrutiny members need time and resources to do the job properly. It is no good providing papers at the last moment.
- I wonder if in smallish second-tier authorities it is worth revisiting whether the scrutiny model is better or whether a policy committee model would be more effective and engage members more. Where 29/30 members are not portfolio holders there can be a perception that scrutiny is to keep them busy but they can't actually change anything.
- Members on scrutiny should certainly not be “whipped.” We cannot know in advance what our questions might be as they can be prompted by presentations and remarks by others.
- Here and generally, who actually does policy development for planning?

5 MEMBERS’ AND RESIDENTS’ IDEAS FOR FUTURE SCRUTINY REVIEWS

5.1 Scrutiny Members’ Suggestions for Future Scrutiny Review Items

5.1.1 The following issues have been raised by Members as potential Scrutiny review items:

5.1.2 Effectiveness of resident engagement by SBC (x2) – “does the cost merit the outcomes or are they just a tick box exercise” and “Community Engagement - Is the Council communicating effectively with the Stevenage Community? Aims – how can we improve, promote and be proactive in consultation?”

5.1.3 Neighbourhood Planning – “with Pin Green Neighbourhood Plan completed and up and running, what lessons can we learn from the process? What went well, what, if anything, would they change? ,What lessons can be learnt to help improve the process?”

- 5.1.4 Town Centre Regeneration – new community focus – “With the creation of 3,000+homes in the town centre, how can SBC help in building a new community?”
- 5.1.5 Third Sector in Stevenage - “Over five years ago, SBC Councillors undertook a review of the third sector in Stevenage. In these challenging times for all third sector groups, we could look back at the review and see if (i) Did the review have any impact on how SBC and the third sector groups interact? (ii) How does SBC support the third sector groups? (iii) with town centre regeneration and the creation of the Hub would this give SBC an opportunity to help pull together third sector groups?”
- 5.1.6 Sheltered Housing - is it fit for purpose?
- 5.1.7 Play Area Provision and Outdoor Space and Sports Provision
- 5.1.8 SLL - “The SLL study was paused waiting for the new AD. At 20 years old, now is a good time to review the success of SLL and whether it has met its original goals, and how it is working now and into the future for Stevenage people. It could include customer experiences with cancellations, etc.”

(This issue was also raised by a Member of the O&S Committee for review so could be done jointly).

- 5.1.9 Consultation Demographic of Residents’ Survey. (x2) “Consultation (with O and S) yes but, particularly with the experience of the residents’ survey (again), why are so few younger people being involved in the residents’ survey – a major influence on Council policy? In comparison with the community population, too many older people, owner occupiers and women participate in the survey.” Also, “The Town Survey – is SBC addressing the results in the survey – can the Council demonstrate that the 2017 survey captured the views of each segment of our Community? Are the right questions asked and is the data accurately representative of Stevenage?”
- 5.1.10 The Community Centres’ Review - “look at leases and support for community associations.”
- 5.1.11 Equality and Diversity of Tenant Involvement Groups – “Can tenant involvement groups demonstrate that they are representative of the tenant population? What opportunities do tenants have to contribute to policy without being a member of a tenant group? How is consultation done with the tenant community at large and is such consultation effective in driving Housing Policy? How effective are resident and tenant groups? Review Statement of Community Involvement”

5.2 **Statutory and Standing Items**

- 5.2.1 Crime and Disorder Committee (Statutory Committee)
- 5.2.2 Public Health Meeting (Standing Item)

5.3 **Issues Raised by the Public**

- 5.3.1 None so far but any issues identified from the public via the Council's social media and the website will be updated at the meeting.
- 5.4 Members are asked to consider, which of the above items they wish to include in their work programme and which approach they favour to review the items, based on those suggested at paragraphs 4.4 and 4.4.1, namely a more in-depth review or a one-off discussion item?
- 5.4.1 Members should note that whatever issues they agree to be scrutinised as a main review item would be subject to a full scoping process and subsequently a scoping document would need to be agreed by the Committee at a future meeting. Other items, which can be addressed by a briefing and discussion item, may not require a full scoping document.
- 5.5 Work Programme Schedule for 2018/19
- 5.5.1 When the Scrutiny Work Programme is agreed by the Community Select Committee, the Scrutiny Officer will, using the agreed dates for generic Select Committee meetings in the Calendar of Meetings, draw together a work programme schedule for the 2018/19 Municipal Year, including scrutiny review meetings, monitoring of previous reviews selected by Members and policy development meetings, which will be circulated to Members, and electronic diary invites will be sent to all Community Select Committee Members.
- 5.6 Alignment of Scrutiny with the Strategic Leadership Team
- 5.6.1 It is important that the three Scrutiny Committees (Overview and Scrutiny Committee, Community Select Committee and the Environment and Economy Select Committee) are aligned to the Strategic Leadership Team (SLT). As such, the following Scrutiny Committees are covered by the relevant nine Assistant Directors and SLT areas:
- 5.6.2 Customer – Community Select Committee:
Assistant Director for Housing and Investment (Jaine Cresser) and the Assistant Director for Communities and Neighbourhoods (Rob Gregory)
- 5.6.3 Place – Environment and Economy Select Committee:
Assistant Director for Direct Services (Craig Miller), Assistant Director for Regeneration (Pat Lewis), Assistant Director for Housing Development (Ash Ahmed) and Assistant Director for Planning and Regulatory (Zayd Al-Jawad)
- 5.6.4 Transformation and Support – Overview and Scrutiny Committee:
Assistant Director for Corporate Services and Transformation (Richard Protheroe), Assistant Director for Finance and Estates (Clare Fletcher) and Assistant Director for Corporate Projects, Customer Services and Technology (Clare Watson)
- 5.6.5 Role of the Assistant Directors and Scrutiny
- 5.6.6 The Assistant Directors will take a leadership role in assisting and supporting the relevant Scrutiny Committees and specific reviews that align to their area of expertise. The Assistant Directors will support each review through its various stages, from scoping of reviews, attending Chair and Vice-Chair briefings and offering support to the Scrutiny Officer in providing written and

oral evidence for reviews as well as identifying 'Critical Friends' and other review witnesses. The Assistant Directors will liaise with the relevant Executive Portfolio Holder(s) and the Senior Leadership Team (CE and Assistant CE's, Scott Crudginton, Matt Partridge & Tom Pike).

- 5.6.7 Strategic Director, Matt Partridge from the Senior Leadership Team has overall responsibility for the Scrutiny function, deputised by Strategic Director Tom Pike.

6 MONITORING REVIEW OF RECOMMENDATIONS

- 6.1 The Committee may consider there is a need to undertake some follow-up work on recommendations arising from previous studies. It may be considered sufficient to simply request update briefings from the relevant Heads of Service to be circulated to Members at appropriate intervals. However, if the Committee requires more detailed consideration or examination of the progress of previous recommendations, this should be factored into its work programme.

- 6.2 Reports within the remit of this Committee that have been issued over the last five years and also those that have been revisited within the last five years are as follows:

- Community Transport Review (Completed January 2014, Executive response May 2014). Members could schedule a report back for monitoring of recommendation agreed actions in 2018/19
- Decent Homes Review (Completed January 2014, Executive response September 2014). Members could schedule a report back for monitoring of recommendation agreed actions in 2018/19
- Community Safety Action Plan (Statutory review meeting, March 2014, November 2014, March 2015, November 2015, March 2016, March 2017 and is scheduled for a meeting in March 2018)
- Public Health Discussion Item (annual review meeting April 2014, March 2015, October 2016, Sustainable Transformation Plans November 2017)
- Museum Review (Completed November 2012, Executive response January 2013, revisited for monitoring of recommendation agreed actions November 2014 & again in October 2016)
- Homelessness Review (Completed June 2013, Executive response August 2013, revisited for monitoring of recommendation agreed actions January 2015 & revised update March 2015, Rough Sleepers and Homelessness presentation June 2017)
- Local Private Rented Sector (Completed March 2015, Executive response June 2015, was scheduled to be revisited for monitoring of recommendations and agreed actions in March 2017 but was deferred to June 2017)
- Local Community Budgets Review (Completed March 2016, Executive response June 2016, revisited for monitoring of recommendation agreed actions Summer 2017)

- Damp and Mould in Stevenage Homes (Completed January 2017, Executive Member Response March 2017 – In addition, the Community Select Committee agreed to consider an update report on the performance of the service following improved monitoring arrangements and delivery of the Damp and Condensation Strategy in the autumn of 2017. This has not yet been scheduled and should be brought to the Committee in 2018-19)

7 POLICY DEVELOPMENT WORK FOR 2018/2019

7.1 Following consultation with the Assistant Directors for Housing and Investment (Jaine Cresser), Community and Neighbourhoods (Rob Gregory) and Stevenage Direct Services (Craig Miller), the following matters have been identified for potential Policy Development to be undertaken with the relevant Portfolio Holders during the 2018/2019 Municipal Year:

- Waste exceptions for refuse collections
- Housing Service Charges and Allocations
- Housing Pooling and De-pooling Charges
- Co-operative Council

7.1.1 Any further issues that the Assistant Directors can give notice of for Policy Development work in 2018/19 will be updated at the meeting.

7.2 In line with organising meeting dates to deliver the Committee's work programme, as detailed at Section 5.5.1, dates for the above Policy Development items will be scheduled into Members' diaries once the relevant Head of Service confirms when Scrutiny Members can undertake this work, ahead of consideration by the Executive. If any further matters are identified by officers, Members will be notified and a meeting invitation sent to Members in due course. These meetings will be informal Policy meetings Chaired by the relevant Executive Portfolio Holder and supported by the relevant Assistant Director.

8 IMPLICATIONS

8.1 Financial Implications

8.1.1 There are no direct financial implications arising from the recommendations in this report.

8.1.2 A small budget of £2,500 is held to support the work of the Select Committees in their research and study.

8.2 Legal Implications

8.2.1 The role of Overview and Scrutiny Committees is set out in the Local Government Act 2000. The recommendations made in this report are to facilitate the Committees to fully undertake this role.

8.3 Equalities and Diversity Implications

8.3.1 There are no direct Equalities and Diversity implications arising from the recommendations in this report. Specific equalities and diversity implications are considered during each scrutiny review.

BACKGROUND DOCUMENTS

BD1 Submissions from Councillors and the Public.

APPENDICES

CLG Parliamentary Select Committee report and recommendations – Effectiveness of local overview and scrutiny committees

Communities and Local Government Committee Parliamentary Select Committee Review – Effectiveness of local authority overview and scrutiny committees

Scrutiny Members have been invited to provide their own response and a corporate response will be produced and incorporated into the Constitutional Issues report to Annual Council in May.

The report covers the following areas (SBC may not need to respond to every area as some are not relevant to district council's):

- 1 The role of Scrutiny
- 2 Party politics and organisational culture
- 3 Accessing information
- 4 Resources
- 5 Members training and skills
- 6 The role of the public
- 7 Scrutinising public services provided by external bodies
- 8 Scrutiny in combined authorities

Conclusions and Recommendations of the Parliamentary Select Committee are from page 42 – follow the link

[Recommendations of CLG Select Committee](#)

Summary

Overview and scrutiny committees were introduced by the Local Government Act 2000 and were tasked with acting as a counterweight to the increased centralised power of the new executive arrangements. Whilst some authorities were not covered by the changes brought in by the Act, the Leader and Cabinet system is the predominant model of governance in English local authorities. However, since the Localism Act 2011, councils have had the option of reverting to the committee system of governance. Some authorities that have chosen to do so have expressed dissatisfaction with the new executive arrangements, including concern at the limited effectiveness of scrutiny. Noting these concerns, and that there has not been a comprehensive assessment of how scrutiny committees operate, we decided to conduct this inquiry. The terms of reference placed an emphasis on considering factors such as the ability of committees to hold decision-makers to account, the impact of party

politics on scrutiny, resourcing of committees and the ability of council scrutiny committees to have oversight of services delivered by external organisations.

We have found that the most significant factor in determining whether or not scrutiny committees are effective is the organisational culture of a particular council. Having a positive culture where it is universally recognised that scrutiny can play a productive part in the decision-making process is vital and such an approach is common in all of the examples of effective scrutiny that we identified. Senior councillors from both the administration and the opposition, and senior council officers, have a responsibility to set the tone and create an environment that welcomes constructive challenge and democratic accountability. When this does not happen and individuals seek to marginalise scrutiny, there is a risk of damaging the council's reputation, and missing opportunities to use scrutiny to improve service outcomes. In extreme cases, ineffective scrutiny can contribute to severe service failures.

Our inquiry has identified a number of ways that establishing a positive culture can be made easier. For example, in many authorities, there is no parity of esteem between the executive and scrutiny functions, with a common perception among both members and officers being that the former is more important than the latter. We argue that this relationship should be more balanced and that in order to do so, scrutiny should have a greater independence from the executive. One way that this can be achieved is to change the lines of accountability, with scrutiny committees reporting to Full Council meetings, rather than the executive. We also consider how scrutiny committee chairs might have greater independence in order to dispel any suggestion that they are influenced by partisan motivations. Whilst we believe that there are many effective and impartial scrutiny chairs working across the country, we are concerned that how chairs are appointed can have the potential to contribute to lessening the independence and legitimacy of the scrutiny process.

Organisational culture also impacts upon another important aspect of effective scrutiny: access of committees to the information they need to carry out their work.

We heard about committees submitting Freedom of Information requests to their own authorities and of officers seeking to withhold information to blunt scrutiny's effectiveness. We believe that there is no justification for such practices, that doing so is in conflict with the principles of democratic accountability, and only serves to prevent

scrutiny committees from contributing to service improvement. We have particular concerns regarding the overzealous classification of information as being commercially sensitive.

We also considered the provision of staff support to committees. Whilst ensuring that sufficient resources are in place is of course important, we note that if there is a culture within the council of directors not valuing scrutiny, then focussing on staff numbers will not have an impact. We are concerned that in too many authorities, supporting the executive is the over-riding priority, despite the fact that in a time of limited resources, scrutiny's role is more important than ever. We also consider the skills needed to support scrutiny committees, and note that many officers combine their support of scrutiny with other functions such as clerking committees or executive support. It is apparent that there are many officers working in scrutiny that have the required skills, and some are able to combine them with the different skill set required to be efficient and accurate committee clerks. However, we heard too many examples of officers working on scrutiny who did not possess the necessary skills. Decisions relating to the resourcing of scrutiny often reflect the profile that the function has within an authority. The Localism Act 2011 created a requirement for all upper tier authorities to create a statutory role of designated lead scrutiny officer to promote scrutiny across the organisation. We have found that the statutory scrutiny officer role has proven to be largely ineffective as the profile of the role does not remotely reflect the importance of other local authority statutory roles. We believe that the statutory scrutiny officer position needs to be significantly strengthened and should be a requirement for all authorities.

We believe that scrutiny committees are ideally placed and have a democratic mandate to review any public services in their area. However, we have found that there can sometimes be a conflict between commercial and democratic interests, with commercial providers not always recognising that they have entered into a contract with a democratic organisation with a necessity for public oversight.

We believe that scrutiny's powers in this area need to be strengthened to at least match the powers it has to scrutinise local health bodies. We also call on councils to consider at what point to involve scrutiny when it is conducting a major procurement exercise. It is imperative that council executives involve scrutiny at a time when contracts are still being developed, so that all parties understand that the service will still have democratic oversight despite being delivered by a commercial entity.

We also heard about the public oversight of Local Economic Partnerships (LEPs), and have significant concerns. That public scrutiny of LEPs seems to be the exception rather than rule. Therefore, we recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees.

We recognise that the mayoral combined authorities are in their infancy, but given the significance of organisational culture in effective scrutiny, it is important that we included them in our inquiry to ensure that the correct tone is set from the outset. We are therefore concerned by the evidence we heard about an apparent secondary role for scrutiny in combined authorities. Mayors are responsible for delivering services and improvements for millions of residents, but oversight of their performance is currently hindered by limited resources. We therefore call on the Government to ensure that funding is available for this purpose. We also argue that when agreeing further devolution deals and creating executive mayors, the Government must make it clear that scrutiny is a fundamental part of any deal and must be adequately resourced and supported.

Conclusions and recommendations

The role of scrutiny

1. *We therefore recommend that the guidance issued to councils by DCLG on overview and scrutiny committees is revised and reissued to take account of scrutiny's evolving role. (Paragraph 12)*
2. *We call on the Local Government Association to consider how it can best provide a mechanism for the sharing of innovation and best practice across the scrutiny sector to enable committees to learn from one another. We recognise that how scrutiny committees operate is a matter of local discretion, but urge local authorities to take note of the findings of this report and consider their approach. (Paragraph 13)*

Party politics and organisational culture

3. However, all responsible council leaderships should recognise the potential added value that scrutiny can bring, and heed the lessons of high profile failures of scrutiny such as those in Mid Staffordshire and Rotherham. (Paragraph 19)
4. *To reflect scrutiny's independent voice and role as a voice for the community, we believe that scrutiny committees should report to Full Council rather than the executive and call on the Government to make this clear in revised and reissued guidance. When scrutiny committees publish formal recommendations and conclusions, these should be considered by a meeting of the Full Council, with the executive response reported to a subsequent Full Council within two months. (Paragraph 23)*
5. We believe that executive members should attend meetings of scrutiny committees only when invited to do so as witnesses and to answer questions from the committee. Any greater involvement by the executive, especially sitting at the committee table with the committee, risks unnecessary politicisation of meetings and can reduce the effectiveness of scrutiny by diminishing the role of scrutiny members. *We therefore recommend that DCLG strengthens the guidance to councils to promote political impartiality and preserve the distinction between scrutiny and the executive. (Paragraph 25)*
6. It is vital that the role of scrutiny chair is respected and viewed by all as being a key part of the decision-making process, rather than as a form of political patronage. (Paragraph 27)
7. We believe that there are many effective and impartial scrutiny chairs working across the country, but we are concerned that how chairs are appointed has the potential to contribute to lessening the independence of scrutiny committees and weakening the legitimacy of the scrutiny process. Even if impropriety does not occur, we believe that an insufficient distance between executive and scrutiny can create a perception of impropriety. (Paragraph 30)

8. We believe that there is great merit in exploring ways of enhancing the independence and legitimacy of scrutiny chairs such as a secret ballot of non-executive councillors. However, we are wary of proposing that it be imposed upon authorities by government.
-

We therefore recommend that DCLG works with the LGA and CfPS to identify willing councils to take part in a pilot scheme where the impact of elected chairs on scrutiny's effectiveness can be monitored and its merits considered. (Paragraph 35)

Accessing information

9. Scrutiny committees that are seeking information should never need to be 'determined' to view information held by its own authority, and there is no justification for a committee having to resort to using Freedom of Information powers to access the information that it needs, especially from its own organisation. There are too many examples of councils being uncooperative and obstructive. (Paragraph 37)
10. Councils should be reminded that there should always be an assumption of transparency wherever possible, and that councillors scrutinising services need access to all financial and performance information held by the authority. (Paragraph 41)
11. We do not believe that there should be any restrictions on scrutiny members' access to information based on commercial sensitivity issues. Limiting rights of access to items already under consideration for scrutiny limits committees' ability to identify issues that might warrant further investigation in future, and reinforces scrutiny's subservience to the executive. *Current legislation effectively requires scrutiny councillors to establish that they have a 'need to know' in order to access confidential or exempt information, with many councils interpreting this as not automatically including scrutiny committees. We believe that scrutiny committees should be seen as having an automatic need to know, and that the Government should make this clear through revised guidance. (Paragraph 42)*
12. *We note that few committees make regular use of external experts and call on councils to seek to engage local academics, and encourage universities to play a greater role in local scrutiny. (Paragraph 45)*

13. We commend such examples of committees engaging with service users when forming their understanding of a given subject, and encourage scrutiny committees across the country to consider how the information they receive from officers can be complemented and contrasted by the views and experiences of service users. (Paragraph 47)

Resources

14. We acknowledge that scrutiny resources have diminished in light of wider local authority reductions. However, it is imperative that scrutiny committees have access to independent and impartial policy advice that is as free from executive influence as possible. We are concerned that in too many councils, supporting the executive is the over-riding priority, with little regard for the scrutiny function. This is despite the fact that at a time of limited resources, scrutiny's role is more important than ever. (Paragraph 61)

44 Effectiveness of local authority overview and scrutiny committees

15. *We therefore call on the Government to place a strong priority in revised and reissued guidance to local authorities that scrutiny committees must be supported by officers that can operate with independence and provide impartial advice to scrutiny councillors. There should be a greater parity of esteem between scrutiny and the executive, and committees should have the same access to the expertise and time of senior officers and the chief executive as their cabinet counterparts. Councils should be required to publish a summary of resources allocated to scrutiny, using expenditure on executive support as a comparator. We also call on councils to consider carefully their resourcing of scrutiny committees and to satisfy themselves that they are sufficiently supported by people with the right skills and experience.* (Paragraph 62)
16. *We recommend that the Government extend the requirement of a Statutory Scrutiny Officer to all councils and specify that the post-holder should have a seniority and profile of equivalence to the council's corporate management team. To give greater prominence to the role, Statutory Scrutiny Officers should also be required to make regular reports to Full Council on the state of scrutiny, identifying any areas of weakness that require improvement and the work carried out by the Statutory Scrutiny Officer to rectify them.* (Paragraph 65)

Member training and skills

17. It is incumbent upon councils to ensure that scrutiny members have enough prior subject knowledge to prevent meetings becoming information exchanges at the expense of thorough scrutiny. Listening and questioning skills are essential, as well as the capacity to constructively critique the executive rather than following party lines. *In the absence of DCLG monitoring, we are not satisfied that the training provided by the LGA and its partners always meets the needs of scrutiny councillors, and call on the Department to put monitoring systems in place and consider whether the support to committees needs to be reviewed and refreshed. We invite the Department to write to us in a year's time detailing its assessment of the value for money of its investment in the LGA and on the wider effectiveness of local authority scrutiny committees.* (Paragraph 76)

The role of the public

18. *The Government should promote the role of the public in scrutiny in revised and reissued guidance to authorities, and encourage council leaderships to allocate sufficient resources to enable it to happen. Councils should also take note of the issues discussed elsewhere in this report regarding raising the profile and prominence of the scrutiny process, and in so doing encourage more members of the public to participate in local scrutiny. Consideration also need to be given to the role of digital engagement, and we believe that local authorities should commit time and resources to effective digital engagement strategies. The LGA should also consider how it can best share examples of best practise of digital engagement to the wider sector.* (Paragraph 82)

Scrutinising public services provided by external bodies

19. *Scrutiny committees must be able to monitor and scrutinise the services provided to residents. This includes services provided by public bodies and those provided by*
20. *In light of our concerns regarding public oversight of LEPs, we call on the Government to make clear how these organisations are to have democratic, and publicly visible, oversight. We recommend that upper tier councils, and combined authorities where appropriate, should be able to monitor the performance and effectiveness of LEPs through their scrutiny committees. In line with other public bodies, scrutiny committees should be able to require LEPs to provide information and attend committee meetings as required.* (Paragraph 96)

Scrutiny in combined authorities

21. *We are concerned that effective scrutiny of the Metro Mayors will be hindered by under-resourcing, and call on the Government to commit more funding for this purpose. When agreeing further devolution deals and creating executive mayors, the Government must make clear that scrutiny is a fundamental part of any deal and that it must be adequately resourced and supported.* (Paragraph 104)