

To: **Overview & Scrutiny Commission**  
**5 November 2019**

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**Overview & Scrutiny Arrangements 2019-2023**  
**Statutory Scrutiny Officer**

**1 Purpose of Report**

- 1.1 This report seeks the Overview & Scrutiny Commission's (OSC) formal agreement to the implementation of revised arrangements for the discharge of the overview & scrutiny function and to report these changes to the Council in order for consequential changes to be made to the Council's Constitution.

**2 Recommendations**

- 2.1 That the following Overview & Scrutiny Panels are disestablished:
- Adult Social Care, Health & Housing
  - Children, Young People & Learning
  - Environment, Culture & Communities
- 2.2 That the scrutiny arrangements are agreed as set out in paragraph 6 of the report including the establishment and core membership of the following Overview & Scrutiny Panels:
- Wellbeing & Finance
  - Education, Skills & Growth
  - Environment & Communities
- 2.3 That the appointment of Tracey Wright and Mark Glanville as the two Parent Governor Representatives on the Commission is recommended to Council on 27 November.
- 2.4 That a report is submitted to Council reporting the changes to the overview & scrutiny function as required by the Constitution and to recommend to Council changes to the Constitution as set out in Appendices E, F and G, as a result of the changes.

**3 Reasons for Recommendations**

- 3.1 To give effect to changes to the overview and scrutiny structure as requested by the Overview & Scrutiny Commission and to recommend to Council resultant changes to the Constitution.
- 3.2 To recommend that Council appoints Tracey Wright and Mark Glanville to the two vacant Parent Governor Representative seats on the Commission.

**4 Alternative Options Considered**

- 4.1 Members considered the following options:
- (i) **Do nothing** - the overview and scrutiny structure historically reflected the Council's directorate structure. It was not realigned following the Council's recent reorganisation. The result is that officers duplicate effort at a number of meetings. It has also been difficult to consider cross-cutting issues as a whole, rather than specific to each Panel's area of responsibility, which dilutes its effectiveness.

- (ii) **Create directorate-based Panels** – this would largely reflect the structure that was in place for many years. It did not encourage a strategic approach to scrutiny activity and Panels tended to work in isolation from one another.
- (iii) **Adopt a theme-based approach to scrutiny activity** – this approach allows activity to align more closely to the Council's objectives for the next four years. There six corporate themes within the Council Plan. The work can be delivered through flexible Panels each responsible for two themes, scheduled to meet to align with the work programme rather than on a pre-agreed fixed cycle. This option offers a sound response to most of the issues raised in the CfPS report and statutory guidance.

**This was the preferred option.**

## **5 Supporting Information**

- 5.1 It is timely for the Council to review and refresh the role and purpose of the overview and scrutiny function taking account of the Centre for Public Scrutiny (CfPS) review, the Government's Statutory Guidance and the Council reorganisation. This report sets out a new overview and scrutiny structure and working arrangements which have been considered by the overview and scrutiny chairmen and vice-chairmen and Commission.
- 5.2 The previous Overview & Scrutiny Commission (OSC) Chairman commissioned the CfPS to assess the Council's approach to scrutiny and to make recommendations aimed at improving its impact and effectiveness. This took place in November/December 2018 and the final report was received in the New Year. The report is attached at Annex A. The timing of the review was intended to coincide with the publication of Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities from the Ministry of Housing, Communities & Local Government. Publication of this guidance was delayed to May 2019 however the report took into account CfPS' expectations in relation to it. The guidance is attached at Annex B.
- 5.3 The scope of the review covered the following:
  - An assessment of the effectiveness of the scrutiny function
  - A check of the shared vision for scrutiny
  - The challenge provided to the Executive by scrutiny
  - The work programme – how items are selected and prioritised
  - Use of officer time and resources required to support scrutiny activity
  - The councillor resources required to prepare for and attend scrutiny meetings
  - The structure, remit and focus of task and finish groups
  - The scrutiny of external partners and contracts
  - The quality and robustness of scrutiny
  - The links between scrutiny and corporate strategy priorities
  - The skills of chairmen and vice-chairmen
- 5.4 The review found that scrutiny is efficiently managed and runs well as a function, however feedback from Members was that they would welcome new ways to develop its purpose and make a more constructive contribution. It was also felt that scrutiny could add more value and be more productive and effective given the significant time, effort and resources put in. Specific findings for further consideration were:
  - There is no clear, shared understanding of the role and purpose of scrutiny by Members

- There is little visibility of public accountability of the political leadership and Executive through open scrutiny
- There is a deficit of democratic accountability
- Portfolio Review Groups severely dilute the role of public scrutiny as this internal process leaves limited scope for Members to add further value at a future public scrutiny stage
- There are too few examples of Executive Members and Leader/Deputy being publicly held to account by scrutiny
- Some Members have missed the need for holding to account and see scrutiny as an information gathering and learning opportunity
- Scrutiny work programmes do not have a clear alignment with the Council corporate plan
- There is no clear objective in much of scrutiny's work
- There is no comprehensive Executive forward plan which scrutiny could use as a basis for scrutiny work plans and to have impact
- There is no triangulation between scrutiny and the Executive in the production of the work programme

5.5 One of the findings of the CfPS review was that although there is a lot of scrutiny activity there is a lack of holding to account decision makers and partners. When asked most Members described the role as holding officers and the organisation to account. Some Members missed the need for holding to account and see scrutiny as an information gathering and learning opportunity.

5.6 Following a series of meetings between officers, the chairman and vice-chairman of the Commission, the overview & scrutiny panel chairmen and vice-chairmen and the Commission, a proposal for future arrangements was agreed. Annex C sets out the overall overview & scrutiny structure and roles and responsibilities and Annex D shows the process workflow. The arrangements are set out in detail in paragraph 6 below.

## **6 Revised Overview & Scrutiny Arrangements**

6.1 The revised structure looks familiar in that it has an overarching Overview & Scrutiny Commission and three Overview & Scrutiny Panels. However, it does not mirror officer or Executive Member structures. Instead it focusses on the thematic delivery of the Council Plan.

6.2 Panels previously operated in the main as sub-committees, meeting on a pre-agreed fixed cycle without work programmes that were strategically co-ordinated. Review work was undertaken by small groups of Members operating as start and finish task groups. The revised arrangements recognise that the scrutiny function is most effective when operating the task and finish group model rather than as sub-committees, therefore Panels will work flexibly to conduct focussed enquiries and deep dive reviews across a wide range of topics which support the delivery of the Council's objectives for the next four years. Each Panel is responsible for considering topics under two (of six) themes within the Council Plan 2019 - 2023. Meetings will be open to the public unless exempt information is being considered and will be scheduled as required to align with the timetable for the work to be undertaken rather than based on Members' availability. Activities will range from 'one and done' Panel meetings to a number of three - six months' focussed reviews. This will provide the widest possible opportunity for the majority of core Members to be involved.

6.3 In addition to the core Panel membership, all non-executive Members can take part in review work. This enables the overview & scrutiny function to tap into the skills

and knowledge of Members across a wide variety of topics. This also allows working councillors to be involved effectively based on their availability, interests and knowledge.

- 6.4 This approach recognises the importance of non-executive Members' involvement in policy development and pre-decision input and scrutiny, ensuring that scrutiny does not only provide challenge but also actively contributes to the work of the Council. It relies on the active involvement of a significant number of non-executive members to deliver effectively.
- 6.5 Following discussion with Members it is proposed that the membership of the Commission and core membership of the Panels remains unchanged from the previous structure and that this is reviewed in May as part of the preparations for the Annual Meeting of the Council. This is set out in the table below:

		<b>Chairman</b>	<b>Vice-Chairman</b>	<b>Membership</b>
<b>Overview &amp; Scrutiny Commission</b>		Cllr Angell	Cllr Virgo	Mrs Birch Brossard Gbadebo Mrs Mattick Mrs McKenzie-Boyle McLean Mossom Porter Temperton Tullett
<b>Overview &amp; Scrutiny Panel</b>	<b>Council Plan Themes</b>	<b>Chairman</b>	<b>Vice-Chairman</b>	<b>Core membership</b>
<b>A – Wellbeing &amp; Finance</b>	Caring for you and your family  Value for money	Cllr Tullett	Cllr Mrs Mattick	Allen Atkinson Bhandari Brossard Finch M J Gibson Mrs L Gibson McLean Skinner Temperton
<b>B - Education, Skills &amp; Growth</b>	Economic resilience  Education & skills	Cllr Mrs Birch	Cllr Brossard	Ms Gaw Mrs Hamilton Gbadebo Ms Hayes Ms Merry Skinner Temperton
<b>C –Environment &amp; Communities</b>	Communities  Protecting and enhancing our environment	Cllr Porter	Cllr Mrs McKenzie-Boyle	Angell Brossard Brown Ms Gaw Mrs Ingham Kennedy Kirke

- 6.6 The role of the Panel chairmen is critical to the success of the new arrangements. They will lead the scrutiny activity within their Panel's remit, working closely with the Overview & Scrutiny Team to undertake the work within the agreed timescales. Panel Chairmen will lead activity in their areas of responsibility and bring that leadership role and knowledge to the Commission when considering strategic items and requests for variations to the work programme. They will report on progress of their reviews to the Commission and present their Panel's findings and recommendations to the Commission for approval, following which they will present recommendations on behalf of the Commission to the Executive as appropriate. Panel Chairmen will monitor outcomes and the implementation of recommendations through the review of the Corporate Performance Overview Report (CPOR). They will also present issues of concerns from other Members on matters within the Quarterly Service Reports (QSR) or CPOR within their Panel's remit.
- 6.7 The Panel Chairmen will be supported in delivering their work programme activities by two dedicated officers who have developed a scrutiny toolkit, to support scrutiny enquiries and reviews. The toolkit includes a variety of models for scrutiny activity dependent on the required outcome such as challenge sessions; roundtable discussions; scrutiny away-days. There is also good engagement by senior officers in each service area across the Council for enquiry and review work
- 6.8 The Commission will:
- Develop a four-year strategic work programme aligned to the Council Plan following input from scrutiny members, the Executive, Corporate Management Team, partners and the public, ensuring that it is flexible enough to accommodate urgent short-term issues.
  - Co-ordinate the work of the Overview & Scrutiny Panels to make the best use of available resources which will include allocating topics to Panels and agreeing the scope of activity.
  - Commission Panels to undertake deep dive reviews and support focussed policy development, chaired by the relevant chairman or vice-chairman. Their size and duration will be dependent on the activity.
  - Receive findings and recommendations from Panel chairmen in respect of their Panel's scrutiny activity, for consideration and referral to the Executive or other decision-maker as appropriate.
  - Prioritise scrutiny activity to ensure that the overview and scrutiny function concentrates on the delivery of work of genuine value and relevant to the work of the Council.
  - Discharge the Council's crime and disorder responsibilities.
  - Discharge strategic health responsibilities.
  - Manage call-in.
  - Review the policy framework.
  - Scrutinise the budget proposals.
  - Hold the Executive to account for performance within the Corporate Performance Overview Report (CPOR).
- 6.9 The Commission will undertake focussed work programming which should ensure that scrutiny activity contributes effectively to the Council Plan objectives. A draft work programme has been developed with the Panel Chairmen and Vice-Chairmen and a report seeking agreement to the programme is included later on the agenda. Scrutiny activity has been prioritised to ensure that the impact of scrutiny work is the significant factor in determining which topics to consider. This includes key pieces of scrutiny work to support delivery of the Council Plan's objectives.

- 6.10 Outputs of scrutiny work will be measured and monitored by the Commission and included in the Annual Scrutiny Report to Council.
- 6.11 Quarterly Service Reports (QSR) will be made available to all Members. Members can refer issues of concern to the Commission to consider whether the topic should be included in the work programme. The Commission will receive the Corporate Performance Overview Report (CPOR) quarterly. Executive Members will be present at that meeting to be held to account for performance within their portfolios, supported by their Directors.
- 6.12 Scrutiny Members may require further development to fulfil the role of critical friend and holding the Executive to account rather than officers which is the current practice. A session has been commissioned from an external provider, but the date has not yet been agreed. All scrutiny Members will be encouraged to attend.

#### *Statutory and other Co-optees*

- 6.13 There are four statutory co-optees the Council is required to appoint to the Commission. The two Diocesan Representative seats have been vacant for a considerable amount of time and it is unlikely that they will be taken up in the near future. This is kept under regular review.
- 6.14 The process has recently been undertaken to recruit to the two vacant Parent Governor Representative seats: one primary stage and one secondary stage. One nomination for each vacancy was received by the deadline for nominations, therefore a ballot was not required. Council will be asked on the 27 November to agree their appointment for the next four years. They are Tracey Wright (primary) and Mark Glanville (secondary).
- 6.15 Under the previous arrangements a number of co-optees were invited to attend Panel meetings. It is proposed that the individuals concerned are advised of the changes and asked whether they would like to take part in reviews in the future.

## **7 Consultation and Other Considerations**

### Legal Advice

- 7.1 Section 9F of the Local Government Act 2000 (“the 2000 Act”) requires all local authorities operating Executive arrangements to have one or more committees to scrutinise the actions of the Executive and the authority and provide overview of matters affecting the authority's area and the inhabitants of that area (“overview and scrutiny” committees). Moreover, Executive arrangements by a local authority must ensure that its overview and scrutiny committee has power
- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
  - to make reports or recommendations to the authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive,
  - to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive,
  - to make reports or recommendations to the authority or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive,

- to make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area.

7.2 The recommendations to establish new thematically based panels from current arrangements aligns with the authority's statutory responsibilities.

#### Financial Advice

7.3 There are no financial implications arising from this report. The recommended changes to the Commission and Panels do not have any impact on the provisions within the Members' Allowances Scheme.

#### Other Consultation Responses

7.4 These are included in this report.

#### Equalities Impact Assessment

7.5 Changes to the overview and scrutiny arrangements have no apparent equality impact.

#### Strategic Risk Management Issues

7.6 Effective scrutiny is important to the successful functioning of local democracy by securing the efficient delivery of Council services and driving improvements. Poor scrutiny can be indicative of wider governance, leadership and/or service failure.

#### Background Papers

None

#### Contact for further information

Ann Moore, Democratic & Registration Services - 01344 352260

Ann.moore@bracknell-forest.gov.uk