

CABINET – 18TH MARCH 2010

Report of the Acting Director of Programmes and Resources

ITEM 17 SCRUTINY REVIEW

Purpose of Report

To consider initial comments and issues that can be fed into the Council's Scrutiny Review.

Recommendation

1. That the views of the Scrutiny Commission members be noted; and
2. that the Cabinet discuss and agree what key issues it would like to be considered as part of the Review of Scrutiny.

Reason

1 & 2. So that the views of Cabinet can be considered as part of the Review.

Policy Context

Under the provisions of the Local Government Act 2000, the Council made a decision to have a Cabinet and Leader structure and to establish scrutiny committees.

Background

Charnwood's scrutiny arrangements have been in place since 2000 and, with the exception of some changes in 2004, the structure has largely remained the same. For the last 2 years, it has been anticipated that there would need to be a review of the Council's scrutiny arrangements once advice and regulations were received in relation to the Local Government and Public Involvement in Health Act 2007.

Along with the need to modernise because of the new Act, a number of external drivers are now encouraging the Council to review its scrutiny structure and arrangements:-

Charnwood's IDeA Peer Review 2008

"The scrutiny function needs development and support.....the committees are calling officers to account rather than Lead Members. The accountability of Lead Members is diminishing and there is an over-reliance on officers. We would recommend that this is addressed. The scrutiny function could be developed to include policy development, but this will require officer support which, from our observations and discussions is very limited at the present time".

Audit Commission – Charnwood’s Use of Resources Assessment 2009

“Scrutiny is getting better, but there is little evidence of where it has made a difference. There are effective risk management processes in place, although scrutiny arrangements have so far had limited impact on services”.

Centre for Public Scrutiny (CfPS) – 2010

“Public scrutiny is now moving into another era with community-led scrutiny of local decisions. This is where the public’s involvement in challenging local authorities and public service providers on public service improvement and delivery is actively sought by elected representatives (such as MPs or councillors) or appointed non-executives on governing bodies (such as school governors or non-executive directors of hospital trusts). Constructive and ongoing engagement with stakeholders, from experts to the general public, helps to achieve genuine accountability for the use of public resources”.

The Leader of the Council has therefore commissioned a Review of Scrutiny.

An initial step

It is crucial that members of the Cabinet are able to influence and shape the future of scrutiny at Charnwood and to develop, and own, new structures and ways of working. **To assist in this and to launch the Council’s Scrutiny Review, it is suggested that the Cabinet discuss and agree the key issues that it thinks should form the framework for scrutiny in the future.**

The Scrutiny Commission has already considered this and members of the Commission have put forward their views on what the Review should consider. These are outlined in Appendix I to this report.

At the suggestion of the Leader of the Council, an Away Day has been organised for Saturday 20th March at Beaumanor Hall. This is open to all councillors (and particularly Cabinet members and Scrutiny Commission members) to kick-start the review. This is an opportunity for **all** members to be involved in shaping the Council’s scrutiny structure and arrangements for the future.

The session will be facilitated by the Improvement and Development Agency (IDeA) and will involve 2 member peers from other authorities who are experienced in the field of scrutiny. One member peer will be Conservative, the other Labour. The Interim Chief Executive and members of the Council’s Senior Management Team will also be in attendance.

The aim of the session will be to look at what we do now and see if we can improve it. The session will also consider the views of the Cabinet expressed at this meeting together with those expressed by Scrutiny Commission members.

Ideally, by the end of the session, it would be advantageous if members were able to identify and agree 4-5 key principles which would form a framework around which officers will construct options for consideration at future meetings of Cabinet and the Scrutiny Commission. Before eventual decisions are made it is important that all members are fully informed of what good practice looks like and feels like and what different options exist

Outcomes sought from the Review of Scrutiny

The positive outcomes sought from the review of scrutiny would be to ensure:-

- that the scrutiny function is fit for purpose to undertake the roles and functions expected of a modern council, drawing on practice from other places
- that the scrutiny function effectively informs and shapes key decisions and policy, enabling better outcomes for local people
- that members are confident and empowered to undertake their responsibilities and can take the council's agenda forward and have the ability to make a more positive contribution

Timetable

The timetable is for councillors to determine, but the following might be possible:-

February 2010	Initial discussion and identification of key issues by members of the Scrutiny Commission
March 2010	Cabinet to identify key issues it wishes to be considered as part of the Review
20 th March 2010	Away Day at Beaumanor Hall
May/June 2010	Reports to Scrutiny Commission and Cabinet
September 2010	New Constitutional arrangements to be considered by Council
September 2010	Implementation

Alternatively, the new scrutiny arrangements could come into force at the same time as the new Executive Arrangements in May 2011.

Financial Implications

The cost of the Away Day is to be met from within current budgets.

Until new scrutiny structures and processes are determined, it is not possible to predict what financial implications there might be.

Risk Management

There are no risks associated with this report.

Key Decision: No

Background Papers: The Local Government and Public Involvement in Health Act 2007
Scrutiny Commission report and minutes 16th February 2010

Officer to contact: David Dalby – Head of Democratic Services
(01509 634782). E-mail david.dalby@charnwood.gov.uk

Views of members of the Scrutiny Commission expressed at its meeting on 16th February 2010

- (i) the review should consider the extent to which scrutiny could both develop policy and comment on the proposals of Cabinet. Ideally, the latter to be done before decisions are taken. Also, consideration should be given to the Council's role in scrutinising outside bodies. These opportunities for scrutiny to assist needed to be taken into account when the scrutiny arrangements at Charnwood were revised;
- (ii) the review should consider the appropriate use of witnesses, including outside representatives. Such involvement would ensure thorough consideration of an issue, as occurred within the Council's existing Scrutiny Panels. A clear protocol for the use of witnesses would be of use. Professional expertise when scrutinising an issue was important and useful to the outcome;
- (iii) the matters expressed in (i) and (ii) above represented best practice. Scrutiny worked most effectively in panels rather than larger committees. An opposing view was that a membership larger than that of a Panel was needed for effective scrutiny. Panels should be open to the public wherever possible and a record of their discussions produced, currently they tended to be private meetings. However, concern was expressed that witnesses and councillors might not speak as candidly if such meetings were public. Sometimes, parties to an issue were very much opposed and needed to be listened to separately. Also, it was sensible for initial ideas/discussions not to be public as these may be reported by the press as actions which would be taken, when it was likely that some would not be viable when considered further. A variety of ways in which panels might operate, to suit the circumstances, might be appropriate;
- (iv) it was important that the terms of reference of committees/panels under the revised scrutiny structure were clearly understood and their titles should reflect the purpose and work of a committee or panel. A scrutiny panel for each of the Council's service areas could be one approach. Public involvement in scrutiny would improve if issues being considered were clear and of interest/relevance. A scrutiny approach similar to that of the Government's select committees might be useful;
- (v) the current Performance Scrutiny Committee undertook useful and necessary work and should be retained, possibly in form of a standing panel.
- (vii) in respect of the proposed timetable for the review, an away day event to progress the review in March, April or May might not be popular given run up to General Election in the time period. It was recognised that delaying the review would delay its implementation. A rigid timetable was needed to focus the review. At the away day, there could be scrutiny structures and procedures for consideration and discussion. Officers could consider best practice and advice from external expertise, to assist that. Proposals could also be circulated for comment prior to being put forward for consideration at the away day. Elements of the existing scrutiny structure which were working effectively should be retained.