

Agenda Item 6

Originally made to the Scrutiny Committee

12 November 2008

DSO/DM



Improvements to the Scrutiny Function

Summary

The Committee has raised the issue of improving the workings and effectiveness of the Scrutiny function at previous meetings, most notably the Joint Scrutiny and Corporate Overview Committee held on the 10 September 2008.

The Executive Board decision on the 1 October 2008 was that the Scrutiny Committee revisit its recommendation for the appointment of a dedicated Scrutiny Officer and identify costs and clarify the proposed remit of the post, highlighting the different duties of this role compared with those currently carried out by the Democratic Services Officer who services the Scrutiny Committee; and that the Scrutiny Committee revisit its recommendation that it examine issues before the Executive Board takes a decision and consider how this could be achieved in practical terms and without duplicating the work of the Corporate Overview Committee or causing unmanageable delays to the decision making of the Board.

Recommendation

That the Scrutiny Committee recommend:

1. Changes to the operation of the Scrutiny Committee to review their workload in a wider manner, to draw topics from:
 - specific concerns highlighted in the Performance Indicator and Service Plan reports;
 - rolling reviews of services;
 - the workload of the Corporate Overview Committee in establishing if implementation has occurred;
 - other authorities and agencies in East Devon as dictated by the Performance Indicators;
 - other Members, members of the public and complaint trends
2. Training and supporting material to increase confidence in questioning and scrutinising, including the introduction of a pre-meeting to decide on questioning strategy with all Members of the Scrutiny Committee where necessary
3. Increased Member development to provide a better understanding of services
4. Defer the consideration of a dedicated Scrutiny Officer until the recommendations 1, 2 and 3 have been adopted and implemented, to assess if additional Scrutiny Officer time is still required.

a) Reasons for Recommendation

The Executive Board has instructed the Scrutiny Committee to review their previous recommendations; the recommendation within this report should address some of the issues that the Scrutiny Committee are facing to provide a more effective Scrutiny role.

b) Alternative Options

Make no changes to the current Scrutiny function.

c) Risk Considerations

i) If the Scrutiny Committee recommend a new post of a Scrutiny Officer, with a salary equivalent to other authorities, and this is approved, there is the potential for a Democratic Services Officer post to be a redundant.

ii) If the Scrutiny Committee recommend that a new post of a Scrutiny Officer is required, based on the same salary as a Democratic Services Officer, the current post holder may not agree to the amendment of job description for increased hours dedicated to Scrutiny work. In that instance, the post would have to be advertised.

iii) If increased hours dedicated to Scrutiny work are taken on by Democratic Services, the existing establishment will not have the capacity to absorb the additional work.

iv) The re-organisation of local government could mean that a dedicated Scrutiny Officer does not have a role in a new organisation.

v) The Scrutiny function becomes officer, and not Member, led.

d) Policy and Budgetary Considerations

i) There is currently no budget provision for a dedicated Scrutiny Officer.

ii) The current provision equates to 1.5 days per week solely on Scrutiny work. If the current post was converted to 3 days per week on Scrutiny work, the remaining 1.5 days would have to be taken up by another officer which would mean increasing the hours of another officer. If this cannot be accommodated, an additional officer would have to be employed to cover this work. A Democratic Services Officer is currently at pay scale 6 (£22,122.00 to £24,545.00) so to find another 1.5 days per week equates to an increase of £6,636.00 - £7363.50; an additional officer to cover this work would incur further on-costs, calculated at 24.5% of gross salary which would add a further £1,626 - £1,804 to the salary costs giving a total of £8,262.00 - £12,167.50.

e) Date for Review of Decision

January 2009

1 Background to the Scrutiny Committee

1.1 What is the role of Scrutiny and what does this mean in practice?

The four principles of good public scrutiny are:

- Provide “critical” friend challenge to executive as well as external authorities and agencies;
- Reflect the voice and concerns of the public and its communities
- Take the lead and own the scrutiny process on behalf of the public;
- Make an impact on the delivery of public services.

In practice, the Council’s constitution sets out that the Corporate Overview Committee consider policies in development before they reach the Executive Board. The Scrutiny Committee currently owns the post decision scrutiny process and only considers matters before the Executive Board where the Board have asked the Committee to do so.

An extract from the Constitution that covers the Corporate Overview and Scrutiny function of the Council is attached to this report as Appendix A.

The Members of the Scrutiny Committee need to decide how issues can be examined before the Executive Board in a practical way, without duplicating the work of the Corporate Overview Committee.

1.2 Member Involvement TaFF

A Member Involvement Task and Finish Forum was set up in 2006, looking at the political, advisory and decision making arrangements of the Council. The TaFF met with representatives from West Dorset and South Somerset District Councils to discuss how their Overview and Scrutiny function operated. Following their final report, the Scrutiny Committee in March 2007 recommended that:

RECOMMENDED that the recommendations of the Member Involvement in the Political, Advisory and Decision Making Arrangements of the Council Task and Finish Forum be agreed subject to the recommendations 5.5 iv), 5.5vii) and recommendation 2 g) of the meeting held on 20 March 2007 being amended to read as follows:

- 5.5 iv) that the Chairman/Vice Chairman appointments of Scrutiny and Overview Committees be in proportion to the membership of political groups in the Council with a minimum of the Chair or Vice Chair for each of the committees, and a minimum of one Chair, being from the non majority groups;
- 5.5 vii) that provision be made in the 08/109 budget, or earlier if possible, for the appointment of a dedicated Scrutiny Officer as a means of promoting and developing an effective scrutiny function within the Council.
- 2 g) Planning training to be mandatory for all members of the Development Control committees and timetabled to accommodate the needs of all Councillors

The report of the Member Involvement in the Political, Advisory and Decision Making Arrangements of the Council Task and Finish Forum is attached for information as Appendix B.

1.3 Executive Board Decision 1 October 2008

As described in 1.2, the Scrutiny Committee first recommended that provision be made for a dedicated Scrutiny Officer in March 2007. The recommendation was made again, along with examining issues before they came before the Executive Board for decision, in September 2008.

Below is an extract of the minutes of the meeting of the Executive Board on 1 October 2008 specifically relating to the Scrutiny recommendations:

*82 **Minutes of the meetings of the Housing Review Board, the Joint Meeting of the Corporate Overview and Scrutiny Committees and the Corporate Overview Committee**

In respect of the Joint Scrutiny and Corporate Overview Committee, the Chairman of the Scrutiny Committee advised that the meeting had been productive with a genuine and interesting debate. The meeting had considered the Corporate and Financial Strategies (Minute 5) and, in so doing, proposed that the role of the Scrutiny Committee would be further strengthened by the appointment of a dedicated Scrutiny Officer. This recommendation had been made previously by the Member Involvement Task and Finish Forum but had not been progressed largely due to cost implications.

The current arrangement was that a Democratic Services Officer serviced the Scrutiny Committee and undertook research as guided by the Committee but also undertook other duties within the Democratic Services Team. It was suggested that the Scrutiny Committee revisit their proposal for a dedicated officer and identify exactly what duties a dedicated Scrutiny Officer would undertake that were in addition to those currently carried out by the Democratic Services Officer. When costed, this would give a clear basis for future

consideration by the Board and if substantiated would be considered during the budget process.

The Joint Meeting had also recommended that the Scrutiny Committee should consider matters prior to consideration by the Executive Board. The Head of Legal, Licensing and Democratic Services directed Members to the relevant part of the Constitution which set out the remit of the Scrutiny and Corporate Overview Committees. Briefly Scrutiny provided a check on Executive Board/Portfolio Holder decisions and Corporate Overview helped to develop policy and made recommendations to the Executive using research and evidence. Certain overlap between the Committees' remit was acknowledged. Referring all matters to the Overview Committees prior to consideration by the Executive Board would not be feasible. However it was suggested that this recommendation be revisited by the Scrutiny Committee when it was reconsidering the remit, duties and costings of the proposed dedicated Scrutiny Officer post.

**The Executive Board
RESOLVED**

that the following be referred for further consideration:

1. that the Scrutiny Committee revisit its recommendation for the appointment of a dedicated Scrutiny Officer and identify costs and clarify the proposed remit of the post, highlighting the different duties of this role compared with those currently carried out by the Democratic Services Officer who services the Scrutiny Committee,
2. that the Scrutiny Committee revisit its recommendation that it examine issues before the Executive Board takes a decision and consider how this could be achieved in practical terms and without duplicating the work of the Corporate Overview Committee or causing unmanageable delays to the decision making of the Board.

1.4 Past attendance

In the past there has been poor attendance by Members at the Scrutiny Committee and occasions where Members have only attended for part of the meeting. In line with other Committees, the Scrutiny Committee has also expressed the wish to encourage the public to attend the meetings and make use of the newly introduced public speaking opportunity at the start of the meeting.

Members will have their own reasons for non-attendance of the Scrutiny Committee; and it is accepted that there are circumstances where they are not able to attend because of other commitments. However, the issue of why there is poor attendance is one that needs to be addressed by the Members, because poor attendance can stifle debate. The topics considered in the past may also be another reason for poor attendance, because some of the subject matter may appear dry.

Public and press attendance has been apparent at those meetings where there is specific local interest; recent examples are anti-social behaviour at car parks in Ottery St Mary; and the Devon PCT review.

2 Suggested Improvements

2.1 Topics

Whilst the Scrutiny Committee does have a forward plan, this plan is not over-populated and can contain subjects that appear dull, for both the elected Member and the public.

Corporate Overview Committee generally have a high workload on their forward plan, and have what are regarded as more interesting topics as they relate to creating new policy. However, there is a degree of overlap as set out in the Council's Constitution where both committees can:

(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

(ii) make reports and/or recommendations to the full Council and/or the Executive Board in connection with the discharge of any functions;

(iii) consider any matter affecting the area or its inhabitants; and

(iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive Board and/or a Portfolio Holder member of the Executive Board;

(v) enable members to refer matters relevant to the functions of the committee to it by including items on the committee agenda [once section 19 of the Local Government and Public Involvement in Health Act 2007 is in force];

(vi) exercise the right to question any member as regards delegated ward member functions if and when such a scheme is made under sections 120 and 236 of the 2007 Act.

Below are a number of suggestions as a means of providing topics for the Scrutiny Committee Forward Plan, including the statutory requirements:

- **Performance Indicators**

- Identify those indicators where targets not being met **before** the meeting, so that officers can be invited to the meeting to explain why performance is below target, and what steps are being put in place to address this;
- If this is not possible, identify those indicators where targets not being met at the meeting, making arrangements for officers to attend the next meeting with an explanation;
- Change of style to the report on the performance indicators and services plans to give an indication to Members of both where performance is poor, and where good achievement has been made, so clearly highlighting these points to the Members.

- **Review of services**

- Recently reviewed services have included Leisure East Devon and the East Devon Volunteer Support Agency, as well as some internal services;
- A rolling cycle of reviews would ensure that all services are included;
- Urgent reviews where problems have been identified, through complaints, public interest, or performance indicators;
- Quarterly report on the complaints received could be presented to the Scrutiny Committee, again to identify if there are any trends that indicate a problem with the performance of a service.

- **Review of policy implementation**

- Considering those policies shaped by Corporate Overview and subsequently approved, to establish if been fully implemented;
- Meeting of the Scrutiny and Corporate Overview Chairmen twice a year, to liaise over the forward plans for both committees and agree their differing roles.

- **Partnerships**
 - Linking in with new Performance Indicators that relate to perception about an area, rather than a specific authority, the Scrutiny Committee could continue to build on past reviews of the other authorities and agencies found in the District, on the issues within those performance indicators.
- **Referral from Executive Board – statutory requirement**
- **Practicalities of referral of issues before presented to Executive Board for decision**
 - Introduce procedure to look at the Forward Plan of the Executive Board at each Scrutiny Committee meeting, to identify areas that are planned for a decision in the future and to decide if the Scrutiny Committee wish to ask to review the matter before a decision is made;
 - Reports would have to be drawn up seven weeks before a decision made – is that suitable for urgent matters? Or acceptable for all matters? Often matters are time bound or already being considered by the Corporate Overview Committee.
- **Requests from Members not on the Scrutiny Committee**
 - Since May 2008, Members can refer matters relevant to the functions of the Scrutiny Committee to it by including items on the committee agenda. This could be actively encouraged so that such matters are brought to the Chairman's attention.
- **Checklist concept from South Somerset District Council**
 - A checklist approach could be adopted to consider if a matter should be considered by the Scrutiny Committee. A suggested checklist, based on that used at South Somerset District Council, is attached as Appendix C.

2.2 Process of scrutiny

Members should consider how the process of scrutiny can be improved over the current approach; for example, the review of East Devon Leisure lacked rigour; and supplementary questions to extract information from officers are rarely used. A suggested approach is:

- **Asking questions**
 - challenging generic questions that Scrutiny Members can use as a basis for a review; these questions will help form in Member's minds the kind of searching questions they want to ask. Suggestions are:
 - **IS IT REQUIRED?** (do we have this, is it someone's role, does it make sense to tackle it)
 - **IS IT SYSTEMS THINKING?** (is it evidence based and designed around the customer demands)
 - **IS INTENTION CLEAR?** (what are we actually trying to achieve)
 - **ANY REAL OUTCOMES?** (are we actually, and measurably, achieving things for our customers)
 - **WHAT IS THE COST?** (both time and money)
 - **DOES IT COMPLY?** (have we checked that we are meeting our obligations, the law, any formal guidance, and any Council policy or resolutions)
 - **OTHERS DO WHAT?** (how do other organisations tackle this, best practice)
 - **EFFECTIVE AND EFFICIENT?** (how do we know we're doing things well, in a timely fashion, and at "best value")
 - **WHAT IS THE RISK?** (any areas of risk for the Council)
 - **ANYONE LOSE OUT?** (are there sections of the community who might be disadvantaged by this approach, or be less able to take advantage, than others)
 - **DOES IT LINK?** (have we linked this to other, similar, pieces of work within or outside the Council)
 - Training and/or encouragement to use supplementary questions to drill down to get to the bottom of an issue

- **Members hold their own pre-meet to decide on strategy of questioning**
 - Involve all Members of the Scrutiny Committee to decide how to question, and a clear understanding of the purpose of the questions – what the Committee wants to find out and why. As a result, Members have questions prepared and feel confident to fire back supplementary questions to extract the information required;
 - Hold just before the Committee starts

- **Is the service meeting the Council's Corporate Priorities?**
 - Look at how the Council's priorities can be achieved by examining its direction of travel.

2.3 Scrutiny Member Development

Members may feel that they need specific training or experience before achieving the confidence to undertake a rigorous review. Training on questioning has already been carried out by an outside consultant but the Members may feel there is scope for further training. Members may also like to consider:

- A nominated Member “back to the floor” day before a service review
 - Helping to engage Scrutiny Members in an area they are interested in.
- Gaining insight into a service before starting work on a Task and Finish Forum.
 - Help both inform the TaFF and save time in the early stages on “setting the scene”.

2.4 Scrutiny support

Members have specifically recommended that they would like a dedicated Scrutiny Officer. The Executive Board have responded by asking for detailed analysis in terms of time, cost and aspects of the role that are not currently fulfilled.

- **Current support**
 - Scrutiny is serviced by a part-time Democratic Services Officer (salary range for full time Democratic Services Officer is £22,122.00 to £24,545.00) who spends on average 1.5 days per week on the Scrutiny Committee and its administration. The remaining time of 1.5 days per week is spent on the following main duties:
 - Minuting Seaton Regeneration Board
 - Tender opening including administration
 - Minuting meetings requiring cover
 - Website updating
 - Organising specific pieces of work, for example, Annual Town and Parish Meeting
 - Standards Committee administration
 - Consultation representative for Democratic Services
 - Local Democracy Week involvement
 - Cover for Portfolio Holder Decisions administration
 - Undertaking research within the team – for example benchmarking of current service provision.

 - In the current time provided for Scrutiny, the Democratic Services Officer provides:
 - Production of draft and final agendas
 - Attends draft agenda meeting
 - Research on behalf of the Scrutiny Committee, for example on the issue of increased public participation which included the production of a report to Committee
 - Administration of following up required reports and actions
 - Servicing TaFFs as set by the Scrutiny Committee as appropriate

- **Dedicated support**

- A clear steer is needed from Members on what is required that is not currently provided under the present support – this need to be specific and may include aspects such as bringing benchmarking information to the Committee (currently collected by the Communications and Information Team, through Heads of Service), or the possibility of increased work following the Community Call to Action legislation, and being more pro-active once Members have set out their forward plan.
- Work programme should be Member led, not officer led
- A new post will require additional funding, even with the option of increasing Scrutiny dedicated hours, because of the cost of covering those duties that could no longer be covered by the present post holder. Please refer to the Risk Considerations at the front of this report.
- Comparison with other District authorities: other Districts that employ Scrutiny officer(s) are:
 - South Somerset District Council – currently operates a Scrutiny Committee of 14 Members, under which are 3 Scrutiny Commissions that involve all Members and deal with policy development – effectively including the EDDC aspect of the Corporate Overview Committee. Due to organisational restructuring, there is no longer a dedicated Scrutiny Manager as had been in operation when the Member Development TaFF reviewed SSDC’s practices. The Scrutiny Manager now also has responsibility for managing the Member Services Officers.
 - North East Derbyshire District Council – currently operates an Overview and Scrutiny Board (10 Members) to co-ordinate the work of four Scrutiny Committees, all consisting of 8 Members each drawn from the Council: Economic Regeneration, Skills and Environment (ERSE) Scrutiny Committee; The Safer Homes and Neighbourhoods (SHN) Scrutiny Committee; Healthy Communities and Well Being (HWB) Scrutiny Committee ; The Audit and Governance Scrutiny Committee. Advertised for an Overview and Scrutiny Officer in August 2008 for £ £21,412 – £22,845, 37 hours (full time) to join their Information and Scrutiny Team. The Overview and Scrutiny Board covers policy development, scrutiny and audit and corporate governance.
 - North Kesteven District Council – currently operates three Overview and Scrutiny Panels; Local Community; Local Economy; Local Environment. These cover both policy development and post-decision scrutiny, making recommendations to their Executive. A Scrutiny Officer is in post full time in salary range £23,749 -£25,320.
 - Horsham District Council operate an Scrutiny and Overview Committee of 15 Members, with four working groups as Business Improvement; Budget Review; Performance Management; and Social Inclusion. Recently advertised for a Scrutiny Officer at £21,412 - £24,545.
 - Scrutiny Officers are not common in District Councils, and from the examples located to date, most apply where the function of Scrutiny is combined with that of Overview, to include policy development.
 - There are more examples of Scrutiny Officers, and indeed teams, at a County/Unitary/Borough level of government. Devon County Council employ dedicated Scrutiny Officers for each of their four Overview/Scrutiny Committees at salary range £28,172 - £31,606.
- Communities in Control White Paper spells out an “intend to require” dedicated officer, although at County, Borough and Unitary level.

3. Outcomes

By combining the options outlined in this report, there should be a steady culture change towards a more rigorous, well attended and engaged Scrutiny Committee, where the Members feel valued as part of that Committee and as service reviews progress, build up an extensive knowledge of the services. Recommendations will outline identified improvements to services, working towards achieving the Corporate Priorities, without incurring additional cost.

The public will see that the Scrutiny Committee is undertaking its work in a transparent and open way to achieve real improvements and recognised achievements.

Legal Implications

To follow

Financial Implications

The financial implications are indicated in the report. Currently, on-costs are calculated at 24.5% of gross salary which would add another £1,626 - £1,804 to the salary costs for 1.5 days per week.

Consultation on Reports to the Executive

Not applicable

Background Papers

- "The Good Scrutiny Guide" by the Centre for Public Scrutiny
- Communities in Control: Real People Real Power White Paper

Debbie Meakin
Democratic Services Officer

Scrutiny Committee
12 November 2008

ARTICLE 7 - THE CORPORATE OVERVIEW & THE SCRUTINY COMMITTEES

7.01 Terms of Reference

Overview and Scrutiny is a non-executive function carried out by both the Overview and the Scrutiny Committees. The Housing Review Board is also a Council Overview Committee. The legal provisions affecting both Committees are contained in section 21 of the Local Government Act 2000 and regulations under section 32 of the Local Government Act 2000.

Each Committee operates within the guiding principles of effective scrutiny promoted by the centre for public scrutiny, namely;

1. Provide a 'critical friend' challenge to the Executive Board as well as external authorities and agencies.
2. Reflect the voice and concerns of the public and its communities
3. Take the lead and own the scrutiny process on behalf of the public
4. Make an impact on the delivery of public services

More specifically, the Corporate Overview Committee will principally provide the "critical friend" challenge and reflect the voice and concerns of the public and its communities so as to make an impact on the delivery of public services. The Scrutiny Committee will principally take the lead and own the post decision scrutiny process (in its widest sense) on behalf of the public with a view to making an impact on the delivery of public services.

Both Committees will have the power to establish specific Task and Finish Forums, comprising members of the Committee, the relevant Think Tank, and where appropriate, members of the public. In addition the Council has decided that both Committees will investigate and make recommendations to the Executive Board in respect of relevant Best Value considerations that arise within their remit. This is a matter of local choice under section 21(5) of the Local Government Act 2000. Both Committees also have the authority to require explanations from members of the Executive Board, senior staff, and committee chairmen in discharging their responsibilities. They will receive reports on performance in order to assist them in their duties.

The Scrutiny Committee is the Council's Crime and Disorder Committee for the purposes of section 19 of the Police and Justice Act 2006. It is also the Overview and Scrutiny Committee with the statutory duties and powers to deal with the Community Call for Action under the Local Government and Public Involvement in Health Act.

7.02 General Role

Within their terms of reference, both Committees will:

(i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;

(ii) make reports and/or recommendations to the full Council and/or the Executive Board in connection with the discharge of any functions;

(iii) consider any matter affecting the area or its inhabitants; and

(iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive Board and/or a Portfolio Holder member of the Executive Board;

(v) enable members to refer matters relevant to the functions of the committee to it by including items on the committee agenda [once section 19 of the Local Government and Public Involvement in Health Act 2007 is in force];

(vi) exercise the right to question any member as regards delegated ward member functions if and when such a scheme is made under sections 120 and 236 of the 2007 Act.

7.03 Specific Functions

(a) **Policy development and review** – the Corporate Overview Committee will:

(i) assist the Council and the Executive Board in the development of its budget and policy framework by in-depth analysis of policy issues;

(ii) conduct research and carry out community and other consultation in the analysis of policy issues and possible options;

(iii) consider and propose mechanisms to encourage and enhance community participation in the development of policy options;

(iv) question members of the Executive Board and/or committees and Chief Officers about their views on issues and proposals affecting the area; and

(v) subject to prior Council approval of an annual work plan, liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

(b) **Scrutiny** – The Scrutiny Committee may:

(i) review and scrutinise the decisions made by and performance of the Executive Board and council officers both in relation to individual decisions and over time;

(ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;

(iii) question members of the Executive Board and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

(iv) make recommendations to the Executive Board and/or Council arising from the outcome of the scrutiny process;

(v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance;

(vi) question and gather evidence from any person (with their consent);

(vii) make recommendations or a report to the Executive Board and/or Council in relation to local crime and disorder matters [as defined in section 19 Police and Justice Act 2006] once that section is in force;

(viii) consider any local crime and disorder matters [as defined in section 19 Police and Justice Act 2006] referred to it by a member of the Council once that section is in force.

(c) **Finance** – Both Committees may exercise overall responsibility for the finances made available to them.

(d) **Annual Report** – Both Committees will report annually to full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

MEMBER INVOLVEMENT IN THE POLITICAL AND DECISION MAKING ARRANGEMENTS OF THE COUNCIL - TAFF Interim Report

1. Membership

Councillors T A Cope
A R Giles
Mrs A E Liverton
G K Liverton (Elected Chairman)
R Mudge
R C Peachey
Dr H W Waterworth

Miss V Ash and
Corporate Director – Central Services – both in regular attendance

2. Terms of Reference

- i) To identify the strengths and weaknesses of the current political, advisory and decision making arrangements of the Council.
- ii) To make recommendations on how current arrangements could be improved to increase the effectiveness of Member involvement.

3. Introduction

3.1 Identified terms of reference and a detailed programme of work, with dates, for 6 meetings from 6 Dec '06 to 6 March '07

3.2 Programme of work:-

- confirm terms of reference and identify a programme of work for an interim report
- consideration of a package of relevant information for items requested, with Chief Executive invited
- consideration of the Executive Board and associated advisory and decision making arrangements - including Think Tanks and Task and Finish Forums (TAFFs), with Leader of the Council and 2 Portfolio Holders, Cllr Mrs P Graham and the Chief Executive being invited.
- consideration of the political, advisory and decision making arrangements with two invited District Councils - W. Dorset and S. Somerset represented by a Scrutiny Chairman from each, together with the Scrutiny Manager from S. Somerset.
- consideration of the Overview and Scrutiny arrangements of the Council with the Chairman of the Scrutiny Committee and Karime Hassan, the Lead Officer for the Corporate Overview Committee invited.
- identifying the recommendations to be made at this interim stage. This involves the Executive Board, the Think Tanks, the TAFFs, the Corporate Overview Committee and the Scrutiny Committee but excludes Members' work on the regulatory committees such as the Development Control Committee, the Licensing and Enforcement Committees, the Standards Committee, etc.

4. Resume of the Meeting Reports

There was an inevitable overlap of the material debated at the meetings but the main programme was maintained.

- 4.1 The second meeting with the Chief Exec. invited to attend considered a 91 page pack of requested documentation with a short paper on Think Tanks (TTs). The Head of Legal and Member Services was also present.

Close consideration was given, in particular, to the CENTRE FOR PUBLIC SCRUTINY (CfPS) 2005 Survey of Overview and Scrutiny in Local Government and the Local Government White Paper of Oct 2006.

It was accepted that the Council's attitude towards SCRUTINY had to change as it was a key function and needed to be seen in a more positive way, with appropriate resources. In particular there was a need for a dedicated Scrutiny Officer and an appropriate follow up mechanism should exist for recommendations made. The CALL - IN procedure also needed to be reviewed as it was suggested that currently it was too cumbersome.

In the detailed consideration of the CfPS document which does not separate Scrutiny from Overview and treats these elements as an integral whole, normally referring to them simply as 'Scrutiny, certain trends were identified, in particular:-

- a steady increase in resourcing and support for Scrutiny, the wide range of methods used and the increasing engagement with other organisations.
- for districts/boroughs by far the most used (37%) support structure was the "integrated model" where support was provided on an ad hoc basis from a variety of sources .However over all authorities 51% used the "specialist model" with support from dedicated officers,
- the average number of dedicated officers was 1.2 full time equivalents for districts/boroughs with an increase in the average discretionary budget,
- a good proportion of authorities have reviewed their Scrutiny structure in recent times with 59% using multiple committees that reflect portfolios or directorates. 75% have a formal co-ordinating body usually involving Chairmen and Vice Chairmen of Scrutiny Committees,
- there has been an increase in time-related task and finish working in 2005,
- noted that "performance management" was the most common role for Scrutiny (82%) followed by "holding to account" (79%) with "policy review" (77%) and "policy development" (73%) being the next highest,
- increased use was being made of tracking the progress of recommendations with the average number of call-ins being very low.

The Chief Executive outlined the effect of the White Paper on the Council when reference was made to;

- increased powers for parishes, districts and county council,
- possible clustering of parishes,
- the increased role of statutory Scrutiny on for example police and health matters.

The paper on TTs was addressed and it was noted that attendance was very variable as between the various groups, as was their use. However there was agreement that the entirely closed nature of the TTs should be removed so that the work of the groups would be of benefit to all Members.

- 4.2 The next meeting was wide ranging and included, by invitation, the Leader and two Portfolio Holders (Cllr P A Diviani and Cllr A T Moulding) with Cllr Mrs PA Graham and also present was the Head of Legal and Member Services and the Chief Executive (part)

Members were supportive of a representative Executive Board and concluded that a Board where opposition Members were excluded was not conducive to good decision making, though it was recognised that meetings were very open and no non-executive Members, of whom on average 27% attended were prevented from speaking. A full debate took place on the pros and cons of the membership of the Executive Board being changed to include opposition Members.

The call-in procedure was criticised as being too complex.

An issue as to how to generate more interest from non-executive members in the work of the Council was discussed.

Again the issue of think tanks and their value was considered and in particular how Members, not a member of a TT, could become involved or be aware of what was discussed.

The need for a dedicated scrutiny officer was also raised but the main problem related to staffing.

- 4.3 A very valuable meeting was held with W. Dorset and S. Somerset from which representatives were invited, comprising one Scrutiny Chairman from each authority, together with the Scrutiny Manager from S. Somerset. Some initial information was provided in advance of the meeting, in the form of their political management structure and following the meeting further information was provided. A very detailed discussion then ensued with the two authorities as to how their structures worked. A brief outline is as follows -

W. Dorset. A 48 Member Council with a Conservative majority and a 9 Member Exec. Committee, politically represented, with three 13 Member Overview & Scrutiny Committees with the majority group holding the Chairmanships and with Vice Chairmanships being voted in at the first meeting of the committee not usually from the majority group. The work of the O & S Committees is co-ordinated by the Chairmen and Vice Chairmen of the committees, together with the Corporate Directors. The committees shadow Portfolio Holders and have 'formal' meetings in public and after a short break 'informal' meetings in private It was noted that the authority had two 10 Member Development Control Committees—East and West who appeared to deal with each other's applications. Call-In arrangements were also discussed.

S. Somerset. A 60 Member Council with a 10 Member Executive (6 from the majority group and 4 elected by the 4 Area Committees). The 4 Exec. Members from the Area Committees were also Chairmen of the Area Committees and usually were from the majority group. Every Member was a member of an Area Comm. which enabled close working with the parishes. Each had their own budget with limited autonomy and some planning responsibility. Planning applications having implications for the Council's overall planning policy were referred for determination to a 13 Member Regulation Committee. There is one 14 Member Scrutiny Comm. chaired by the majority group and two Vice Chairmen, one from the majority group and one from the minority group. Below the Scrutiny Comm. are three Scrutiny Commissions which involve all Members and deal with policy development and are chaired either

by the Scrutiny Chairman or one of the Vice Chairmen. All Members are on an Area Committee and can be on a Scrutiny Commission. Policy Advisory Panels were abolished. The Scrutiny Manager was considered to be of particular value and served the scrutiny role only in providing initial advisory research.

Generally, for both authorities:-

- all Members had a direct involvement in either an Executive or Scrutiny role
- both Overview and Scrutiny were considered as integral parts of the same process
- no Think Tank arrangements existed.

- 4.4 The final meeting was with two invited Portfolio Holders (Cllr Miss J M Elson and Cllr R G Franklin), the Chairman of the Scrutiny Committee and the Corporate Director - Environment, with Cllr Ms S M Merritt present.

Annual Reports for the Corporate Overview and Scrutiny committees for the years 05/06 and 06/07 were introduced by the Corporate Director - Central Services together with the 05/07 topics considered by the two committees. It was noted that the majority of topics considered by Scrutiny were initiated by Members with a significant number of topics for Overview being put forward by officers.

The difference between the work of the Council's two committees was considered and it was noted that 19 non-executive Members could not be on either committee and that this tended to reduce their opportunity to participate in TAFFs. Concern was also expressed at the apparent lack of commitment by some Members to the work of the Council and the need to remedy this situation.

The role of TAFFs was considered again, as was the need to follow through recommendations. It was also noted that the number in place at any one time was restricted due to officer availability.

The role of a scrutiny officer was further debated, as was the need to recognise Members' interest and skills, regardless of group, as a valuable resource.

5. Recommendations

5.1 Identified Principles

- i) That Scrutiny be recognised as embracing both the Overview and Scrutiny roles as the integral process of Scrutiny.
- ii) That all non-executive Members be encouraged to be involved in Scrutiny work.
- iii) That the talents and interests of all Members, regardless of group, be recorded and recognised as a valuable resource to be utilised, as far as is reasonably possible, in order to contribute to the effectiveness of the Council.

5.2 The Executive Board

- i) That the Executive Board comprise 10 Members with representatives from all groups, whilst ensuring that the overall majority group retains overall control.

5.3 Think Tanks

- i) That TTs be continued, with political balance, including non-executive Members for a further two years, when their future be reviewed after taking into account their use and the numbers attending each group.

- ii) That all Members be made aware, with notice, of Think Tanks and the topics to be covered (with publication of these details using Local Government Act exempt information classification as a guide, although the Access to Information legislation does not apply to Think Tanks) and where relevant the recommendations of the TTs progress through to Overview or Scrutiny Committees.

5.4 Task and Finish Forum

- i) That the present successful TAFFs for non-executive Members be continued and that Councillors with a particular interest or talent in the subject of the TAFF be included within the TAFF membership (recommendation 5.1(iii) above refers).
- ii) That TAFFs have clearly defined Terms of Reference recommended by the parent committee.
- iii) That TAFF recommendations be monitored by the parent committee(s) up to the point of any implementation

5.5 Scrutiny & Overview

- i) That three Scrutiny committees be formed incorporating all non-executive Members, with political balance, and reflecting the responsibilities of all Portfolio Holders, with cross committee interests for Resources and Communications.
- ii) That to improve communications between the Council and the 67 Towns/Parishes, and hence the effectiveness of the Council, an Area Committee structure be investigated which would include the relevant Ward Members and could have a measure of autonomy on, for example, planning matters.
- iii) That the work of the committees shall be co-ordinated by the Chairmen and Vice Chairmen of the committees, together with the Corporate Director of Central Services and such other Directors as may be relevant at the time
- iv) That the Chairmen appointments of Scrutiny and Overview Committees be in proportion to the Membership of political groups in the Council with the Vice Chairmen being appointed on a non-political basis by the Committee at its first meeting following the Annual Meeting of the Council.
- v) That Scrutiny recommendations be monitored/tracked by the committee up to the point of any implementation.
- vi) That the Call-In procedure be reviewed to achieve a more simplified process.
- vii) That provision be made in the 08/09 budget for the appointment of a dedicated Scrutiny Officer as a means of promoting and developing an effective scrutiny function within the Council.

Selection Criteria for Scrutiny Work Programme

Subject / Issue	Score out of 10 <small>(where 10 indicates strong agreement)</small>	Comments
This topic has not recently been reviewed by another group of members and/or officers		
The Scrutiny work can be delivered within existing resources.		
This is an issue of local concern which has been identified by Members of this Council.		
This issue supports the delivery of the Corporate Plan.		
The involvement of Scrutiny may lead to improved value for money.		
New Government guidance or legislation means a major change to service delivery. Scrutiny involvement will aid this process.		
This issue has been raised by External Auditors and will now be included in the Corporate Plan or other action plans.		
Scrutiny Involvement in this subject will improve member understanding of a complex but important issue and will consequently lead to improved decision making.		

Based on a South Somerset District Council checklist.