



Leicester
City Council

OSMB
Council

18 June 2008
15 May 2008

Taking Forward Overview and Scrutiny

Report of the Corporate Director of Resources

1. PURPOSE OF THE REPORT/SUMMARY

- 1.1 This report reviews the operation of the scrutiny arrangements introduced in May 2007 and makes a series of proposals aimed at further enhancing their effectiveness.

2. RECOMMENDATIONS

- 2.1 Council is requested to approve the proposals for improvement set out in section 3.3 of the report.

3. REPORT

3.1 Background

- 3.1.1 Council agreed at its meeting on 31 May 2007 to introduce a new structure for overview and scrutiny. A summary diagram of this is attached at Appendix 1. The four key aims of the new structure were as follows:

1. *Enabling scrutiny to play a more positive role through:*
 - a greater engagement with the Cabinet
 - carrying out more in-depth policy reviews
 - challenging more the advice and recommendations being offered by council officers and the Cabinet
2. *Playing a part in the Council's response to the national drive to make local government more accountable to local people, by:*
 - being open and transparent
 - getting members of the public involved in scrutiny
 - taking scrutiny to people when it affects their area
3. *Make the scrutiny structure more relevant to the community of Leicester*

4. *Enabling the Council to respond to the relevant sections of the Local Government White Paper Strong and Prosperous Communities* (subsequently enacted as the Local Government and Public Involvement in Health Act 2007), namely:

- More effective scrutiny arrangements to hold to account those who exercise executive leadership
- Scrutiny to focus on:
 - constructive challenge and consideration to improve outcomes for people and communities
 - more strategic issues – the priorities agreed as part of Sustainable Community Strategies, Local Area Agreements and other key strategic plans
- Allow scrutiny committees to consider specific matters regarding the action of local public service providers and the actions of key public bodies operating in a local authority area
- Scrutiny to consider issues raised by councillors as Community Calls for Action
- Require key local public service providers:
 - to appear before scrutiny committees or provide information, where their actions relate to functions or service delivery connected with the Council
 - have regard to recommendations from scrutiny committees when these fall within the duty to co-operate
- Council to respond to scrutiny recommendations within two months
- Encourage:
 - the development of scrutiny focused on areas, communities and neighbourhoods
 - the greater use of scrutiny committees in policy development
 - the dedication of appropriate resources to scrutiny

3.1.2 At the time of the creation of the new system, it was indicated that the new arrangements would be reviewed after six and twelve months. However, as the first meetings of the new committees did not take place until late July/early August 2007, if a report had been brought to Council in November it would have effectively only reviewed the first two months of new arrangements, during which time they were still bedding in. It was therefore felt preferable to roll the two reviews into one, so that members could properly assess the new arrangements.

3.2 Assessment – the new arrangements one year on

3.2.1 An informal meeting of overview and scrutiny Chairs, Vice-Chairs, Task Group Leaders and Deputy Task Group Leaders was held on 2 April to discuss what had and had not worked well during the first year of the new structure, and what potential improvements could be made. A further meeting, discussing the same issues, was held for all members of the Overview and Scrutiny Management Board (OSMB) on 10 April.

These meetings followed an earlier informal meeting of scrutiny Chairs, Vice-Chairs and Task Group Leaders held on 10 October 2007. These meetings identified the following points:

3.2.2 What has worked well

- Scrutiny now more member led, with greater member involvement especially on Task Groups, with a better member to officer balance
- Greater engagement with Cabinet Leads via Task Groups
- Continued progress on Health Scrutiny
- Engagement between scrutiny and a wider range of local people and organisations
- Greater involvement and development of co-opted members e.g. in Task Group work
- Greater flexibility and fluidity in the operation of scrutiny e.g. Task Group reviews able to change direction as they progress
- Greater creative thinking
- Greater opportunities for member development
- Development of constructive criticism role
- Flexible nature of Task Groups has enabled each Task Group Leader to stamp their personal emphasis on the work of their Task Groups
- A more open process to the selection of scrutiny review topics
- Partner organisations' performance can be scrutinised on request
- Process enables answers and solutions to be generated more quickly
- Better able to look at what other authorities are doing

3.2.3 What needs further work

- Priority needs to be given to providing scrutiny members (including Chairs and Task Group Leaders) with pre-training, continued training and regular updates
- The role of holding the Cabinet to account requires further development, as Cabinet members have rarely been invited to attend scrutiny meetings to be challenged
- The role of challenging officers on service performance needs to be significantly strengthened, to enable scrutiny to demonstrate how it is improving outcomes for local people
- More work needs to be done to ensure there is effective scrutiny of Education
- The relationship between scrutiny and the Audit Committee needs to be revisited
- Not having standing memberships of Task Groups has proven problematic in terms of maintaining continuity and building expertise
- Some members are overstretched in terms of the time commitment required – attendance has been patchy on some committees
- Role of Deputy Task Group Leaders requires clarification and there should be a Deputy to each Task Group Leader

- Review process needs to be adapted so reviews examining one specific point rather than a complex issue can take place and report back quickly e.g. within one month
- Scrutiny review topics need to come from a wider range of sources
- Scrutiny Chairs, Vice-Chairs, Task Group Leaders and Deputy Task Group Leaders should be able to meet regularly with officers outside of formal meetings
- Mixed levels of understanding and commitment to new scrutiny processes among some Council officers, including officers not yet being engaged with the fluidity and flexibility required by the new process
- More work needs to be undertaken in publicising scrutiny
- Problems regarding scrutiny of issues that have not come from Task Groups, including:
 - Lack of key reports coming to OSMB but a plethora of less significant reports leading to unmanageable agenda
 - A significant proportion of reports are not shown on the Cabinet Forward Plan (from which scrutiny calls in reports)
 - Reports coming to scrutiny so late in the day that some members feel they have not been able to give them proper consideration)
 - Reports coming to scrutiny that assume significant prior knowledge and thus prevent members from being able to scrutinise them effectively
- Support to scrutiny needs to be reviewed:
 - Administrative processes are too rigid – particularly around Task Groups, but also around the interface between Task Groups and OSMB – resulting in unacceptable delays in reports proceeding from Task Groups to OSMB
 - Stronger Member Support capacity needed – rapporteurs rather than a co-ordinators or notetakers
 - Scrutiny minutes are written in a way that makes it difficult for members of the public to find out what was said and for elected members to identify action points e.g. where officers have undertaken to provide further information to a particular member
 - Action points from scrutiny meetings need to be chased up
 - Communications with non-executive members who are not members of OSMB or Task Group Leaders needs to be more effective – they are often not aware of what items are being considered (communications are also sometimes too formal)
 - There needs to be much greater clarity around the new processes
 - Constitution needs to be updated to fully reflect current scrutiny arrangements e.g. OSMB having the responsibility to monitor progress on all petitions
 - A dedicated scrutiny support budget is needed to fund e.g. visits, hire of external venues or provision of refreshments
 - There are frequent scheduling conflicts, preventing members from attending meetings

3.2.4 In summary, the new arrangements have performed reasonably during their first year. They have overcome some of the problems identified with the previous scrutiny arrangements, particularly in terms of policy

development activities where the Council had a weak track record compared to other similarly sized authorities. However, further work is needed to ensure that the new arrangements achieve their full potential.

3.3 Proposed Improvements

3.3.1 The proposed improvements focus on six key areas:

- Enabling scrutiny to become a fully member-led process
- Enhancing scrutiny of the executive and of officers
- Enhancing the strategic focus of scrutiny and building on its policy development role
- Enabling scrutiny to challenge service performance more effectively and demonstrate an impact on improving outcomes for local people
- Enabling scrutiny members to undertake their role effectively
- Ensuring that scrutiny is widely understood within the Council and that members of the public and organisations outside the Council can play an active part in its work

Detailed proposals for each of these six areas are set out below. Once approved, they will form the basis of the scrutiny development plan (see paragraph 3.3.2b below). Proposals that can be actioned without further work would be implemented immediately, while the remainder would be progressively implemented during the 2008/9 municipal year.

3.3.2 Enabling scrutiny to become a fully member-led process

a) Creation of a Scrutiny Forum:

- an informal member-led meeting whose main purposes would be:
 - to drive the continued development of scrutiny as a member-led process
 - to keep the workings of scrutiny under review and develop improvements as required
 - to agree the scrutiny vision statement (see paragraph 3.3.4h below)
 - to agree and oversee the implementation of the scrutiny development plan (see paragraph 3.3.2b below)
 - to agree the overall scrutiny work programme (see paragraph 3.3.4i below)
 - to agree the scrutiny annual report (see paragraph 3.3.5b below)
 - to develop a closer relationship between the scrutiny function and the Audit Committee
- membership would be Scrutiny Chairs and Vice-Chairs, Task Group Leaders and Deputy Task Group Leaders, Audit Committee Chair and Vice-Chair, and Political Group Leaders who are not Cabinet members (to ensure full cross-party representation, though Widdicombe rules would not apply)
- Forum members to elect their own Chair and Vice-Chair

- b) Creation of a Scrutiny Development Plan, initially based on the proposals set out in this report. Of these, as stated in paragraph 3.3.1 above, proposals that can be actioned without further work would be implemented immediately, while the remainder would be progressively implemented during the 2008/9 municipal year. The plan would be operated as a three-year rolling plan, updated annually in the light of the scrutiny annual report (see paragraph 3.3.5b below).
- c) Revision of the Constitution so that it fully reflects the new scrutiny structure and processes as well as the contents of the Local Government White Paper/ Local Government and Public Involvement in Health Act 2007 listed in section 3.1.1 above.
 - o this to include a review of the Terms of Reference of all Scrutiny bodies and a reconsideration of the relationship between scrutiny committees and the Audit Committee
- d) Creation of a Head of Scrutiny role, to be undertaken by the Deputy Chief Executive
 - o attending all meetings of OSMB and ensuring that action points are followed up in consultation with the Chair
 - o acting as Lead Officer for the Scrutiny Forum
 - o brokering issues with departments
 - o representing scrutiny at senior management meetings and acting as a champion of scrutiny and scrutiny development

3.3.3 Enhancing scrutiny of the executive and of officers

- a) Each Cabinet Member to attend OSMB at least once a year to give a presentation on current and future planned initiatives under their portfolio and take questions
- b) Development of the Cabinet Forward Plan so that it:
 - o incorporates all reports that will be coming to Cabinet during the period covered
 - o provides a brief description of each item
 - o include firm dates on when items will be submitted to Cabinet
- c) OSMB to meet on a three-weekly cycle in tandem with Cabinet, so that reports going to Cabinet can be considered in good time
- d) Improve links between, on the one hand, scrutiny Chairs, Vice-Chairs, Task Group Leaders and Deputy Task Group Leaders and, on the other, Cabinet Members, Corporate Directors, Service Directors and Heads of Service
 - o in particular by reinstating the regular informal private briefing meetings which previously occurred in tandem with Agenda Meetings under the former Triumvirate/Quartet system, which involved one member from each political group represented on the Committee together with the relevant Cabinet Member/s and Corporate/Service Director/s

- this approach also to be used to agree manageable workloads between scrutiny members, Cabinet members and departments
- e) All scrutiny committees to hold an informal meeting at the start of each municipal year, to discuss their ways of working, frequency of meetings, work programme priorities and agenda management
 - OSMB members to review their approach to agenda management to develop more focused meetings, and to ensure that there is effective scrutiny of education

3.3.4 Enhancing the strategic focus of scrutiny and building on its policy development role

- a) Each Task Group Leader to have a Deputy (i.e. increasing the total number of Deputy Task Group Leaders from four to six, and allocating each Deputy to a named Task Group)
- b) All Task Group Leaders to be members of OSMB
- c) Creation of core permanent members of Task Groups, nominated by each Political Group, to give stability, progression and continuity and to facilitate training and development (NB as Task Groups are informal meetings, Widdicombe rules would not apply and any other non-Cabinet member would still be able to join a Task Group if they wished, either for a specific review or on an ongoing basis)
- d) Treatment of all Task Group meetings as informal meetings, except where a Task Group Leader decides to hold a formal meeting (i.e. one to which processes for public committee meetings would apply e.g. circulation of papers five days in advance)
 - informal meetings could either be public or private, at the Task Group Leader's discretion - where they were public they would still be publicised
- e) Streamlining of process of undertaking Task Group reviews
 - scoping document to be reviewed and simplified
 - scoping documents able to be approved by Chair and Vice-Chair of OSMB where grounds of urgency exist, and reported to the next OSMB meeting
 - full scoping of reviews to take place at first meeting of the relevant Task Group
 - reports of Task Groups to be treated as member reports i.e. they do not need to conform to the unified advice principle:
 - reports can have individual formats – no requirement for them to fit a standard template
 - no requirement for reports to include implications paragraphs or comments from departments

- reports to be submitted to OSMB and, when OSMB agrees to their submission to Cabinet, they automatically be submitted to the next meeting of Cabinet
 - departments to submit accompanying officer reports to OSMB or Cabinet at their discretion
 - decisions of Cabinet on each report forwarded to them to be formally reported to the next meeting of OSMB
 - progress on implementing agreed recommendations to be reported to OSMB at three monthly intervals
 - once a Task Group review report has been agreed by OSMB, all elected members will be notified of it via an e-mail containing the web address for the report
 - media releases on Task Group work to be issued at the discretion of Task Group Leaders, including a general practice that media releases will be issued on substantial review reports at the time they go public i.e. when they appear on the published OSMB agenda
 - links to each report to be included on the scrutiny web pages and retained for a minimum of four years
- f) Corporate and Service Directors to have the responsibility to ensure that Task Group Leaders are appropriately supported by departmental officers at committee and Cabinet meetings
- g) For Task Groups, to enable the proper completion of existing reviews, recognition that a handover period of up to two months will be necessary when there is a change in Task Group Leaders (or Deputy Leaders, when they have led on a review), except where a scrutiny member has become a Cabinet member
- h) Creation of an overall vision statement for scrutiny in the Council, including definitions of the roles/missions of each committee and Task Group.
- i) Enhancing the strategic focus of scrutiny, through the creation of an overall Scrutiny Work Programme:
 - to reflect the key themes and initiatives set out in the sustainable community strategy
 - to form part of the work of each committee and Task Groups
 - rolling three year programme, updated annually

3.3.5 Enabling scrutiny to challenge service performance more effectively and demonstrate an impact on improving outcomes for local people

- a) Further development of the work of the Performance and Value For Money Select Committee to increase its focus on service performance and outcomes for local people
 - each Corporate Director to attend the Select Committee at least once a year to account for their department's performance and

- provide information on progress being made on Value For Money and efficiency initiatives
 - Chief Finance Officer to act as lead officer for the Committee, attending all meetings and ensuring that action points are followed up in consultation with the Chair
- b) Publication of a scrutiny annual report to be submitted to the first ordinary Council meeting in each municipal year:
 - to reflect the key themes and initiatives set out in the sustainable community strategy
 - to form part of the work of each committee and Task Groups rolling three year programme, updated annually
 - to summarise the work undertaken
 - to list outcomes achieved
 - to include an appraisal by members of the effectiveness of the workings of the scrutiny system during the previous year and proposals for further improvements (once approved, these would then be incorporated into the Scrutiny Development Plan - see paragraph 3.3.2b above)
- c) Develop proposals for the scrutiny of public service providers and handling of Community Calls for Action for consideration by the Scrutiny Forum
- d) Links to be developed between scrutiny bodies and Community Meetings e.g.
 - consultation on Task Group reviews being carried out at Community Meetings
 - Community Meetings referring to scrutiny Ward Action Plan priorities or other significant issues that emerge from their meetings
- e) Inclusion of health implications in Implications Matrix on all committee reports from officers

3.3.6 Enabling scrutiny members to undertake their role effectively

- a) Via the Member Development Forum and Scrutiny Forum, develop role and responsibility descriptions for all scrutiny members (bespoke for each role e.g. Task Group Leader, member of Health Scrutiny Committee)
 - annual member led appraisal each March of the performance of each scrutiny members against their role and responsibility description, to be sent to their Political Group Leader
- b) Development of training and development programme for all scrutiny members, including pre-training ahead of members taking up new roles (to include training on enhancing analytical skills)

- c) Allocation of £15,000 from the Democratic Services budget to create a dedicated annual budget for scrutiny support (to fund e.g. visits, hire of external venues or provision of refreshments)
- d) Further work to be undertaken on the format of reports from officers being submitted to scrutiny, with a view to enabling members new to subjects to be able to scrutinise them in an informed manner (this would include Cabinet reports coming to scrutiny ahead of Cabinet)
- e) Encouraging officers to develop, in consultation with scrutiny members, a range of methods of submitting items for scrutiny
- f) Corporate and Service Directors to have the responsibility to ensure that their departments are appropriately represented at scrutiny meetings (including Task Groups), to enable members to be given informed answers to their questions
- g) Revision of roles for Member Support Officers and Committee Services Officers, to reflect the flexible nature of scrutiny working (in particular Task Group working), to include:
 - for Task Groups, removing the need for formal minutes unless requested by the Task Group Leader or when the meeting is held as a formal meeting in public – on other occasions, an action note would be produced which would be a publicly available document except where the meeting is held in private (e.g. when discussing confidential items)
 - development of an enhanced rapporteur role for Member Support Officers/Committee Services Officers i.e. translating the views of a Task Group into a report under the direction of a Task Group Leader, including the undertaking of research as directed by the Task Group
 - confirming that actions agreed at meetings of scrutiny have been implemented (e.g. where a department has undertaken to provide the committee or an individual member with further information)
 - development of a comprehensive online schedule of meetings, updated daily
 - enhancement of communication methods between Democratic Services and elected members to enable:
 - informal meetings to be called at short notice
 - changes of date etc to be circulated to members as quickly as possible
 - members to be kept up-to-date with the work of each scrutiny body
- h) Revision of the format of minutes taken at meetings of scrutiny committees, with those comments of members that are recorded being attributed both to enable members to pick up on points they have made and in the interests of openness

3.3.7 Ensuring that scrutiny is widely understood within the Council and that members of the public and organisations outside the Council can play an active part in its work

- a) Development of guidelines for the operation of all parts of the scrutiny structure and its interfaces with other member bodies including Community Meetings, the officer structure and organisations and partnerships external to the Council including the Leicester Partnership
- b) Upgrading and regular maintenance of the scrutiny web pages, including material on how members of the public can seek a scrutiny review
- c) Encouragement to all scrutiny bodies to build on the good practice developed by Task Groups in involving stakeholders from outside the Council
- d) Development of a scrutiny toolkit to bring together all documents relevant to the scrutiny process
- e) Upgrading and regular maintenance of the scrutiny intranet pages, to include the scrutiny toolkit
- f) Development of training and development programme for all officers who provide regular support and advice to scrutiny
- g) Circulation of periodic e-mail briefings on the Council's scrutiny processes to all Council staff who are GroupWise users

4. LEGAL AND FINANCIAL IMPLICATIONS

4.1 Financial Implications

There are no direct financial implications arising from this report. The report refers to the allocation of £15,000 from the existing Democratic Services budget, for the purpose of funding various aspects of Scrutiny support. Such an enhancement could be funded from the growth item of £100,000 in the 2008/09 Resources Department budget, leaving £85,000 for other developments in the area. [Andy Morley, Chief Accountant]

4.2. Legal Implications

The proposals in the report comply with Legal requirements. [Peter Nicholls, Service Director (Legal Services)]

5. OFFICER TO CONTACT

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