

APPENDIX A

REPORT No 3

REPORT TO THE MEETING OF THE SCRUTINY COMMISSION HELD ON 3 SEPTEMBER 2015

Title: OPTIONS FOR THE FUTURE ROLE OF SCRUTINY

Originator: Councillor Paul Dann

Where from:

**Where to
next:** Scrutiny Commission

<p><u>Objective:</u> to discuss and make recommendations on the future role of the Scrutiny function at Harborough District Council.</p>
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1 Outcome sought from the Commission

1.1 Recommendations for the future role, structure and operation of the Scrutiny function at Harborough District Council.

2 Background

2.1 Local authorities in England and Wales – with few exceptions – have, since 2000, operated executive arrangements that place the decision-making powers in the hands of a Cabinet/Executive. This is comprised of up of ten Councillors (six Councillors at Harborough District Council). The Overview and Scrutiny function was established to hold this Executive to account for its decisions, and to contribute to the evidence-based policy-making of the Council.

2.2 At present, the Council recognises the requirement to establish a Scrutiny function in its Constitution (Part 2, Article 7 and Part 4, Section 5, attached at Appendices A & B), and provides that this will be comprised of a Scrutiny Commission, two Scrutiny Panels ('Community Leadership' and 'Resource & Performance'), a Scrutiny Steering Group (a working group consisting of the Scrutiny Commission Chairman and the Chairmen of the two Scrutiny Panels) and 'task and finish groups' (as required).

2.3 This structure was adopted in 2012, following a review of the Scrutiny function that culminated in a recommendation made by the Scrutiny Commission, which was adopted by Council on 30th July 2012.

3 What does Scrutiny Do?

3.1 The aim of Scrutiny is to improve services provided to the local community through positive challenge. Local authorities perform this function by pursuing the following themes:

(a) Policy Review and Development - helping to shape the way Council services are delivered (as part of the 2012 review of Scrutiny, Members

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indicated a preference for scrutinising plans for action in advance of decisions being made).

- (b) Scrutinising Decisions - Is the action being taken the right action? Are services working effectively? (as part of the 2012 review of Scrutiny, Members indicated a preference for scrutinising plans for action in advance of decisions being made).
- (c) Performance Management - Assessing how services are performing to identify areas for improvement. At present the Council's Executive is held to account in the following way:
 - each Executive Portfolio Holder attends two meetings of the Scrutiny Commission each year to present achievements, current work in progress, future plans, areas of concern, performance indicators, corrective actions and topical issues.
 - The Resource & Performance Scrutiny Panel receives quarterly reports on financial performance and the Council's risk register. The Panel also receives two performance reports each year (for quarters one and three)
- (d) External Scrutiny - Examining services that impact on the local community.

4 How does Scrutiny do what it needs to?

- 4.1 Since its inception in 2000 the Council's Scrutiny function has been refined into its current mode of operation. The Scrutiny Commission meets at least four times per year to agree its work. The two Scrutiny Panels currently meet a total of ten times per year (Community Leadership x4 and Resource & Performance x6). Task and finish groups are established when required, subject to there being a maximum of two groups in place at any one time.

5 How does Scrutiny vary from council to council?

- 5.1 Examples of how Scrutiny operates at other local authorities include:

Blaby District Council's Scrutiny Structure:

- eighteen-member Scrutiny Commission (including three Commissioners, one from each political group represented on the Council), The Chairman of the Commission must be a member of an opposition party.
- most work is channelled through three themed working groups:
 - Community Finance & Resources Scrutiny Working Group - to provide timely and constructive challenge on key aspects of the Council's budget priorities
 - Community & Partnership Scrutiny Working Group - to ensure the community benefits fully from the Council's partnership activities through Blaby Together

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- Performance Scrutiny Working Group - to assist the Council to meet its objective of a significant improvement in performance
- if required separate working groups may be established to look at 'one off' pieces of work.
- any non-executive Member can be on a working group, not only members of the Scrutiny Commission.

North West Leicestershire Council's Scrutiny Structure:

- Scrutiny Committee ('Policy Development Group') comprised of ten non-Cabinet Members, subject to political proportionality.
- The Policy Development Group meets no more than four times per year.
- Role:
 - to review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions other than development control and other quasi-judicial matters;
 - to make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any functions;
 - to consider any matter affecting the district or its inhabitants;
 - to exercise the right to call-in, for reconsideration, executive decisions made but not yet implemented by the Cabinet or portfolio holders;
 - to take an overview of policy development in line with the priorities of the Council;
 - to exercise powers for the Community Call for Action; and
 - in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009, to act as the crime and disorder committee of the Council.

Corby Borough Council's Scrutiny Structure:

- One Overview & Scrutiny Panel which is comprised of ten Elected Members and up to three non-voting co-opted members.
- The Overview and Scrutiny Panel create time-limited 'Working Groups' where necessary, subject to there being a maximum of three working groups.

6 Points for Discussion

How, in the future, will the Council deliver the themes outlined in paragraph 3.1 above?

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Policy Review and Development

- Should the Council continue to scrutinise forthcoming new Council policies prior to Executive enactment? The alternative is to wait until after policies have been made and then suggest a review. Or, is an element of both necessary?

Scrutinising Decisions

- Should the Council scrutinise forthcoming Executive decisions prior to resolution? The alternative is to wait until after decisions are made and then invoke the Member 'call-in' procedure.

Performance Management (holding the Executive to account)

- How often does Scrutiny need to examine Portfolio activity? (the Resource & Performance Scrutiny Panel currently receives reports on quarters one and three, with the Scrutiny Commission receiving those for quarters two and four).
- Which forum should receive Portfolio performance reports? Should this continue to be divided between the Scrutiny Commission and Resource & Performance Scrutiny Panel? Should reports be more frequent?

External Scrutiny

- Should the Council seek to give greater emphasis to the Scrutiny of external bodies?

The Scrutiny Steering Group

- If changes are made to the Scrutiny function, what role will this body have?

Structure of the Scrutiny Function

Appendix C sets out the current governance arrangements for Scrutiny and the various functions undertaken by Scrutiny

Scrutiny Commissioner's view

Changes need to be made to how Scrutiny at Harborough functions:

- I believe we should keep the Commission but reduce the number on it. The Commission is too large and often in the past we have struggled to achieve a good turnout for Commission meetings (see Appendix D)
- We should invite the Executive members to Commission meetings to discuss the important parts of their portfolios which we might want to scrutinise –a more focused scrutiny of key areas
- We should review the role of Executive attending the Commission with historical information twice a year

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- We should establish a Scrutiny task group to allow further examination of the scrutiny function and how we deliver scrutiny at this Council which will report back to the Commission.

Resources

Scrutiny is resourced through existing officer arrangements; there is no separate body of officers which supports just Scrutiny. The cost of preparation of Scrutiny reports is dependent on the subject matter. There is no overtime paid for attendance by officers at meetings. The building remains open in the evening so no additional costs are incurred for holding a meeting. Mileage for attending meetings is paid to members attending the meeting. Members allowances are paid to the Chairman of the Scrutiny Commission, Chairman of the Scrutiny Panels.

Recommendation

That a Scrutiny Task Group be established to look at the scrutiny function at Harborough District Council which will report to a future meeting of the Scrutiny Commission

Appendices:

- A. Articles of the Constitution – Scrutiny Commission (extract from the Council’s Constitution)**
- B. Scrutiny Procedure Rules (extract from the Council’s Constitution).**
- C. Scrutiny Structure/ Functions, Discussion Document.**
- D. Attendance at Scrutiny Commission meetings**