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BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE - SITTING AS A SELECT COMMITTEE

Date: Tuesday, 14 January 2020
Time: 6.00pm,
Location: Shimkent Room - Daneshill House, Danestrete
Contact: Lisa Jerome   (01438) 242203

Members: Councillors: L Martin-Haugh (Chair), P Bibby CC (Vice-Chair), S Barr,
                  J Brown, L Chester, M Downing, ME Gardner, S-J McDonough,
                  A McGuinness, J Mead, S Mead, A Mitchell CC, R Parker CC and
                  C Parris

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AGENDA

PART 1

1.   APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

2.   MINUTES - 11 NOVEMBER 2019

The Minutes of the meeting of the Committee sitting as a select committee on 11
November were agreed as a correct record at the meeting of the 18 December
2019 O&S Committee. The Minutes are represented for noting as part of the
review.

Pages 3 – 6

3.   POSSIBLE RECOMMENDATIONS FOR IMPROVEMENT OF THE FUNCTION

To consider possible recommendations for the review derived from the self-
evaluation scoring matrix comments.

Pages 7 – 10

4.   SURVEY OF HERTS SCRUTINY NETWORK

To consider the responses received from the County Council and two District
Councils regarding a short survey about their response to the Statutory Scrutiny
Guidance and the way scrutiny is conducted at their authority.

Pages 11 - 18

5. **CENTRE FOR PUBLIC SCRUTINY (CFPS) SUMMARY OF STATUTORY GUIDANCE SYMPOSIUM**

To consider the notes from the summary of the CfPS Symposium on the Statutory Guidance, which it is hoped will assist Members with their review of the Scrutiny Function.

Pages 19 – 22

6. **URGENT PART 1 BUSINESS**

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

7. **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 paragraphs1 – 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.

8. **URGENT PART II BUSINESS**

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

Agenda Published 6 January 2020

STEVENAGE BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE - SITTING AS A SELECT COMMITTEE MINUTES

Date: Monday, 11 November 2019
Time: 6.00pm
Place: Shimkent Room - Daneshill House, Danestrete

Present:	Councillors: Lin Martin-Haugh (Chair), Philip Bibby CC (Vice-Chair), Sandra Barr, Jim Brown, Michael Downing, Andy McGuinness, John Mead, Sarah Mead, Adam Mitchell CC, Robin Parker CC and Claire Parris
Start / End Time:	Start Time: 6.00pm End Time: 8.00pm

1   **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Laurie Chester and Michelle Gardner.

There were no declarations of interest.

2   **COLLATED MEMBER RESPONSE TO SELF-EVALUATION SCORING MATRIX**

Members considered the collated response to the self-evaluation scoring matrix.

The following points were raised particularly in relation to work programming:

- Timing of site visits should be looked at and evening visits carried out on some occasions to ensure all Members were able to attend;
- Customer Services data was useful but should not be relied upon as a complete picture;
- In terms of the role of Executive Members, although not directly involved in work planning for Scrutiny, it was suggested that it could be useful to ask what topics they feel could benefit from the input of scrutiny;
- The Communications Team should be asked to advise on what is trending on social media;
- In relation to those topics that were not the direct responsibility of the Council eg buses and post offices, it was agreed that this continued previous work by the Council to ensure local monitoring of public services and the role of Members as community leaders;
- Website visits could be an indication of what is was important to local residents;
- It was felt that the Portfolio Holder Advisory Groups were working well but the possibility of the Groups being chaired by scrutiny members and not executive members should be investigated.

The Scrutiny Officer advised that he would review the content within the matrix in relation to opportunities for improvement and group those comments where there was commonality and identify possible recommendations for consideration by the Committee. Members asked that the scoring system be looked at to make it as transparent as possible.

It was **RESOLVED:**

1. That the Scoring Matrix be noted and that the Scrutiny Officer be requested to look at the scoring mechanism to ensure that it was as transparent as possible;

2. That the Scrutiny Officer report back to the next meeting with possible recommendations for opportunities for improvement.

3   **INTERVIEW WITH FOURTH TIER MANAGERS**

Members received responses from 4th tier managers regarding their experience of supporting Scrutiny Reviews. Three of those 4th tier Managers were in attendance at the meeting including the Council's HR Manager, Leisure Services Manager and Environmental Policy and Services Manager. The Strategic Director advised that other senior managers across the Council would also be consulted for their views and responses would be reported back in due course. He stressed that officers welcomed forensic and deep scrutiny and that it was appropriate for Members to challenge how things were working and the status quo.

A number of issues and questions were raised and responses given by the officers including:

- Scrutiny was a Member led process, although often a presentation was given at the beginning of a review to ensure Members received a briefing on the matter of the review;
- The timing of involving the Service officers in the scrutiny reviews, ie during or after the scoping process of a review;
- As officers were aware of what was working and what was not in their service area they could be a source of suggestions for future scrutiny reviews;
- It was important for Members to have a base knowledge of information relating to an area to be scrutinised to ensure a review was effective. The more Councillors knew about a topic the better;
- Some recommendations from reviews were difficult to implement without having the resources available to support them, although it was agreed that resources would potentially not be forthcoming without these recommendations;
- There were a limited number of officers around the Council who had direct experience of scrutiny due to the involvement of mainly tier 4 managers and above;
- The original view of scrutiny was that it should be equal in importance to the Executive. In reality, this was not the case and could be frustrating if the Executive did not appear to give much importance to review outcomes. The process had now changed however and Executive Members were required to

provide a response to scrutiny recommendations within a 2 month period. Recommendations were also now followed up after a longer period of time had elapsed;

- The question was asked regarding a possible return to the pre 2000 Committee system and if decision making would be more effective;
- Some recent scrutiny reviews had been effective and resulted in substantial changes to a service eg the review into damp and condensation where it had been a real struggle to move away from the assumption that the issues were caused by lifestyles rather than inadequate buildings;
- The issue of the Chairs of scrutiny committees being appointed from opposition groups was discussed. It was agreed that it would be more obviously independent if scrutiny Chairs were opposition Members, however the importance of the Chairs being independently minded whatever group they were from was paramount. The outcomes from a review should reflect this independence;
- Previously an all-day session with partners and voluntary and community groups had been arranged to come up with suggestions for subjects to review but this had proved to be time consuming and resource intensive. Now Members were encouraged to engage with these groups and bring back ideas during the work programming process;

In response to a question, the Scrutiny Officer agreed to recirculate his paper which summarised and addressed the main issues on the new Government Scrutiny Guidance. This would form part of an agenda for a future meeting.

It was **RESOLVED**:

1. That the 4th tier officers be thanked for their attendance at the meeting;

2. That the responses circulated and the comments above be noted and form part of the evidence gathering for the review;

3. That the Scrutiny Officer recirculate his paper summarising and addressing the main issues on the new Government Scrutiny Guidance to Members of the Committee and that the paper form part of the agenda for the next meeting of the Committee.

4   **INPUT FROM SCRUTINY OFFICERS AT OTHER AUTHORITIES**

The Scrutiny Officer reported that he had contacted a number of other local authorities with a view to obtaining a view on the Council's scrutiny arrangements. Unfortunately due to work pressures including the recent calling of the General Election, which most officers were now involved with, no responses had yet been received.

The Centre for Public Scrutiny conference and another scrutiny networking event which were both coming up could provide opportunities to receive feedback and he hoped to be able to feedback further at the next meeting of this Committee.

It was **RESOLVED** that the update be noted.

5   **URGENT PART 1 BUSINESS**

None.

6   **EXCLUSION OF PUBLIC AND PRESS**

Not required.

7   **URGENT PART II BUSINESS**

None.

<u>CHAIR</u>

Scrutiny Self Evaluation – Possible recommendations for improvement of the function

Key Areas	Current Procedure (brief description + presentation for each column) (Score 5 high 1 low)	Opportunities for improvement (completed by Members at the meeting on 23 September 2019)	Possible Recommendations
1.Work Programming	Work programming starts in Jan/Feb. Scrutiny Members provide Scrutiny Officer with issues. Council's Social Media canvass views of public. Issues brought to Members in Committee reports in March, following discussion with SDs and ADs. Score of current procedure: 1= 2= 3= IIIII II 4= II 5= I	• Should be using Customer Service Centre info they gather to inform what is scrutinised • Need grid of Portfolio Holders areas of responsibility • Can more be done to encourage a better response rate to work programme ideas/responses from Members? • Do other Council's enjoy a better engagement level? • The lag in the system is not ideal but need to accept it • A bit haphazard, Chairs need to ensure other Members contribute and give an idea about how this relates to priorities • Timing does have an effect on the quality of how much time we have and resources available • Happy that channels are opened to invite comments/uptake from both members and public • Once topics are collated – could be voted on by all Members rather than just the select committee and possibly public vote • Scrutiny topics should be informed in part by CSC record of complaints also satisfaction surveys need to be used also (housing) SLT Members should provide written response • Understand the need to start the process early. Not all Members want to respond to the surveys are they happy to be led? Sometimes SLT seek to influence the work programme – this should not be the case • The process is Member led which I believe is a good thing • Too much lag; out of date; not responsive; new councillors not involved. Allow at least some uncommitted time until June meetings. A little beholden to SLT • Realise why work programming is agreed in March but could be a completely different committee and Chair and Vice-chair	Recommendation: That the way work programming is arranged be amended to incorporate a better engagement from the public and also from all scrutiny Members this could include: (i) Use the Customer Service Centre & Satisfaction Surveys data as a source to generate local issues to scrutinise (ii) Work with Scrutiny Members to capture their ideas – possibly with a one day event to gather ideas rather than relying on the current survey – introduce a voting system for all Scrutiny Members to state their preference (iii) Address the perceived problem of the lag in the system – describe as a rolling work programme that items can drop off and be added to during the year but still be published in the spring (iv) The process must be Member led with Scrutiny Members having the last word on subjects to scrutinise (v) The Communications Team should be asked to advise on what is trending on social media
2.Scoping	Each substantive review item has a scoping document drafted and presented to the Select Committee for consideration… Score of current procedure: 1= 2= 3= II 4= IIIII II 5= I	• A short introduction giving background info into scoping document detailing why and how it has come to scrutiny • Scoping document needs to be a living document and be flexible to reflect the evidence given during scrutiny • Should all scrutiny members have the chance to comment on the draft document? • Do we receive details of SLT comment? Make scoping documents more flexible • The most important thing about a scoping document is that it does not restrict anything. Should not be too precise but allow for the unexpected • I'm not sure that members always understand this document an introduction to the current context of the issue could be added and why it was chosen as a scrutiny topic • An updated scoping document should be provided at a strategic point to reflect on any change of focus or additions and what has been achieved to date • At scoping meeting an explanation why the issue has been chosen should	Recommendation: That the way scoping is carried out be amended to incorporate a better understanding of the issues under consideration with both Scrutiny Members and relevant officers prior to a review staring and ways of keeping the scope in focus during the review: (i) That a short introductory background presentation detailing the issues around the scrutiny be brought to Members, this would help all Members but especially new Councillors who may not be familiar with the issues and process (ii) An updated scoping document should be provided at strategic points during a review, reflecting on any changes of focus or additions and what has been achieved so far (iii) That all Scrutiny Members be given the chance to comment on the scope

Key Areas	Current Procedure (brief description + presentation for each column) (Score 5 high 1 low)	Opportunities for improvement (completed by Members at the meeting on 23 September 2019)	Possible Recommendations
		be provided to help new Members	
3.Evidence Gathering/site visit/interviews	Depending on the review site visits are set up… Score of current procedure 1= 2= 3= III 4= III 5= II	• Site visits are sometimes inconvenient/can't make when held during the day • Would like to see more evidence coming from members of the public • I think this works really well but we should be open to suggestions for improvements from external witnesses • No experience as never been on select committee • Use call-in procedure more / with interviews • Training in interviewing & questioning. Need for planning what outcome and value is expected from a site visit • Where relevant witnesses are used the scrutiny acquired solid recommendations • Regarding Member involvement - not all Members take an active part. Input should be credited in the minutes • Regarding SLT and Officer involvement – much of the success is due to the scrutiny officer • Who checks that the evidence is accurate? • Stop last minute circulation of papers. For O&S the double agenda is cumbersome • Often when site visits are arranged they are not always convenient for all Members, but not sure how this would be overcome	Recommendation: That the way evidence is gathered including site visits and interviews is carried out be amended to incorporate more engagement and evidence from the public, changes to how and when site visits are carried out, better engagement with all Scrutiny Members and ways to check if the evidence is accurate: (i) Promote ways to engage more with the public in the evidence gathering process (ii) Provide a range of options including some evenings for Member site visits (iii) Provide opportunities to engage with all Scrutiny Members on a Committee and credit Members who take a lead role in a specific issue the review
4.Final reports & recommendations	Nearing the end of the review the Scrutiny Officer drafts a report which is sent to the Chair & Vice-Chair… Score of current procedure 1= 2= 3= 4= IIIII III 5= I	• Could improve but can't put my finger on how • I think this works really well but we should be open to suggestions for improvements from external witnesses • Regarding supposed weaknesses of directing focus in the wrong areas will result in wrong outcomes, surely that is the whole point? The key is to ensure it is the right slant. • Strongly agree that there are often too many recommendations • Regarding SLT having opportunities to amend the final report and recommendations – I don't like this happening • Agree that the final word must be with the elected Members • The scrutiny committees should have ownership. Regarding the final reports and recommendations – Maybe sometimes they will not be led by Future Town Future Council or Executive priorities • When the draft report goes to Committee in some cases the outside witnesses who have been interviewed should also be invited to comment	Recommendation: That the way recommendations and final reports are drawn together should incorporate less recommendations to maintain the reviews impact, make sure that this is a Member led part of the review with Members having the final word on reports and recommendations: (i) Review final reports should incorporate less recommendations to maintain the reviews impact (where possible these could be grouped together) (ii) That a process be drawn together to invite comment from all Scrutiny Members regarding the final report and recommendations – (possibly an item on an agenda with draft recommendations for comment and amendment prior to the publishing of the final report)
5.Monitoring outcomes	As part of the monitoring of recommendations and agreed actions, reports are responded to within the Statutory deadline of two months… Score of current procedure: 1=	• Sometimes feel that the response from the Executive Portfolio is slow • Need to tighten up of going back to scrutiny 6-9 months down the road • We are doing what is required by statute but could monitoring be done quicker, more often in a more transparent way? • Question effectiveness of monitoring/challenging response • Need to be more assertive and systematic. Some Executive/SD responses do not show sufficiently serious engagement • The process sounds well organised • Yes monitoring happens. However, the timeframe is far too long. They	Recommendation: That the way monitoring outcomes is currently undertaken is looked at to consider if there can be some improvements in the way monitoring is undertaken: (i) That officers are encouraged to adopt recommendations that are in scrutiny reports once agreed with the relevant Portfolio Holder, but that this should be acknowledged in responses and not passed off as being current practise when it is actually in response to the review.

Key Areas	Current Procedure (brief description + presentation for each column) (Score 5 high 1 low)	Opportunities for improvement (completed by Members at the meeting on 23 September 2019)	Possible Recommendations
	2= I 3= III 4= II 5= II	change things and then say in the report that they've done it anyway. I find this infuriating. The Executive Member response should be published on the website and displayed on the front window • Some responses very grudging. Some recommendations completely lost e.g. BTC and transport • When recommendations have been carried out and officers have reported back witness statements should also be obtained to ensure the tenants/public/community are satisfied with the outcomes of the recommendations being implemented	(ii) Executive responses should be displayed prominently on the Council's web site (in addition to just being published with an agenda on the web site). (iii) Following a review the loop should be closed with witnesses and with any tenants or members of the public who have contributed via a satisfaction survey.
6.Council Priority	Within the scoping process, Scrutiny Members are invited to reflect on the suitability of the subject matter being scrutinised and whether this fits with the Council's core priorities? Score of current procedure: 1= I 2= 3= III 4= II 5= III	• The priorities should be set by the Customer Services Centre complaints log • Council priorities are not always our residents priorities • I wonder if we sometimes try to scrutinise things which SBC has no control over? Examples are post offices, busses etc. • Are we asked to relate to council priorities? • Should scrutiny help to modify / change priorities • As a scrutiny Member I'm not too clear about SD & ADs involvement • As this has been linked with agreeing the work programmes, as Chair, I invite a vote /objections. However, there is nothing formal as in there is no requirement. It may be that a recorded vote is taken? • In terms of a weakness it isn't a weakness when Scrutiny looks to address any issue that is of concern regarding existing practice. If an urgent issue arises you could question the focus of the Future Town Future Council priorities? • The Future Town Future Council is not the only priority for the town's people • I think it's a good thing that the choice of items reviewed are not always the Councils direct priorities • Scrutiny must be independent of the Executive. This is the wrong question, an example of this is the review of damp and mould, officers and the Executive didn't want this to be scrutinised. Policy Development should be chaired by chair of committee • Scrutiny committees should scrutinise all issues that concern the community, even if it does not come under the control of the Council as our input could be of some value in certain areas	Members are of the view that there is no requirement to make a link between the Council's priority and the issues that Members wish to scrutinise as these issues may converge but they may also diverge as they may be of local interest but not be a Council service.

Additional Recommendation:

Recommendation that was arrived at during the review but not directly from the commentary/scoring matrix:

That the Portfolio Holder Advisory Groups be Chaired by Scrutiny Members as a Pre Scrutiny Advisory Group, which could include the Executive Portfolio Holder as a key contributor answering questions along with the relevant Assistant Director, prior to the Policy being considered at the Executive.

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Short survey for Herts Scrutiny Network re Statutory Scrutiny Guidance

1. Has your authority begun to review its Overview and Scrutiny current procedures and practise, or is it planning to in the light of the Guidance?

Yes – we are currently conducting a scrutiny self-evaluation. Action plan due to be finalised in January 2020

2. If it is planning to do this has the format to do this been agreed? Self-evaluation, peer review, CfPS/LGA funded review?

Self-evaluation using themes from the government guidance and cfps good scrutiny guide as background. Officer led using a tailored version of the CfPS self-evaluation framework and a consultation exercise. No funding, it is using existing officer resource.

3. What is your current structure? One or more scrutiny committee? Task and finish panels?

   2 main committees: Overview and Scrutiny and Health Scrutiny
   1 committee that monitors and approves implementation of recommendations – Impact of Scrutiny Advisory Committee (ISAC)
   Topic Groups – topic groups are conducted over one or two full days

4. Are your Scrutiny committees Chaired by Majority Group or opposition Members?
Chaired by majority group members with opposition VCs

5. What do you consider is the current strength of O&S in your authority?
Collaborative cross party working; engagement and holding to account of partners, particularly the NHS; in depth investigation and focus in topic group work; site visits, particularly for Health Scrutiny committee are highly valued by members. Thorough approach to annual budget scrutiny; robust monitoring of implementation/impact of scrutiny

6. What do you consider is any areas of weakness that needs addressing?

Public engagement; members feeling confident on when and how to input to the work programme and engaging more with prioritisation of topics; understanding

of the role and purpose of scrutiny throughout the organisation; showing impact of scrutiny in terms of impact on the lives of citizens rather than impact on council services.

7. How is scrutiny perceived in your authority by:

- The Leadership Team – well managed, a solid scrutiny function

- The Executive Members – focused and provides challenge on the areas it considers

- Scrutiny Members – strong on oversight, has a clear impact on council services, well supported by members

- Officers that are involved in reviews – a thorough process that can provide valuable member feedback

8. How do you agree work programmes?
At the OSC meeting in april after the annual budget scrutiny, the committee discuss all the topics for scrutiny arising from the budget scrutiny and identify which ones should be added to the work programme and best methods to address them. Scrutiny officers, chairs and VCs liaise with officers to arrange dates, unless specified by committee.

9. What do you include in a scope?
After a topic has been added to the work programme Scrutiny officers work with lead officers to draft a scope, all draft scopes are considered by the committee before being approved.

10. How are recommendations made?
The scrutiny officer summarises main themes and suggests areas for recommendations at the end of a topic group when all topic group members and lead officer present so they can input. The scrutiny officer takes on board comments and pulls together the recommendations. Once agreed by the topic group, the scrutiny officer may sometimes finesse the wording outside the meeting.

11. How do you monitor outcomes/agreed recommendations and actions from a review?
6 months after each topic group report is published, the item is considered by the Impact of Scrutiny Committee (ISAC) which considers each of the recommendations one by one and decides if they can be marked as

completed or if officers need to come back to the next ISAC meeting to provided evidence for any of them.

12. Celebrating success / Proving your worth – how do you promote your successes and prove your worth?

   In the past we have submitted items that have been published in CfPS publications and our Head of Scrutiny has spoken at the annual CfPS conference.

   Internally we provide reports for full council and group reports for the committee chairs and VCs to circulate to their groups. We also provide an update report to circulate with districts and boroughs.

13. What are the barriers to effective scrutiny in your authority?
   Limited resource in terms of officer support means the amount of scrutiny activity we can conduct in a year is restricted so sometimes items stay on work programme for extended periods of time. We are planning on having a limit on the number of topic groups per year, which will mean that members will need to prioritise carefully in their work programme planning.

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Short survey for Herts Scrutiny Network re Statutory Scrutiny Guidance

1. Has your authority begun to review its Overview and Scrutiny current procedures and practise, or is it planning to in the light of the Guidance?

No

2. If it is planning to do this has the format to do this been agreed? Self-evaluation, peer review, CfPS/LGA funded review?

N/A

3. What is your current structure? One or more scrutiny committee? Task and finish panels?

Two Scrutiny Committees, each have at least one standing sub-group.

Task and Finish Groups when required, current (new) Chairs prefer to have single topic meetings instead.

4. Are your Scrutiny committees Chaired by Majority Group or opposition Members?

Both are chaired by the opposition, this is not a requirement within our constitution.

5. What do you consider is the current strength of O&S in your authority?

Detailed reviews producing reasoned recommendations, and effective pre-decision scrutiny.

6. What do you consider is any areas of weakness that needs addressing?

Improving the relationship between Scrutiny and the Executive.

7. How is scrutiny perceived in your authority by:

- The Leadership Team – *a way to get political 'buy-in' at pre-decision*

- The Executive Members – *can slow the decision-making process*

- Scrutiny Members – *a way of looking at important matters*

- Officers that are involved in reviews – *additional reports to write, slows down the decision-making process*

8. How do you agree work programmes?

At the first committee meeting – discussion between all committee members. Added to and updated throughout the year in consultation with the Chair.

9. What do you include in a scope?

- *Objective (what is the T&F or report trying to achieve)*
- *Exclusions*
- *Invitees*
- *Report contents (the minimum content requested by the Chair/Committee)*
- *Press release requirements*

10. How are recommendations made?

At Scrutiny Committee meetings, then to Portfolio Holder, Cabinet or Council.

11. How do you monitor outcomes/agreed recommendations and actions from a review?

Via an action tracker at each Committee meeting.

12. Celebrating success / Proving your worth – how do you promote your successes and prove your worth?

Press releases. A Task and Finish Group recommended that when the Council writes to new businesses (paying business rates), that we include a letter to welcome them to the district and point out what the Council can offer and what local support for businesses is available. This was praised by national magazine as 'good practice'.

We also would do a press release when successful recommendations were implemented, depending on the political feeling at the time.

Our Annual Report of Scrutiny Committees goes to full Council, this is a good opportunity to take stock of the work of both Scrutiny Committees and to report the range of work that each one undertakes in a calendar year.

13. What are the barriers to effective scrutiny in your authority?

Given the recent change in administration, there can be a risk for Scrutiny to be used as a political tool.

Short survey for Herts Scrutiny Network re Statutory Scrutiny Guidance

1. Has your authority begun to review its Overview and Scrutiny current procedures and practise, or is it planning to in the light of the Guidance?

    No – but O&S received a report on the new guidance shortly after it was published. The guidance was also raised at operational leadership meeting.

2. If it is planning to do this has the format to do this been agreed? Self-evaluation, peer review, CfPS/LGA funded review?

    n/a

3. What is your current structure? One or more scrutiny committee? Task and finish panels?

    Overview and Scrutiny Committee (x9 meetings per year)
    Finance Scrutiny Committee (x5 meetings per year)
    Task and finish groups (x3 TGs per year)

4. Are your Scrutiny committees Chaired by Majority Group or opposition Members?

    O&S by majority group (opposition Vice Chair – chairs any call-in meetings)
    Opposition chair for Finance Scrutiny Committee
    TG chairs vary depending on interest

5. What do you consider is the current strength of O&S in your authority?

    Clear structure and remit
    Supported by mayor, cabinet and members
    Compulsory training for members – biennial

6. What do you consider is any areas of weakness that needs addressing?

    Some lack of understanding about the role of scrutiny.
    Some members still use it as a vehicle to discuss casework.

7. How is scrutiny perceived in your authority by:

- The Leadership Team – with some uncertainty of its role and what it can do to support services e.g., with policy development

- The Executive Members – good support. Regular attendance at scrutiny meetings.

- Scrutiny Members – they believe they do a good job.

- Officers that are involved in reviews – warily

8. How do you agree work programmes?

   In conjunction with officers, the Chair and O&S members (it is a standing item on all committee agendas).

9. What do you include in a scope?

   Reasons a topic is put forward
   Potential outcomes the proposer would like to see
   Which of our corporate priorities a scrutiny proposal supports.

10. How are recommendations made?

    Task group members review their findings with the scrutiny officer and draw up recommendations – these are included in their final report to O&S.

11. How do you monitor outcomes/agreed recommendations and actions from a review?

    Through O&S.

12. Celebrating success / Proving your worth – how do you promote your successes and prove your worth?

    Annual report to Council.

13. What are the barriers to effective scrutiny in your authority?

    Large majority group
    Backbenchers not challenging executive decisions
    Weak and stretched opposition

Notes from the
Centre for Public Scrutiny
Government Scrutiny Guidance Symposium
Holborn Library
20 June 2019

Notes from the session provided by Ed Hammond, Director of Research CfPS, on key components of the guidance. This document provides a commentary on the Statutory Guidance, and covers the main issues addressed in it in an abbreviated form. Members should still read and have regard to the full Guidance document.

The Guidance has been written like many Statutory Guidance documents for local government with the overall tone emphasising a non-prescriptive enabling approach. The Civil Servants have tried to strike a balance between providing prescriptive direction vs allowing authorities to continue to operate effective scrutiny in their authorities. The CfPS were a consultee to the Ministry of Housing, Communities & Local Government, but much of their advice was omitted from the final document. The CfPS have recommended that the Guidance is viewed alongside their own Good Scrutiny Guide (which was updated and republished 20 June 2019) and with their Self-evaluation Framework document.

The advice from CfPS is that each authority which has a scrutiny function should use the Statutory Guidance to reassess their own scrutiny arrangements to see if these are still fit for purpose and that they still provide local scrutineers with the relevant support and structures in place to foster an independently minded scrutiny function. With this in mind each scrutiny authority must "have regard to" the guidance. This will mean that each relevant section should be addressed by each authority, with a clear rationale demonstrated by that authority if it chooses, according to its local circumstances, to move away from the Guidance.

It should be understood that Scrutiny should always be a whole Council endeavour and not just the preserve of the Scrutiny Officer and Scrutiny Members.

The Contents

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2. Culture
3. Resourcing
4. Selecting committee members
5. Powers to access information
6. Planning work and engaging the public
7. Evidence sessions

2. Culture (pages 8 - 12, paragraphs 7 – 13)

Within culture there should be an emphasis on the commitment of the Council's political and organisational leadership to make scrutiny work.

Having the right culture in place is critical to making scrutiny effective. It's possible for an authority to say all of the right things regarding scrutiny but in practice and action not be open to effective scrutiny which results in scrutiny being side-lined and ignored.

The Statutory Guidance highlights that "In particular: The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g.

through the use of the whip or as a tool of political patronage… The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting."

The Statutory Guidance also recommends that each authority should a) recognise scrutiny's legal and democratic legitimacy; b) identify a clear role and focus; c) ensure early and regular engagement between the executive and scrutiny; d) manage disagreement (recommended that authorities should consider a joint executive and scrutiny protocol); e) provide the necessary support; f) ensure it provides impartial advice from officers; g) communicate scrutiny's role and purpose to the wider authority; h) maintain the interest of full Council in the work of the scrutiny committee; i) communicate scrutiny's role to the public; and ensure scrutiny members are supported in having an independent mind-set.

3.   Resourcing (pages 13 – 14, paragraphs 15 – 22)

Resources need to reflect the needs and size of the authority but it also needs to offer some support to the Members who undertake scrutiny or it will not function effectively. Clearly local authorities have been retrenching since 2010 so resourcing scrutiny for many has not been seen as a priority. In two tier areas the lower tier authorities do not have to appoint or designate a statutory scrutiny officer but it is still their decision as to how they should recourse it. Although it is possible to find exceptions, it could be argued that those authorities who dedicate less of a resource to support scrutiny will more than likely have a less effective function. Good governance costs but poor governance can cost a fortune. The CfPS sited the cases of Mid Staffs health scandal and the Rotherham child sex abuse scandal as authorities who had an undeveloped scrutiny function, that might have helped raise concerns in these areas had they been given latitude in their authorities to do so. The CfPS stated that they had hoped that the Guidance would establish that Statutory Scrutiny Officers role would be equal to other statutory appointments within authorities, but the Government did not address this in the Guidance.

It is important to note that resourcing does not just mean specifically designated full time staff but should include all paid staff who provide officer time to assist the scrutiny function with impartial, professional advice. This includes Strategic Directors and Assistant Directors as well as Heads of Service and other staff as well as the support of the Constitutional Services Officers.

4.   Selecting Committee Members & Chairs (pages 15 – 17, paragraphs 23 – 36)

The Statutory Guidance recommends that within a scrutiny committee that the right members are selected to help the committees function effectively. Those members should have the necessary skills, commitment and knowledge so that the committees can provide adequate challenge in research/questioning skills to effectively hold decision makers and partners to account. "What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions." The method of selecting chairs, whether these are from the majority group or opposition members, should be a matter for each authority to determine. The guidance recommends that each authority should consider selecting their chairs by secret ballot, but reiterates that this is ultimately a matter for each authority to decide.

The Guidance provides an emphasis on training for committee members. It is important that scrutiny members are offered induction training when they are new to the role as well as providing ongoing training for established members.

5.   Powers to Access Information (pages 18 – 20, paragraphs 37 – 46)

It is recognised in law that scrutiny members enjoy powers to access information. In short, members should not have information withheld from them when it is requested. "While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members." There still may be circumstances "where it is legitimate for an authority to withhold information,"… in such circumstances "the executive is required to provide the scrutiny committee with a written statement setting out its reasons for that decision" but the Guidance stresses that "members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency."

Under this section the Guidance also provides advice about:

a) The need to explain the purpose of scrutiny
b) The benefits of an informal approach
c) How to encourage compliance with the request
d) Who to approach

6.   Planning Work (pages 21 – 24, paragraphs 47 – 58)

The Guidance suggests that "effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make tangible differences to the work of the authority" to do this scrutiny committees need to carefully consider their work programme, this can be a list of issues they wish to scrutinise which members need to give some prioritisation to but leaving some room for flexibility if issues arise during the year. Where there is more than one scrutiny committee in an authority thought needs to be given to how these are supported by officers and when work is undertaken to spread out the workload.

"Scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants'." To this end the remit can be very broad so some prioritisation and focus needs to be provided to make sure that the themes chosen are manageable and deliverable. Work planning should also consider the strategic importance of an issue and also risk.

Who to speak to:

- The public - The Guidance recommends that members should informally gauge the views of the public through their networks to bring forward possible topics, and should consider going out into communities to gather views, rather than expecting the public to engage with the Council. An authorities' communication team should also be engaged in the process of engaging with the public, utilising social media and online platforms.
- The authority's partners – this can include other authorities and public sector partners such as other tiers of local government, the NHS (for upper tier authorities), Police; the voluntary sector; contractors and business partners; cross-authority bodies such as LEPs and large local employers
- The executive – The executive and the authority's senior officers. "The executive should not direct scrutiny's work (covered in chapter 2 Culture), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work" CfPS advice to Council's is that the Scrutiny work programme is their own property and scrutiny can therefore consider suggested work directed to them from the

Executive, Council or partners but ultimately it is their decision whether to pursue an issue or not, scrutiny can say no as well as yes.

Information sources:

- Performance information
- Finance & risk information
- Corporate complaints/Members' surgeries
- Business cases & options appraisals

Shortlisting topics:

- What benefits would be expected from a review?
- How best carry out the work?
- What would be the best outcome?
- How would this work engage with the activity of the executive and partners?

Carrying out work:

a) As a single item on a committee agenda
b) At a single meeting
c) As a task and finish review of two or three meetings
d) Via a longer task and finish review (six or seven meetings over a number of months)
e) By establishing a standing panel

7.   Evidence sessions (pages 25 – 26, paragraphs 59 – 68)

Good preparation for evidence gathering sessions is vital to having effective meetings and collecting sound evidence.

How to plan:

- Members should be clear what they want to achieve from a session
- Members should prepare for evidence sessions by reading all of the background information provided as well as carrying out their own 'desk top' research. If written evidence and answers to pre-prepared questions are provided by officers then members should digest the information and be ready to ask further questions depending on the oral evidence provided.
- At the end of an evidence session the chair should be able to "draw together themes and highlight the key findings." During these sessions recommendations should emerge.

Developing recommendations:

- The Guidance recommends that for the drafting of recommendations "it will usually be appropriate for this to be done by members. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer."
- Reports and recommendations should be evidence based
- Recommendations should be SMART and low in number, ideally no more than six to eight in number