

EAST HERTS COUNCIL

COUNCIL – 1 MARCH 2017

REPORT BY CHIEF EXECUTIVE

PROPOSED CHANGES TO SCRUTINY

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- To recommend changes to the way in which East Herts Council undertakes scrutiny, in order to deliver high-quality and value for money scrutiny.

| <u>RECOMMENDATIONS FOR DECISION:</u> that | |
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| (A) | the new scrutiny arrangements, as now detailed, including the two key proposals of: <ul style="list-style-type: none">• improving the way scrutiny work plans are set; and• reducing the number of scrutiny Committees from five to two, be approved and implemented from May 2017; |
| (B) | the further proposals for ways to improve scrutiny, as detailed in paragraph 3.17 of the report, be noted; |
| (C) | the plans to set up a Community Wellbeing Forum, as detailed in paragraph 3.19 of the report, be noted. |

1.0 Background

- 1.1 Overview and Scrutiny is a function of local government in England and Wales. It was introduced by the Local Government Act 2000, as a measure to check the power of a council's executive (following the abolition of the 'old' Committee structure).
- 1.2 Councils operating executive arrangements (such as East Herts) are required to create an Overview and Scrutiny Committee which

is composed of councillors who are not on the Executive. The Overview and Scrutiny Committee is required to meet the rules on proportionality defined in the Local Government and Housing Act 1989 (i.e. the Committee must reflect the respective sizes of the political groups on the council)¹.

1.3 The current scrutiny arrangements have been in place since 2007. Prior to that, the council had two scrutiny Committees (Policy Development Scrutiny and Performance Scrutiny) and a system of Executive Advisory Panels.

1.4 At the end of each civic year, scrutiny Members are asked to submit their feedback about scrutiny work during the past year. Member evaluation of the 2015/16 scrutiny year was that it was time for an overall review of the scrutiny function.

2.0 The review

2.1 The review was led by the Chief Executive with support from Scrutiny Officers and one of the graduate trainees. Two meetings were held with the Chairs and Vice-Chairs of each Committee, after which a set of initial proposals was set out and a briefing was delivered to Members. Following this a number of individual meetings were held with Members who expressed an interest in particular parts of the review.

2.2 A summary of the main issues raised by Members is set out below:

- Committees currently receive work that is ‘finished’ – and therefore feel they have little opportunity to change anything
- Scrutiny doesn’t feel able to influence what they can/can’t scrutinise
- Hard to work as a team with only four meetings a year – this means people aren’t always confident to ask questions
- Attendance of the executive sometimes feels as though scrutiny are being ‘checked’

¹ East Herts has only one political group currently, although the council decided to allocate seats to ‘non-group independent Members’ (there is currently one of these) on the basis of proportionality.

- Chair's briefings aren't effective – don't need all the Officers there as this tends to start the debate outside of the meeting itself
- Lack of an opposition means that scrutiny needs to act as the group's own opposition
- Backbenchers don't currently feel as though scrutiny holds the Executive to account.

3.0 The Proposals

3.1 There are two key recommendations, the first relating to the Work Programme and the second relating to the number and role of each Scrutiny Committee. There are a number of other changes proposed set out at paragraph 3.17. All of these proposals are designed to give scrutiny a clearer agenda, more control over what they scrutinise, more ability to interact with the Executive through scrutiny and therefore produce a better overall outcome in terms of the value that Scrutiny Members can add to the work of the council.

3.2 The Work Programme

The first step in effective scrutiny is having a clear work programme which identifies issues that will benefit from scrutiny. In most Councils there are a number of 'routes' into scrutiny, summarised as:

- (i) issues identified by Members or Officers themselves
- (ii) issues raised through the work of the Executive (using the forward plan² as an indicator of the key decisions the Executive is proposing to take).

3.3 For some time in East Herts, nearly every report to the Executive has followed a route through one of the scrutiny Committees, regardless of whether that Committee has expressed a wish to scrutinise the report. This has reduced time available for scrutiny Committees to select their own topics for scrutiny. A longer term

²The Forward Plan is a legal document requiring every council to publish any 'key decisions' (a legal term) four months in advance. This should be used by Scrutiny Committees to decide which of the Executive 'key decisions' they choose to scrutinise.

work plan³ set by the Committee itself would give the scrutiny Committee more control and should generate more valuable scrutiny outcomes by focusing on issues of significance.

- 3.4 Many Councils successfully use a more formal approach to ensure that there is real focus on the purpose of each piece of scrutiny⁴. The joint meeting of Scrutiny Committees on 14 February 2017 provided useful feedback on a form that could be used. Officers will use this feedback over the coming weeks in developing a form that will be fit for purpose in East Herts.
- 3.5 Some Scrutiny Committees are devoting significant time to informing and training Members and consideration should be given to whether such items may be better placed in dedicated briefing or training sessions rather than scrutiny meetings. Current Member information services include weekly information and policy bulletins, training sessions (beginning with an intensive induction period, followed by optional sessions – monthly on average), and information pages on the Member’s Extranet (including technical guidelines, updates, policies and strategies, training information, mapping of external representation and Members responsible, links to external information sources). East Herts takes Member training very seriously, and should continue to do so, but using scrutiny as a medium for delivering training dilutes the purpose of scrutiny and potentially the focus of the training. However, Officers will ensure that, when necessary, any training at the beginning of a scrutiny meeting is appropriate for the business of the meeting.

3.6 **The number of Committees**

- 3.7 In order to respond to the feedback set out in section 2.2 above, it is proposed to have fewer Committees, meeting more often, with slightly larger Membership.

3.8 **Overview and Scrutiny (14 Members)**

³ A Scrutiny Committee Workplan would be devised by the Committee itself, with support from the Scrutiny Officer; this is a different document from the Forward Plan, which sets out the key decisions to be made by the Executive.

⁴ ‘A Cunning Plan? Devising a Scrutiny Work Programme’, CFPS, 2011

3.9 The first Scrutiny Committee would be ‘forward-looking’, shaping new policies at an early stage of their development, and undertaking major reviews of existing policies or service delivery models in order to look to make future improvements, having recourse to Task and Finish groups where appropriate (which could include Non-Members of the Committee where they have a particular interest in the topic or have a particular skill set to bring to the group). The Members of this Committee would ideally be creative and strategic thinkers, with a broad perspective of the local and public sector landscape.

3.10 Sample items for this Committee are listed below:

- **Executive Key Decisions** which are of interest to the Committee, or which the Executive request the Committee to scrutinise (for example decisions relating to significant projects such as Hertford Urban Design Strategy (HUDS) and the Bishop’s Stortford Town Centre Planning Framework).
- Current **service delivery models** (our own and those of our partners) with a view to identifying gaps, exploring innovative solutions to delivery issues (for example, the development of the Joint Waste Partnership with North Herts District Council).
- **Draft strategies** or strategies for review (for example, the Housing and Health Strategy, 2014; Environmental Crime Enforcement Strategy, 2015, the Fuel Poverty Strategy 2015)
- Issues or areas in which Members feel they could shape **future policy direction**, such as Health and Wellbeing work with Public Health and how best the district can contribute to this agenda (eg. Social prescribing.)

3.11 **Performance, Audit and Governance Scrutiny (14 Members)**

3.12 This scrutiny Committee would review progress on delivery of the corporate strategic plan, the Medium Term Financial Plan, the key performance metrics of the council, etc. It would also have the opportunity to set up Task and Finish groups where appropriate, and would also have a Sub-Committee to deal with Member code of conduct issues.

3.13 Sample items for this Committee are listed below:

- Budgets, Medium Term Financial Strategy, Treasury Strategy
- Annual Accounts and Annual Governance Statement
- Corporate Annual Report
- Corporate Healthchecks
- Risk Management
- Service Plans Monitoring of Progress and Exceptions
- Review of capital programme delivery
- Reviewing effectiveness of changes to service delivery models (for example, examining the Revenues and Benefits shared service two years on).

The terms reference for both new committees will be reported to Annual Council in May 2017.

- 3.14 An analysis of the last two years' worth of scrutiny topics and how they would be treated under this proposed two-Committee system is set out at **Essential Reference Paper 'B'**.
- 3.15 The table at **Essential Reference Paper 'C'** compares the current number of scrutiny meetings per year for a Councillor; with the number under the proposed system (exact numbers will vary depending on the Committee Membership of each individual councillor.)
- 3.16 **Other recommendations**
- 3.17 A number of other recommendations are set out below, which while not necessarily ones that need to be agreed by council, set out important changes to the ways of working which should improve the quality of the scrutiny at East Herts.
- a) Members who are champions for specific areas of work to ensure these areas receive appropriate scrutiny.
 - b) Executive Members to present an annual report on their portfolio to the relevant scrutiny Committee and take questions from the Committee annually.
 - c) The 'critical friend' role of scrutiny and how it can help with outcomes to be emphasised to Officers. Scrutiny should see earlier drafts of papers so that they can shape the direction (as long as there were enough meetings to avoid slowing

down the work of the council by having to wait for the next quarterly date)

- d) The most appropriate and effective method of scrutinising each subject to be selected by the Committee. Task and Finish groups will be the most effective method for large pieces of scrutiny work to 'deep-dive' into subjects and can report the findings back to the Committee. Some subjects, such as an executive report, may be better scrutinised by the whole Committee at the Committee meeting. If appropriate, all day Task and Finish group meetings could be held.
- e) The strengths and weaknesses of councillors on each Committee – and direct skill sets should be used more effectively (noting that sometimes the skill of 'knowing nothing' about the subject but having the customer experience perspective is important in itself).
- f) Scrutiny and training to be separate to ensure the purpose of both is clear and focussed.
- g) A substitution system similar to that used by Development Management Committee (but without Executive involvement) to be implemented, whereby any Member unable to attend must inform the Scrutiny Committee Chairman who would organise the substitute.
- h) Committee Members to be able to meet outside formal Committee meetings to research subjects and become more informed on subjects for scrutiny. Ways of ensuring this is possible without compromising transparency to be considered. For example, the informal meetings to be held at Wallfields with the scrutiny Officer in attendance to take notes (for recording rather than publishing) that could be made available if there was an FOI request.
- i) Scrutiny Committee Chairmen to create email groups for the Committee Members to communicate any questions/additional info relating to scrutiny, ensuring transparency with the email threads which could be made available if there was an FOI request. Members to be encouraged to interact with Officers (report writers) individually before the Committee meeting to ask questions. If this is done via email, all Committee Members can be copied in to the response.
- j) Scrutiny Committee meetings to take place in less formal room settings (if additional space needed, the Council Chamber will be used.) As previously, the public would be welcome to attend to observe the meetings.

- k) Chairman's briefing to be shorter and with the Scrutiny Officer only to run through logistics of the meeting. Invite Officers only if the Chairman wishes to discuss a specific matter arising.
- l) Consideration be given to Chairman *and* Vice-Chairman of scrutiny Committees to receive an allowance⁵.
- m) Members should be encouraged to contact an Officer in advance if there is something they don't understand in the report, so that they can take part in the meeting confidently.

3.18 **Community Wellbeing Forum**

3.19 During the review a number of councillors took the opportunity to consider whether the council is getting the most out of the resources we invest in the Health and Wellbeing Agenda, particularly in the context of councillor inputs. While the Health and Wellbeing Scrutiny Committee had served a purpose in raising the profile of the issue, (and Health and Wellbeing is one of the council's three key priority areas of work⁶), councillors expressed a desire to be able to develop their own work programme of delivery (rather than scrutiny), particularly making use of the Member champion roles, all of which relate to this agenda. It is proposed to initiate a Community Wellbeing Forum, which will consist of all Member champions operating in the Health and Wellbeing space, plus any other Members who have a desire to become more involved in delivery of the Health and Wellbeing agenda in their own communities. This group will be outcome-focused, setting clear goals and ensuring that they are delivered for the benefit of our communities. It will be supported by an Officer, but will be primarily a councillor led group and will link into the other existing Health and Wellbeing Fora to ensure there is consistency, avoid duplication and aim to add value to the work of the council through sharing of knowledge, experience, and best practice.

4.0 **Implications/Consultations**

4.1 Information on corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

⁵ If agreed, there would be a need to put in place new arrangements for selecting Vice-chairmen. This proposal will be submitted to the Independent Remuneration Panel to seek their views/advice.

⁶ Priority 1: Improve the Health and Wellbeing of our Communities

Background Papers

None

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