

Report to: **Cabinet**

Date of Meeting: **17 July 2017**

Report Title: **Overview and Scrutiny Committee Review of Current Scrutiny Arrangements and Management Response**

Report By: **Jane Hartnell, Director of Corporate Services and Governance**

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### **Purpose of Report**

To submit the report and recommendations of the Overview and Scrutiny Review into Current Scrutiny Arrangements, and to provide a management response to assist Cabinet in considering these recommendations.

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### **Recommendation(s)**

- 1. That Cabinet thank the scrutiny team for their report and recommendations**
- 2. That the Cabinet accept the following Scrutiny Review recommendations:**
  - a. That existing Scrutiny arrangements are continued and this report is forwarded to the Leaders of both political parties as a basis for further discussions in specific relation to the capacity issues identified.**
  - b. That Democratic Services draft more detailed roles and responsibilities in relation to key committees starting with Scrutiny. Setting these roles and responsibilities out may assist in the selection of Members for associated committees prior to appointment, ensuring clarity on the demands of the role and key responsibilities.**
  - c. That the Scrutiny Chair meet with the Member Training and Development Group Chair in advance of setting the next work programme to explore opportunities for shared updates and associated training.**
  - d. Scrutiny committee and all members receive a briefing covering: progress on taking a project management style approach to work planning, delivery and review to date and associated opportunities and challenges; and, an outline of tools available to assist in this approach and expectations around use and take up.**

- e. That Scrutiny consider the following ideas raised by the council's senior managers as potential areas of focus for the 2017/18 Scrutiny work programme as set out in [Appendix A](#) to this report.
- f. Scrutiny Steering Group to consider how we can apply examples of good practice from other authorities to the 2017/18 work programme, **for example Inquiry Days\***

**\*Inquiry Day: an inquiry day is a focussed, structured one-off event with presentations and group work. They can be attended by Councillors, community and partner representatives, other stakeholders and council officers to take an overview of a particular issue and provide a forum for questioning invited speakers and witnesses. After the inquiry, recommendations are drafted by the overview and scrutiny team before being sent to the relevant decision maker. This approach may address some of the capacity issues experienced recently, by holding the event on a single day. It would also provide scope to involve members from outside the scrutiny function, if appropriate**

**3. That recommendation g is not accepted in its current form and that O&S are asked to reconsider this in the light of the Management Response set out in paragraph 45 below.**

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## Reasons for Recommendations

To submit and respond to the recommendations arising from the work undertaken by the scrutiny review team.

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## Introduction

1. As part of the 2016/17 overview and scrutiny annual work programme a review of current Scrutiny Arrangements was undertaken. The full report is set out in paragraphs 4 – 38 below.
2. The Lead Member for the review will be invited to introduce the findings of the review at the Cabinet meeting.
3. The review was commissioned to critically evaluate the embedding of the new arrangements following the adoption of a single Overview and Scrutiny Committee, replacing the previous Services and Resources committees, in May 2016.

# Overview and Scrutiny Review of Current Scrutiny Arrangements – completed April 2017

## Introduction

4. Overview and Scrutiny approved proposed arrangements to move from two to one Scrutiny committee in November 2015 for the 2016/17 municipal year.
5. This approval followed a robust review of scrutiny arrangements at that time and the associated report can be found [here](#).
6. A recommendation from this review included a commitment to review the move from two to one committee following six months of the new arrangements.
7. This report begins by outlining the background organisational context in which the change to one committee has taken place that informs the review methods, associated findings and subsequent recommendations detailed.

## Background

8. The change from two to one Scrutiny committee has coincided with a period of broader change for the council.
9. A key part of this change involves improving how the council plans, implements and reviews its activities while dealing with increasing demand for council services and longstanding financial challenges.
10. Overview and Scrutiny have a particular vested interest in the reviewing component of this change as this coincides with their performance monitoring role.
11. Steps have been taken to assist with this performance review and monitoring role as Scrutiny has moved from two to one committee.
12. There has been a renewed emphasis on exceptions based performance reporting over the last year and Director reports have been introduced to flag and focus on these performance exceptions as well as alert Scrutiny members to any other associated key issues.
13. More recently, and specifically through the drafting of the [corporate plan for 2017/18](#), work continues to apply a project management approach to the planning, doing and reviewing of associated activity set out in the new corporate plan.
14. The outcomes of this approach will inform what is reported to Scrutiny in terms of Scrutiny exceptions on a quarterly basis during 2017/18 and an overview of these arrangements should assist with future scrutiny work planning.

## Scrutiny programme 2016/17

15. The shift to one committee coincided with a change of focus within the 2017/18 work programme.

16. Scrutiny members were clear that their 2016/17 work programme would take a more internal focus and test new ways of reviewing in line with broader organisational changes.
17. This was because previous reviews largely focused on outward facing or external service provision.
18. Rather than undertake lengthier reviews during 2017/18 Scrutiny members were keen to take a more agile approach and instead, work to date has taken the form of a series of planned updates and smaller quicker agile task and finish groups.
19. The focus for such updates has attempted to gauge in part how particular services are evolving and potentially changing in line with broader transformation commitments and, where need be, a task and finish group could be employed to follow up on or focus on subsequent issues.
20. This line of Scrutiny inquiry for 2016/17 has met with mixed results and the commitment to review this forms the basis for the remainder of this report.

## **Methods**

21. Following the initial review recommending the move to one scrutiny committee, this follow up review was keen to retain a similar size and political balance.
22. Review team members included the Scrutiny Chair and Vice Chair Trevor Webb and Mike Howard and Scrutiny Members John Rankin, and Rob Cooke. Councillors Howard and Webb were part of the initial review team.
23. The review team were keen to consider and apply appropriate components of the project management toolkit, settling on using a SWOT analysis as the principal tool for reviewing the move from two to one Scrutiny committee.
24. A Strengths, Weaknesses, Opportunities and Threats analysis (SWOT) was undertaken initially by the review team and then broadened out to include the views of all members and the Corporate Management Group.
25. A summary of these views are considered below.

## **Strengths**

- (a) The move to one committee has meant that a larger committee has a wider remit and subsequently it has been necessary to ensure the work programme is carefully planned, monitored and delivered.
- (b) A shift away from more lengthy scrutiny review work pieces has placed lesser demands on senior officers in the council who have been traditionally tasked with leading such work.
- (c) Sub groups, task and finish pieces and scrutiny updates have from a Member perspective been useful tools in bringing members up to speed on key issues.
- (d) Members have planned well for updates and assisted officers giving such updates by posing questions and desired lines of inquiry in advance.

- (e) Director reports steer the focus for debate at Scrutiny committee assisting Scrutiny Members to focus on key exceptions and associated issues.
- (f) The council's Scrutiny has worked in a complimentary way with East Sussex County Council (ESCC). This has been helped by local representation on the Health Overview and Scrutiny Committee at ESCC; good relationships between democratic service officers between the authorities, and that a number of Hastings Borough Councillors are also ESCC councillors.

## **Weaknesses**

- (a) Scrutiny members do not have the time and capacity to input into and attend beyond the scheduled quarterly committee meetings, resulting in inconsistent attendance and involvement in subgroup, task and finish group and key update meetings requested as part of the annual programme.
- (b) Scrutiny is deemed by review team members to have a low public profile, perhaps in part given the inward or internal focus of the 2016/17 programme.
- (c) Members felt that the existing programme isn't directly informed by public interest.
- (d) While the scrutiny updates given as part of the 2016/17 programme have been useful in bringing Scrutiny members up to speed on areas members are interested in, there have been little member desire or capacity for subsequent follow up and more in depth scrutiny.
- (e) Members felt that Directors reports may over steer the focus for debates at Scrutiny committee and there is a need to allow Scrutiny Members greater scope to pick up on areas of significance outside of the Director reports.

## **Opportunities**

- (a) Members suggested an opportunity to raise the public profile of Scrutiny by engaging directly with the public to inform what Scrutiny reviews.
- (b) Suggestions to raise the profile of Scrutiny included: an open day/public meet with Scrutiny members; increased Social media presence and potentially specific Scrutiny social media profiles.
- (c) To pool Member intelligence from Ward interactions with constituents and use common themes as the basis for scrutiny or further public engagement.
- (d) In addition, suggestions were made to review HBC's longstanding media protocol whereby Cabinet Members have the monopoly on press releases in their respective portfolios.
- (e) To open up Scrutiny updates to all Members and potentially wider (subject to topic area) to assist and share understanding around specific council functions and projects.
- (f) To align Scrutiny updates with the Member Training and Development programme where appropriate.

- (g) For Scrutiny to assist HBC use the corporate project toolkit by encouraging use of the toolkit and associated approaches as part of Scrutiny and performance monitoring arrangements.
- (h) For Scrutiny members to better plan what beyond exceptions they wish to consider and or scrutinise at quarterly committee meetings (if anything). The review team members were also keen to retain sufficient flexibility within the overview and scrutiny function to deal with urgent items which arise in-year. Again, Scrutiny Steering Group would play a key role in planning how best to deal with these issues.
- (i) To better progress Scrutiny areas where the County has a delivery function or clear responsibilities through County Scrutiny structures.

## Threats

- (a) Lack of Member/Officer availability or capacity to contribute effectively to Scrutiny.
- (b) A desire that future Scrutiny programmes are directly shaped by issues pertinent to the public only – this risks not focusing on key areas of significance that require Scrutiny that the public neither know nor care about.
- (c) That partial or unplanned focus on areas of interest beyond performance exceptions and outside the Director reports at committee result in the perception that members are progressing Ward issues or personal agendas at Scrutiny.
- (d) Better resourced Scrutiny (officer) capacity at East Sussex County Council, the future viability and functions of HBC in the context of Devolution and ongoing budgetary challenges.

## Analysis

### Capacity Issues

- 26. The key themes in the SWOT identify that the main challenge to effective Scrutiny under new arrangements is member capacity to get involved beyond the scheduled quarterly committee meetings.
- 27. Under previous arrangements there was a wider pool of Scrutiny members to draw upon to contribute to reviews, sub groups and Task and Finish work.
- 28. This lack of capacity has been directly evidenced through recent attendance for Scrutiny Steering Group (SSG) that has been sporadic at best.
- 29. This has meant that only a few Scrutiny members are shouldering the bulk of the work and those unable to attend SSG – where the planning and preparation happens to support the work programme - have lesser stake and engagement in subsequent meetings committee, reviews or otherwise.

30. In terms of officer capacity, the 2016/17 programme and the approach taken at committee and internal performance management arrangements has meant that there has been lesser involvement of Assistant Directors during this year.
31. Furthermore a number of senior managers have been involved in giving direct updates to Scrutiny when required. This coincides with an intention to receive reports from project or programme managers where appropriate, rather than the senior responsible officer.

### **Scrutiny Profile**

32. While opportunities have been identified to raise the profile of Scrutiny encompassing a desire to better engage the public in informing the lines of inquiry Scrutiny should undertake it is important to recognise that elected members are, through their Ward work, already informed of the key issues their constituents find pertinent.
33. Previous Scrutiny committees introduced a Charter to raise the profile of Scrutiny work. This detailed what the public could expect from scrutiny and how the public could get engaged to influence the Scrutiny agenda.
34. Reviewing this Charter may assist with the profile-raising of Scrutiny work to have emerged from the SWOT analysis.

### **Performance Monitoring**

35. Continuing an 'exceptions' based approach to performance monitoring should not prevent Scrutiny members from querying performance that are not exceptions.
36. It is important that given the capacity issues for both members and officers that Scrutiny of non -exceptions be flagged in advance with the Chair of Scrutiny so that sufficient time can be allocated where appropriate during the committee meeting to address items Scrutiny members wish to consider.
37. It may be appropriate that non-performance exceptions be flagged in advance and possibly dealt with outside of the committee meeting, so time at the meeting can be focussed on those areas not meeting associated performance or coinciding risks and issues.
38. As the council moves to an increasingly project based planned approach, inquiries about non exceptions maybe satisfied with reference to a project plan or associated documentation.

### **Recommendations**

- (a) That existing Scrutiny arrangements are continued and this report is forwarded to the Leaders of both political parties as a basis for further discussions in specific relation to the capacity issues identified.**
- (b) That Democratic Services draft more detailed roles and responsibilities in relation to key committees starting with Scrutiny. Setting these roles and responsibilities out may assist in the selection of Members for associated**

committees prior to appointment, ensuring clarity on the demands of the role and key responsibilities.

- (c) That the Scrutiny Chair meet with the Member Training and Development Group Chair in advance of setting the next work programme to explore opportunities for shared updates and associated training.
- (d) Scrutiny committee and all members receive a briefing covering: progress on taking a project management style approach to work planning, delivery and review to date and associated opportunities and challenges; and, an outline of tools available to assist in this approach and expectations around use and take up.
- (e) That Scrutiny consider the following ideas raised by the council's corporate management group as potential areas of focus for the 2017/18 Scrutiny work programme as set out in Appendix A to this report.
- (f) Scrutiny Steering Group to consider how we can apply examples of good practice from other authorities to the 2017/18 work programme:

**Inquiry Day:** an inquiry day is a focussed, structured one-off event with presentations and group work. They can be attended by Councillors, community and partner representatives, other stakeholders and council officers to take an overview of a particular issue and provide a forum for questioning invited speakers and witnesses. After the inquiry, recommendations are drafted by the overview and scrutiny team before being sent to the relevant decision maker. This approach may address some of the capacity issues experienced recently, by holding the event on a single day. It would also provide scope to involve members from outside the scrutiny function, if appropriate.

- (g) Members are keen that the recommendations of scrutiny reviews and task and finish groups are submitted to cabinet and full council as soon as possible after they have been adopted by the overview and scrutiny committee. To help achieve this, members are proposing to include a response from the relevant lead member to the review team's recommendations with the report to overview and scrutiny committee. Following adoption by the overview and scrutiny committee, the recommendations and lead member response will then be submitted to the next meeting of cabinet and full council. It is hoped that this will avoid any delays which could arise from the present management response arrangements. Senior officers will continue to support the review process to ensure any resource and organisational implications are taken into account when the review team members are formulating their recommendations.

## Management Response

39. The review covers many of the bases identified in [the CFPS Scrutiny evaluation framework](#) and it is positive to note that that methods used for this review draw from the corporate project toolkit.
40. Recommendations a – f are fully supported. Colleagues in Continuous Improvement are happy to work with members to help further improve capacity and revise processes to ensure O&S members can contribute effectively to the workings of the council. For example, the suggestion of Inquiry Days seems very sensible approach to assist all involved in reviews to get the maximum benefit.
41. The linkage of Member Training and Development Group with needs of O&S members will not only assist in designing training and support for existing Scrutiny Members, but will also help inform the induction programme for new members elected in 2018.
42. Scrutiny committee and all members receive a briefing covering: progress on taking a project management style approach to work planning, delivery and review to date and associated opportunities and challenges; and, an outline of tools available to assist in this approach and expectations around use and take up.
43. The Scrutiny Committee will consider the ideas put forward by senior managers as potential areas of focus for the 2017/18 Scrutiny work programme ([Appendix A](#)) at their Annual Meeting on 19<sup>th</sup> July. NB an additional area of work has recently been identified following the Grenfell Tower fire – this is yet to be scoped.
44. The role of Scrutiny Members should be continually reviewed as the Council evolves its ways of working. There are opportunities for Members to play greater roles in terms of contributing to policy development and developing new ideas but these need to be taken forward in the light of the capacity limitations of members as outlined in the report. A key challenge is in providing sufficient information/briefings for members to enable them to be in a position to effectively scrutinise issues. Colleagues will of course continue to work with Members to enhance these roles wherever possible and proposals such as the inquiry days may be useful in this regard.
45. The only recommendation which is not fully supported is that of including a response from the Lead Member to the review team's recommendations with the report to overview and scrutiny committee – recommendation g.
46. Senior officers and Lead Members appreciate that the time delay created by the need for a management response to be drafted at the end of the review process (before submission to Cabinet) can be frustrating. There is however concern that the Lead Member alone cannot replace the Cabinet discussion and should not individually pre-empt the collective decision. However this does not mean that the Lead Member cannot be engaged at an earlier time and/or give their own input to the review – if appropriate, to help formulate the review conclusions.
47. Senior officers will continue to support the review process to ensure any resource and organisational implications are taken into account when the review team members are formulating their recommendations.

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## Wards Affected

Insert the list of wards affected

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## Policy Implications

Please identify if this report contains any implications for the following:

Equalities and Community Cohesiveness

Crime and Fear of Crime (Section 17)

Risk Management

Environmental Issues

Economic/Financial Implications

Human Rights Act

Organisational Consequences

Local People's Views

Anti-Poverty

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## Additional Information

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## Officer to Contact

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