

Meeting OVERVIEW & SCRUTINY (SITTING AS A SELECT COMMITTEE)

Portfolio Area ALL

Date 17 MARCH 2021

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REVIEW OF SCRUTINY ARRANGEMENTS

1 PURPOSE

- 1.1 To provide Members with the report and recommendations for the review of the Council’s Scrutiny function as undertaken by the Overview & Scrutiny Committee.

2 RECOMMENDATIONS

- 2.1 That Members agree the recommendations from the review below:

2.2 Recommendation 1 - Work Programming

- 2.2.1 That the way work programming is arranged be amended to incorporate a better engagement from the public and also from all scrutiny Members to could include:

- (i) Use the Customer Service Centre & Satisfaction Surveys and the Resident Survey 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. Given the experience of Members working with virtual meetings this could be undertaken in a virtual meeting setting.

- (iii) Address the 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.

2.3 Recommendation 2 - Scoping

2.3.1 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 starting and ways of keeping the scope in focus during the review, with possibly two types of scope (i) performance focused reviews and (ii) policy development scrutiny reviews:

- (i) That prior to a review starting 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.

2.4 Recommendation 3 - Evidence gathering, site visits & interviews

2.4.1 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. One of the features of the Covid-19 pandemic was virtual online video conferencing and livestreaming of meetings, which included inviting external witnesses to meetings. This could carry on as a legacy making it easier for some witnesses to attend meetings.
- (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 acknowledge Members who take a lead role in a specific issue the review.

2.5 Recommendation 4 – Final reports & recommendations

2.5.1 That the way recommendations and final reports are drawn together should incorporate fewer SMART recommendations, relevant to the objectives of the scrutiny 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).

2.6 Recommendation 5 – Monitoring outcomes

2.6.1 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 expected 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.
- (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). – *this should be achievable*
- (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. The Scrutiny Officer could supply the service area with a simple template to use to survey with the public.
- (iv) That a locally devised action tracker that can be used as a standing item at each scrutiny committee to monitor progress and outcomes from recommendations from previous reviews be designed by officers. Members will need to agree how long an item should remain on any tracker so that this doesn't become too cumbersome over time.

2.7 Recommendation 6 – Pre-scrutiny (Portfolio Holder Advisory Groups)

2.7.1 That the Portfolio Holder Advisory Groups be Chaired by Scrutiny Members as a Pre Scrutiny Advisory Group, which would 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.

2.8 Recommendation 7 – Appraisal of the Call-in arrangements

2.8.1 Following the most recent O&S Committee call-in of an Executive decision it was agreed that the wording of the current call-in arrangements within the constitution were not clear, so it was agreed that these should be looked at to make them as clear as possible. The Scrutiny Officer should work with the Monitoring Officer on a redrafting of these sections which would then need to be agreed by Council.

That Officers draw together a proposal for the current call-in arrangements and wording within the Constitution to be updated to address the issue that there is currently some ambiguity with call-ins, as part of the Constitutional Review, and also some updated scrutiny training in 2021/2022 be arranged to cover these areas.

2.9 Recommendation 8 – Future oversight of changes brought on by the Covid-19 pandemic

- 2.9.1 It is recommended that the Scrutiny function has a further assessment of the Covid and post-Covid working arrangements after around six months, to consider any further changes needed at that point given the way Members meet may have changed by then with possibly hybrid meetings etc. and to allow for a period of reflection brought about by the pandemic and in addition look for examples of how other Councils have adapted and changed their model of scrutiny.

3 BACKGROUND

- 3.1 On 23 September 2019 the Overview and Scrutiny Committee agreed a scoping document to scrutinise the issue of a review of the Council's Scrutiny arrangements. When the scope was agreed Members were reminded of the background context of Overview and Scrutiny (O & S) including the legal framework. Overview and scrutiny was introduced by the Local Government Act 2000 to enable a more streamlined structure for decision-making. The new role of Overview and Scrutiny was designed to act as a check and balance, holding the Cabinet to account and contributing to policy development and carrying out its own reviews of local services and matters of local interest.
- 3.2 The Overview & Scrutiny sitting as a Select Committee to undertake the review met on 4 occasions on 23 September 2019, 11 November 2019, 14 January 2020 and 17 March 2021.
- 3.3 Ministry of Housing, Communities and Local Government - Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities
- 3.3.1 The Ministry of Housing, Communities and Local Government (MHCLG) published new statutory guidance on overview and scrutiny in local and combined authorities in May 2019. The guidance was a response to a key recommendation made by the (then) Communities and Local Government Select Committee following its 2016-17 inquiry into the effectiveness of Overview and Scrutiny, which had been delayed for publication due to the government's focus on Brexit.
- 3.4 Following the publishing of the Statutory Guidance the Centre for Public Scrutiny, who had acted as a principal consultee to the Parliamentary Select Committee and the Ministry of Housing, Communities & Local Government offered its own training and suggestions on how to respond to the guidance.

A key document that authorities were recommended to use as a health check on their scrutiny arrangements was the CfPS self-evaluation framework.

3.5 Centre for Governane & Scrutiny – Self Evaluation Framework & SBC devised local scoring Matrix

3.5.1 The Chair and Vice-Chair of the Overview & Scrutiny Committee met with the Strategic Director with responsibility for the Scrutiny function along with the Scrutiny Officer to agree a way to use the CfGS self-evaluation framework principles to undertake a self-evaluation review. Through these discussions it was agreed to devise a local scoring matrix based on key elements of the way issues are scrutinised such as work programming, scoping, evidence gathering, recommendations and reports and future monitoring. These key areas were then scored against the current procedures, Members and SLT involvement.

3.6 The matrix document was used to canvass members for their views on the key areas, this was then compiled into a response and brought back to committee on 11 November 2019. At the meeting Members began to agree a consensus on each area where there was agreement, which have become the core recommendations of the review. A summary document of the Members Self Evaluation Framework Scoring Matrix document is appended to the report at Appendix A.

3.7 Benchmarking with other authorities

3.7.1 As part of the review the Scrutiny Officer reached out to other authorities to invite them to comment on the Council's scrutiny arrangements, this was by undertaken by sending copies of examples of the work that the Committees undertake and details about the structure and function. The Scrutiny Officer reached out to local authorities in the Hertfordshire Scrutiny Network and an authority in a neighbouring County who had a similar demographic to Stevenage all of which were considered most likely to respond to such a request. Unfortunately, having had an initial positive response from a few that they would respond to this request this was not followed through despite a number of requests. Following this the Scrutiny Officer sent a short survey to the Scrutiny Network and there was a response from 2 districts and the County – The County Council were using the publishing of the guidance to review their arrangements via a self-evaluation process but the two other districts were not. In terms of strengths and weaknesses the key strength for the County was a national reputation for innovative cross party working, holding the NHS to account and robust annual budget scrutiny, the weakness is public engagement. The two districts felt their strengths were detailed reviews with sound recommendations and pre-scrutiny as well as clear structures and compulsory training for Members and on weaknesses they felt that there was a poor relationship between the Executive and Scrutiny and a lack of understanding of the role of scrutiny.

3.8 Interviews with 4th tier Managers and Officers

3.8.1 Some managers who had supported reviews within their own service including the Wellbeing & Leisure Services Manager, Environmental Policy & Development Manager, Senior Human Resources Manager, Lettings and Temporary Accommodation Manager and the Garages and Markets Manager

were invited to comment on the process and provide an honest appraisal of what currently works and what doesn't work. The officers were asked a number of questions prior to a face to face interview, this included questions on their understanding of the matter being reviewed? were they able to influence the review? was the focus correct? could they answer all questions? and finally what would improve the process?

3.8.2 With regards to the choice and focus of reviews a number of officers felt that some reviews lacked sufficient clarity at the scoping stage, perhaps being too wide ranging and on occasion further matters were added to the review as the review was part way completed and were not a feature of the original scope. A lesson then is that reviews should stick to the original brief and that Members resist the desire to keep broadening a review with regards to evidence to seek and people to interview. In addition officers suggested that reviews should be realistic about what outcomes are achievable taking into account the number of officers in a team who can respond to recommendations and that it is likely to be possible within budgets available. To counter this, Scrutiny reviews can request the Executive to consider a recommendation even if it could result in a budgetary increase, so long as the recommendation is evidence based. By and large officers felt that the reviews they were involved in were worthwhile with good outcomes for their service as it gave them more profile, focused on good practice and helped improve the service.

3.9 Delay to bringing the review recommendations back to the Overview and Scrutiny Committee

3.9.1 Due to the Covid-19 pandemic there has been a delay in bringing back the final report and recommendations to the Committee. It is suggested that this be brought to the Committee at this time so that the recommendations could begin to be implemented for the 2021-22 Municipal Year and before any more potential changes to the Committee's membership who undertook the review.

4 FINDINGS OF THE REVIEW

4.1 The review established:

4.2 Work Programming

4.2.1 Members should be using the Customer Service Centre information, customer satisfaction surveys and the residents' survey to help inform what issues should be scrutinised. In the future Members and officers need to look at new ways to engage with the public to get their views expressed. The process needs to be Member led at all stages but informed by SLT re current corporate work programming.

4.3 Scoping

4.3.1 Scoping documents are important to help focus the review and keep the subject matter in view. The documents are living documents so need to be updated as reviews develop, with changes being highlighted between versions and updates on progress achieved. A brief overview of the context

and subject matter at the beginning of the review is very helpful to orientate members.

4.4 Evidence gathering/site visits/interviews

4.4.1 Members are not always available to attend site visits during the day time due to work or other commitments so repeat or site visits in the evening should be arranged. More training in interviewing and questioning is required. Ways of getting better engagement from all Members on the relevant committee undertaking a review need to be found. The Assistant Directors need to take a more active role in reviews as this is currently patchy and the whole programme and individual reviews are vulnerable to stalling if the Scrutiny Officer was incapacitated for an extended period.

4.5 Final Report & Recommendations

4.5.1 It was acknowledged that often there are too many recommendations which can dilute the impact of the review, so thought needs to be given to how many should be produced in the final report. The final word and editing of reports should sit with Members. The Scrutiny Officer writes the report on behalf of the Members.

4.6 Monitoring Outcomes

4.6.1 Members are not entirely happy with the way that actions and recommendations are monitored following a review so a more robust mechanism for ongoing monitoring is requested in the form of a locally devised action tracker that can be used as a standing item at each scrutiny committee to monitor progress with issues. Also Members have said that they feel that the Executive/SD response should be more sufficiently challenged by Scrutiny members when they feel that the response is not accepted.

4.7 Pre-scrutiny Policy Development

4.7.1 Members were of the view that by and large these meetings were going well. However, there was a question around their value if they were held too close to the final Executive report, as the policy was close to being finalised by that stage. Members also raised the issue that although the subject matter was the domain of the Executive Portfolio Holder the meeting should perhaps be Chaired by Scrutiny Members as they are carrying out pre-scrutiny of the policy at these meetings and the Executive Portfolio Holder would still attend as a key contributor answering questions along with the relevant Assistant Director, prior to the Policy being considered and agreed at the Executive.

4.8 Updating of the Council's Call-in arrangements

4.8.1 Following a recent call-in of a part II Executive decision it was suggested by Members during that process that the wording of the call-in arrangements within the Constitution and standing orders was unclear and possibly ambiguous regarding the timescales for the call-in and when meetings should be held. This work would need to feed into a wider review and refresh of the Council's Constitution which the Monitoring Officer is commissioning. Accordingly it was agreed that work should be undertaken to redraft the wording prior to this being adopted by Council as part of a redrafted Constitution.

4.9 Other views expressed by Members on the review

- 4.9.1 As part of the review Members of the Overview and Scrutiny Committee debated the Statutory Guidance and specifically the sections regarding the Chairing of Scrutiny Committees by Opposition Members and whether the choice of the Chair should be by secret ballots. A few Members were keen for the Committee to make a recommendation on these two issues (i) that the Council should consider recommending that opposition members should chair scrutiny committees and (ii) that the choice of the chairs should be by secret ballot. The Centre for Public Scrutiny has consistently stated that the key issue for any Chair of Scrutiny is that they are independently minded. There was a divergence of views expressed by Members on these two issues and no consensus at the time to make this a recommendation. The Statutory Guidance recommended that authorities should have regard to these issues, and specifically states:

“32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot...”

5 **IMPLICATIONS**

Financial Implications

- 5.1 There are no direct financial implications within this report.

Legal Implications

- 5.2 The report refers to the various acts which give the legal status to Overview & Scrutiny Committees including the Local Government Act 2000 and the Ministry of Housing, Communities & Local Government Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, May 2019.

Staffing Implications

- 5.3 The Scrutiny Officer will need to devise an action tracker to be used at each scrutiny committee as well as revising the current call-in arrangements in the Council's constitution and changes to the work programming for 2021-22, all of these changes and developments will take time to be developed.

Equalities & Diversity Implications

- 5.4 There are no direct equalities and diversity implications that were considered in this review.

APPENDECIES

Appendix A – Scrutiny Self Evaluation Framework Scoring Matrix

BACKGROUND DOCUMENTS

Ministry of Housing, Communities and Local Government - Statutory Guidance
Overview and Scrutiny in Local and Combined Authorities, May 2019