



OVERVIEW AND SCRUTINY

ANNUAL REPORT

2004/05

April 2005

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Introduction

The principles underlying the overview and scrutiny functions of Charnwood Borough Council are embodied in the Council's Constitution. Article 6 of the Constitution sets out the terms of reference of the scrutiny committees and the Scrutiny Commission, as well as their specific functions. One of those is the production of an Annual Report on the workings of the scrutiny system and any proposals to change it. The Constitution also lays down "Overview and Scrutiny Procedure Rules" to guide and regulate the conduct of scrutiny activities.

The Annual Report for 2003/04 referred to the fact that towards the end of that year, the Council was set to review various aspects of the Constitution including changes to the scrutiny structure. It went on to say that "the effect of any new ways of working will be reported upon in the 2004/05 Annual Report...."

That report also referred to the fact that in the final quarter of 2003/04, the Scrutiny Commission has considered the comments of the IDeA Peer Challenge Review Team which had concluded that scrutiny activities could be better co-ordinated, that there was a lack of evidence that the scrutiny committees owned the Council's priorities and that there appeared to be insufficient focus on holding Cabinet to account against those priorities. The report went on to say that the Scrutiny Commission accepted these comments and proposed to recommend topics for scrutiny, taking account of the Corporate Plan, the Risk Register and other key corporate documents

A new structure, which was introduced at the start of the 2004/05 Council year, was designed to take account of these issues. It represented significant change to the scrutiny arrangements that had been operating since December 1999.

The Scrutiny Structure

Key elements of the new structure effective from May 2004 were:

- a move away from service-based to theme-based scrutiny;
 - a more powerful Scrutiny Commission;
 - in-depth scrutiny by panels as the way of working for the Customer Services Scrutiny Committee;
 - the "audit committee" function being incorporated within the scrutiny structure;
 - all call-in of Cabinet decisions being handled by the Scrutiny Commission.
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The scrutiny committees under the revised structure are:

Committee	Scope
Audit and Risk Management Scrutiny Committee	<ul style="list-style-type: none"> (i) Acts as the Council's "audit committee" (ii) Reviews and monitors risk management issues
Performance and Management Scrutiny Committee	<ul style="list-style-type: none"> (i) Best Value reports and other issues relating to the strategic aim "A well-managed Council" (ii) Monitoring Performance across the range of Council services and reviewing and recommending action in relation to under-performance (iii) Ensuring that services are performing in support of the front-line
Community and Partnerships Scrutiny Committee	<ul style="list-style-type: none"> (i) Reviewing the work of partnerships (ii) Ensuring effective links between the Borough Council and partners (iii) Matters relating to the community leadership role and empowering communities
Customer Services Scrutiny Committee	<ul style="list-style-type: none"> (i) Dealing with projects and other issues relating to service delivery (ii) Contributing to the development of service delivery policy (iii) Looking at issues from the customer's perspective
Scrutiny Commission	<ul style="list-style-type: none"> (i) Considering decisions of the Cabinet called-in under Overview and Scrutiny Rule 13 (ii) Reviewing the Forward Plan of Key Decisions (four months) and the Forward Programme of Key Decisions (12 months) (iii) Managing scrutiny work programmes across committees (iv) Leading on scrutiny issues

The pace of change from one scrutiny structure to another was such that there was an adverse impact on “work in progress” by the former scrutiny committees and in developing new work programmes for the new committees. For example, the start of the new element of scrutiny by panels was not progressed until August 2004 because of the need first to identify and agree issues, terms of reference and membership of the first round of panels.

The Customer Services Scrutiny Committee faced the most difficult transition of any of the committees in view of the loose definition of the tasks facing the Committee and its panels. However, the hard work undertaken by councillors and officers to address that shortcoming in the arrangements ensured that the Panels were able to operate from August 2004 as described above and that work is applauded by the Scrutiny Commission. Following a review of the arrangements instigated by the Scrutiny Commission and undertaken in November 2004, the Committee was re-named the Investigation and Review Committee in early 2005 and, perhaps more importantly, operating guidelines for scrutiny panels were adopted at the same time.

Work Programmes

Mention was made in the last section of this report about the impact of the structural changes on work programmes. Despite that, significant reviews undertaken during the last year have included:

- Customer Service Centre
- Development of Leisure Facilities
- Homelessness
- Housing Support Services
- Introductory Tenancies
- Managed Play Areas
- Quality Bus Partnership
- Street Cleansing

The issues reviewed by each of the committees in 2004/05, are set out in Appendix I to this report.

With its enhanced role of managing work programmes the Scrutiny Commission has been concerned to ensure that any gaps in scrutiny provision are filled and has continued to take account of the Strategic Risk Register and the Forward Plan for that purpose. Otherwise it has endeavoured to take a “light touch” approach, to enable scrutiny committees to have a measure of freedom in recommending changes to work programmes.

The Commission has also pressed for a more complete Forward Plan of Key Decisions (4 months) and Forward programme of potential key decisions (up to 12 months) to assist in programming scrutiny business as part of its role of holding the executive to account. Some improvement has been achieved as a consequence of that but the Commission considers that there is scope to achieve a more complete picture of the Cabinet’s forward programme and will continue to press for that.

The Scrutiny Commission has also looked at approaches to ensuring the effective scrutiny of the Local Development Framework (LDF) process and proposals over the next couple of years or so. It concluded that the most effective approach would be by that being handled by the Commission, with additional meetings being programmed as necessary, to ensure that there is no unjustified delay in what is recognised as a challenging timetable for producing the LDF.

Call-in of Cabinet Decisions

There has been more use of the call-in provisions than in previous years, with a total of seven topics being the subject of call-in during the year. These cases are listed in Appendix 2 to this report. The corresponding figures for the previous two years were five cases and two cases, respectively.

Liaison with Cabinet and Chief Executive's Team

Although there has been less in the way of liaison meetings of Scrutiny Commission and Cabinet members, progress has been made in formalising the submission of scrutiny reports to Cabinet and in terms of formal responses to those submissions.

A standard submission style has been adopted under which the Assistant Chief Executive (Change Management) formally reports the recommendations of the scrutiny committee concerned on an issue within the target of one month. Cabinet receives oral submissions from the relevant Committee Chair and has the opportunity to seek information at that stage. The recommendations are then passed to a named senior officer to report back to the Cabinet by an agreed deadline.

This is something which it is hoped will develop further in 2005/06. A true test of the effectiveness of the Scrutiny function is when the Cabinet is persuaded by Scrutiny's submissions to act on its findings and within timescales which demonstrate commitment.

A representative of the Chief Executive's Team continues to attend each of the Scrutiny Committee meetings and acts as "liaison" officer for that Committee, as follows:

Audit and Risk Management	– Assistant Chief Executive (Risk Management)
Performance and Management	– Deputy Chief Executive
Community and Partnerships	– Director of Community Engagement
Investigation and Review	- Assistant Chief Executive (Change Management)
Scrutiny Commission	– Chief Executive

Cabinet Lead Members have responded positively to requests from Scrutiny Committees to attend for specific items and at other times some Lead Members attend those meetings as observers. This is welcomed by the Scrutiny Commission which hopes that this is something which will continue and develop. That being the case, there is not expected to be a need for liaison meetings between the Cabinet and Scrutiny Commission members in the future.

Scrutiny Support

The Scrutiny Commission has expressed concern about the resources available to scrutiny to support new ways of operating that were introduced at the start of 2004/05.

The year coincided with a period of change in the Committee Services Team which has been carrying vacancies during a period of reorganisation of Council services. Although two posts in that service have been approved, the new staff will not be in post until May 2005 and this will continue to impair the progress of some scrutiny work in the meantime, despite the best efforts of the staff who are in post.

New ways of involving other officers in support of scrutiny, especially through the Council's new training programme, The Academy, are welcomed and it is hoped that this new feature will be brought into practice in 2005/06.

Scrutiny Development

Training for Councillors on Scrutiny processes has been more limited than in previous years but is something that will be addressed in 2005/06 as the Member development programme is given fresh impetus. However, there has been a considerable amount of training and briefings related to scrutiny work including topics such as risk management, budgets and service development, Local Development Plan, Housing Stock options, all of which were invaluable in assisting scrutiny work.

A number of councillors have attended member development sessions run by Inlogov at the University of Birmingham which has proved to be particularly relevant.
note – words deleted

The Scrutiny Review event arranged by the Scrutiny Commission and held in November 2004 served its purpose successfully and as the year under review draws to a close, members of the Commission have started to look at how the scrutiny function of other Councils in Leicestershire are operating.

The approach taken by the Community and Partnerships Scrutiny Committee in examining closely-related topics at some of its meetings, effectively as a "single item" agenda, has been successful and is commended. It is an approach which is likely to be repeated in the coming year.

Attendance at Scrutiny Committee Meetings

The Scrutiny Commission has some concerns about the level of attendance of councillors at scrutiny committee meetings and panel meetings and the extent to which this may reflect uncertainty about the value of the revised scrutiny arrangements by some councillors. For the first time, the Scrutiny annual report outlines the position by the percentage attendance at meetings over the year 2004/05, as follows:

Audit and Risk Management Scrutiny Committee - 85%
Community and Partnerships Scrutiny Committee – 86%
Performance and Management Scrutiny Committee – 69%
Customer Services/Investigation and Review Scrutiny Committee – 82%
Scrutiny Commission – 83%

This is something which the Scrutiny Commission will monitor during 2005/06.

Conclusions

The Scrutiny Commission commends this report to Council for acceptance.

For all those who have played a part in scrutiny, whether as scrutiny committee members, Cabinet Lead Members, representatives of public, private and voluntary organisations, officers or any of the many others who have been involved, the Council's thanks for assisting the scrutiny function to operate are placed on record.

Scrutiny Committee Work Programmes 2004/05

Audit and Risk Management Scrutiny Committee

Audit Programme 2004/05
Budget - Medium Term Financial Strategy
Budget Monitoring and Management - Revised Framework
Capital Programme Update 2005/06 . 2007/08
Cash Office and Cashiers Audit
Contract and Public Services Final Accounts 2003/04
Corporate Contact Centre
Draft Budgets and Service Delivery Plans 2005/06
External Audit Management Letter 2003/04
External Auditor's Interim Report 2003/04
External Auditor's Statement of Auditing Standard (SAS) 610 Report
Housing Revenue Account Budget - Rent Setting
Internal Audit 2004/05 - Operational Audit Plan
Internal Audit and Review Programme – 2004/05
Local Code of Corporate Governance
Revenue Out-turn 2003/04
Risk Management
Statement of Accounts 2003/04
Strategic Audit Plan and Annual Operational Plan 2004/05
Strategic Risk Register
Support Service Recharges to the Housing Revenue Account
Temporary and Agency Staff

Community and Partnerships Scrutiny Committee

Anti-Social Behaviour
CCTV Schemes*
Communication and Consultation with Partners, Staff and the Public
Community Relations and Community Cohesion*
Crime and Disorder Audit and Strategy
Fly-Tipping and Nuisance Enforcement Protocol
Loughborough Town Centre Strategy
Quality Bus Partnership
Race Relations – Charnwood Racial Equality Council
Residents Groups
Tackling Anti-Social Behaviour Protocol
The New Licensing Regime

* = planning for reviews early in 2005/06

Performance and Management Scrutiny Committee

Budget Monitoring - General Fund and Housing Revenue Account
Capital Programme
Comprehensive Performance Assessment – Costs and Benefits
Exit Interviews
Harassment and Bullying - Disciplinary Procedure/Actions
Housing Strategy
IEG4 Statement
IT Strategy/ICT Best Value Improvement Action Plan
Leicestershire's Public Service Agreement (PSA)
Long Term Sickness
Performance Indicators
Personal Development Reviews
Planning Obligations – Monitoring and Performance
Revenue Monitoring 2004/05 - General Fund and Housing Revenue Account

Customer Services/Investigation and Review Scrutiny Committee

Customer Service Centre
Development of Leisure Facilities
Difficult to Let Properties
Homelessness
Housing Support Services
Introductory Tenancies
Managed Play Areas
Street Cleansing

Scrutiny Commission

Draft Budgets and Service Delivery Plans 2005/06
“Gershon” Efficiency Requirements
Homelessness - Measures To Prevent and Address
Student Accommodation – Loughborough
The Charnwood Development Framework:

- Local Development Scheme
- Statement Of Community Involvement
- Supplementary Planning Documents
- Sustainability Appraisal Scoping Report

Call-in of Cabinet Decisions – 2004/05

Cabinet Decisions were “called –in” under the Overview and Scrutiny Procedure Rules in respect of the following issues:

Medium Term Financial Strategy

HRA Out-Turn 2003/04

Sale of Land at Southfield Road, Loughborough

Review of Community Grants Function

Mayoralty Unit - Healthcheck

The Grange, Rothley - Sale

Student Housing - Draft Supplementary Planning Guidance