

OVERVIEW & SCRUTINY PANEL

ECONOMIC WELL-BEING
ENVIRONMENTAL WELL-BEING
SOCIAL WELL-BEING

07/03/2013
12/02/2013
05/03/2013

REVIEW OF THE EFFECTIVENESS OF OVERVIEW & SCRUTINY (Report by the Working Group)

1. EXECUTIVE SUMMARY

- 1.1 A working group of 12 consisting of the Chairmen and Vice-Chairmen, three other Members (including one representative of the Liberal Democrat group) and three Co-opted Members of the three Panels meet on 22 October 2012 to undertake their own 'critical friend' challenge.
- 1.2 Whilst the group focussed on considering current practices, they identified opportunities to further develop and improve practices and procedures. Whilst these developments are important, they should not detract from the group's view that they are generally **acting effectively in discharging their responsibilities and fulfilling their terms of reference.**
- 1.3 Whilst a number of the issues identified could be classed as pertaining to the work of the Panels only, there were a number of opportunities for improvements that would benefit all Members. These included:
 - a) Reports being written in plain English without reference to technical or local government jargon.
 - b) Amending the current reporting style, by introducing a short executive summary setting out the key issues, risks and recommendations. This would allow Members and the public to quickly understand the implications of a report. Supporting detail would be contained within annexes.
 - c) Reports should present a range of options for Members to consider, rather than direct them towards one particular outcome.
 - d) Increasing the frequency of press releases to engage with and seeking greater public involvement with the affairs of the Council.
- 1.4 Opportunities for improvement relating to the Panel only included:
 - e) Chairman of the Panels and the Executive Leader should discuss opportunities to involve the Panel at earlier stages of policy formulation.
 - f) Update reports on service developments and agreed actions arising from reviews should be presented to the Panel so that they could note and evaluate the benefits gained.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Panel:
- i. note the outcome of the effectiveness review
 - ii. consider the opportunities for improvement identified in Annex B and the comments they wish to make to the Working Group
 - iii. Instruct the Working Group to discuss with the Executive Leader the opportunities for earlier scrutiny and involvement with the formulation of policy.

3. SUPPORTING INFORMATION

- 3.1 The review was conducted by the working group, assisted by the Internal Audit & Risk Manager and Scrutiny Manager. Issues within three main themed areas of administration and structure, work programme and the review and scrutiny process were discussed. A summary of these areas is attached at Annex A.
- 3.2 One of the areas that the working group discussed and felt could be improved, for the benefit of all Members, was the structure and format of written reports. They requested that this report be prepared in a different format – an executive summary followed by recommendations and supporting information.
- 3.3 Annex B is a summary of the issues identified from the review. Due to the open discussion format of the working group's meeting, Officers have had some difficulty in capturing all the issues raised and considered. Officers have already said that they will take account of this, when planning the format of, and undertaking, future reviews.

4. NEXT STEPS

- 4.1 Following discussion of the report at all three Overview & Scrutiny Panels, an action plan will be developed. Whilst it is likely that a number of the actions will require Officers to make changes to current working practices, Panel Members will also be requested to fully support the changes that are agreed.
- 4.2 The outcome of the effectiveness review will be reported to the Corporate Governance Panel and taken into account during the annual governance review.

Background Information

Notes of working group meeting

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Issues considered by the Working Group

Administration & structure

1. Are the Panels terms of reference (attached) still appropriate?
2. Is the Panel currently working within its terms of reference and considering/dealing with all the issues they cover?
3. Are Members clear about the differences between the overview and scrutiny roles they perform?
4. Is the Panel satisfied that it has sufficient authority and resources to fulfil its terms of reference and perform its role effectively?
5. Panel membership has to conform to proportionality requirements. Bearing that in mind, is the Panel satisfied that its membership demonstrates independence?; and that its meetings are free and open without political influences being displayed?
6. Is the Panel content that it has access to proper technical and professional advice when necessary?
7. Is the dedicated Officer support provided to the Panel sufficient?
8. Are the Panel agendas of appropriate length to allow sufficient debate to take place on all the items?
9. Are meetings held frequently enough to allow the Panel to consider items of topicality as well as its normal business? (I understand that there has previously been a suggestion that the number of Panels should be reduced to save money. Would this allow for sufficiently robust overview and scrutiny to take place?).
10. Do the reports presented to the Panel contain sufficient details to allow decisions to be reached promptly? Are the reports too long/sufficiently well summarised?
11. Do members of the public engage with the work of the Panel?

Work programme

12. Does the Panel determine its own work programme?
13. Is the Forward Plan clear and informative? Does the Panel feel it is complete?
14. Does the Panel feel that it receives timely and sufficient information on policy initiatives/strategic decisions to allow it to:
 - include these issues into its work programme?; and
 - contribute (during the drafting stages) and influence (pre-decision)?
15. Does the Panel regularly and robustly review arrangements for performance and (Economic Panel) financial management?
16. Does the Panel receive timely and sufficient information about key and delegated decisions? Are these considered for inclusion in its work plan?
17. Is there active use of the call-in process to debate and challenge executive decisions, either before or after they are taken?
18. Has the Panel considered how it:
 - integrates with other Panels?;

Issues considered by the Working Group

- ensures that duplication of effort is avoided?; (e.g. changes to housing benefits are in the remit of the Social Panel because it is responsible to housing but there are significant financial implications for the Council that fall to the Economic Panel).
 - could use the work already performed (across the Council) to influence its programme?
19. Does the Executive utilise the skills and capacity of the Panels by actively seeking their views?
20. Do all Members receive regular information on planned and on-going scrutiny reviews?
21. Are all Members invited to contribute to the scrutiny process?

Review & Scrutiny process

22. Does the Panel have a scheme that allows it to consider and then prioritise reviews?
Are clear and concise terms of reference, review and reporting timescales for reviews always agreed by Panel prior to commencement?
23. Does the Panel
- Specifically consider how the review will '*make a difference*' to service delivery and/or improve customer satisfaction?
 - Find that reviews are completed and reports issued on a timely basis?
 - Consider reports in a reasonable timescale?
24. Is the Panel satisfied with the support received from Officers?; and that the information they receive is always complete, accurate and without ambiguity?
25. Is there any formal assessment or reporting back to the Panels on the impact of the scrutiny reviews?; or the monitoring of the implementation of any recommendations which are accepted?
26. When issues are referred to the Panel for review prior to consideration by Cabinet, do the Panel feel that they have sufficient time to consider the issues raised before the Panel meets?
27. Do the Panel feel that they hold Executive Members to account (as against Senior Officers)?
28. How robust are the discussions with Executive Members and Senior Officers when they are invited to participate in discussions and provide information?
29. How does the Panel satisfy itself that its recommendations and views are considered by Cabinet, Council, Leadership? (Are there any examples of Panels views being incorporated into the *final decision*?)
30. Is there sufficient liaison/feedback/communication from the Executive (either formal or informal) to the Panel on the recommendations it makes and decisions ultimately taken?
31. Is the Panel sufficiently challenging to the Executive? .

Conclusions

32. How do you judge whether the Panels are effective are not?
33. How could the Panel become more effective in meeting its terms of reference?

Opportunities for improvement identified by the Working Group

ISSUES IDENTIFIED

Administration and Structure

	<u>Current practice</u>	<u>Opportunity for improvement</u>
<p>Improving the effectiveness of the Council</p>	<p>1 Panel members, both elected and appointed, have a wide breadth of knowledge and experience to share. They are a valuable resource that the Council cannot afford to waste.</p> <p>There was, in the main, a lack of party politics at meetings, allowing issues to be considered and challenged in an open manner without consideration of ‘political’ agendas.</p>	
<p>Getting the greatest benefit from the meetings</p>	<p>2 The Social Well-Being Panel meetings are becoming longer due to the number of items being considered. Whilst each agenda item has ‘time allocated for discussion, the length of the agenda means that discussion etc has sometimes been curtailed.</p> <p><i>(The working group are aware that in the recent past consideration was given to reducing the number of Panel meetings for financial reasons. This is not supported. It is felt that the ‘democratic deficit’ through having fewer meetings would not be off-set by the financial savings obtained).</i></p>	<p>The Chairman to be consulted before the agenda is published on the order of papers to be discussed and the time to be allotted to each item.</p> <p>The Panel Chairman together with Officers, consider the overall number and frequency of meetings with a view to increasing the number of meetings to allow the Panels sufficient time to consider and debate business.</p>
	<p>3 In accordance with Council practice, agenda papers are dispatched to Panel members usually 10 days prior to a meeting. Agendas for the last three meetings of each Panel were on average;</p> <ul style="list-style-type: none"> 65 pages : Economic 103 : Environmental 104 : Social <p>The practicalities of publishing agenda papers earlier was discussed but discounted. (Increasing pre-scrutiny is dealt with at point 16). Discussion about report content and format reached a consensus that current practices could be improved. A variety of alternative options were discussed.</p>	<p>Reports should be written in plain english without reference to technical or local government jargon. All acronyms should be explained in full.</p> <p>To allow Members to quickly understand the implications of a report, consideration should be given to introducing a short executive summary setting out the key issues, risks and recommendations. Supporting detail should be contained within annexes. There was a strong suggestion that Members should see reports earlier.</p>

Opportunities for improvement identified by the Working Group

Current practice

- 4 Questioning of Officers and Members is generally of a good standard and continues to improve.
It was felt that more could be done in this area, to both improve questioning, the management of the meetings and obtain a fuller understanding of the issues that are being discussed.

Officer support

- 5 Support from Democratic Services was good, across both meeting management & administration and the support provided to individual scrutiny reviews.
- 6 Technical and professional input from Officer's to scrutiny reviews etc was generally of a good standard. Fortright discussion on this area concluded that some senior Officers appeared overly defensive and reticent to provide full responses.

Officers below Head of Service appeared to welcome the opportunity to explain to Panel what they and their service do. Officers at this level should be invited to Panels more frequently.

How well do the Panel's engage with the public?

- 7 The engagement of the public with the Panels was considered. Various differing views were expressed. Disappointment was expressed that little was gained when Panel met across the District whilst Pathfinder House was being constructed.

The lack of press interest in the work of the Panel and the Council in general was also considered. Serious concerns were expressed about this.

Opportunity for improvement

If requiring specific information relating to a report, Members should be encouraged to submit written questions to the appropriate Officer or Cabinet Member in advance of the meeting.

An Action Log should be maintained containing minor issues (e.g. unanswered questions) that require follow up action.

All members involved in O&S should seek opportunities to improve their questioning skills.

The working group would like Chief Officers' Management Team to remind Officers that scrutiny reviews should not be viewed as hostile or being undertaken with any motive other than benefiting and improving service provision.

Press releases (including the use of social media) saying 'what's been done' should be issued regularly as a way of engaging with and seeking greater public involvement.

Opportunities for improvement identified by the Working Group

Work programme

	<u>Current practice</u>	<u>Opportunity for improvement</u>
Deciding workload	<p>8 All the Panel's determine their own workload. Forward Plan information is clear. This allows policy initiatives/strategic decisions to be included in the work programmes.</p> <p>9 The working group did have some concerns about receiving reports only a few days before they were to be considered by Cabinet (e.g. Report on the contribution of agriculture...in the context of planning policies. Environmental Well-Being on 11 September and Cabinet on 13 September).</p> <p>10 Whilst the call-in process had not been used regularly used, when it had been, it was considered beneficial.</p>	<p>The timing of reports that are to be considered by both Cabinet and Panel to be investigated to consider the practicalities of allowing Panel more time to consider Policy matters.</p>
How well do the Panel's work together?	<p>11 The three Panels work well together in considering how they are going to examine issues and take lead responsibilities. The meetings between Panel Chairmen and Vice-Chairmen have been effective in developing this approach.</p> <p>The Economic Panel take the lead on main financial and budgetary matters. Whilst there has been some involvement with the other Panels across this area, it has been limited. In the current difficult financial times, the working group would like to see all Panels robustly challenge finances and financial decisions within reports.</p> <p>Formal meetings do not take place with other Panel or Committee Chairman. Nothing of substance could be thought of that had 'slipped through the net' due to this lack of communication.</p>	<p>Without losing the opportunities that are currently available for each Panel to undertake their 'overview' role, consideration be given to joint Panel meetings as & when required to discuss 'contentious' items (e.g. green-bin charging).</p> <p>Whilst appreciating why reports are presented to more than one Panel, the working group would like to see reports only being presented to one Panel if at all possible. (The Working Group acknowledged the difficulties that this may cause and suggest that each Panel consider how this could work effectively).</p> <p>Each Panel should be mindful of the financial/economic benefits of issues being discussed and comment accordingly to the Economic Panel.</p>

Opportunities for improvement identified by the Working Group

Review and scrutiny process

	<u>Current practice</u>	<u>Opportunity for improvement</u>
Conduct of scrutiny reviews	12 Panel's have undertaken a number of scrutiny reviews and these were considered to be successful in the main. Occasionally there has been some confusion as to the methodology that should be used, or how suitable evidence can be obtained, to allow the review to be undertaken as effectively as possible.	
	13 Social Panel review on the NHS proposals for changes to Mental Health Services was particularly effective as the questions that needed to be addressed were shared with the NHS prior to Panel meetings. This allowed full responses to be provided and allowed good discussion and evidence to be obtained to support the report's findings.	
	14 The group recognise that Panels have few powers to compel people to introduce what they recommend but consider that they have influence and the support of the Executive. Recommendations are acted upon. The group felt that on occasions, the reports presented had pre-determined outcomes, leaving the Panel little option to support the recommendations being proposed.	Reports should present a range of options for Panel to consider, rather than direct the Panel to one particular outcome.
	15 Contact is maintained with a service following completion of a review. Member 'Champions' are appointed to maintain contact with the service and retain oversight of the service developments. The group felt that this could be further improved.	Update reports on service developments and agreed actions arising from reviews should be presented to the Panel after six months (and then at a frequency to be decided by the Panel) so that they could note and evaluate the benefits gained.

Opportunities for improvement identified by the Working Group

Overview of the decision making process	<u>Current practice</u>	<u>Opportunity for improvement</u>
	<p>16 The working group were aware that their role was not to duplicate the work of the Executive, rather influence its decision making.</p> <p>The group, in considering their relationship with the Executive, considered that a greater involvement in pre-decision would be useful so that they had the potential to influence executive decisions. Concerns were expressed however, that if this was pursued, then changes need to be made to the current process whereby reports presented to both Panel and then Cabinet appeared on Panel agendas without any forewarning, leaving the Panel no time to conduct their own research or consult with key stakeholders, examine alternative approaches or make sufficiently meaningful contribution.</p> <p>17 The group were concerned that some Executive Members appeared to rely on Officers too much when explaining policy. Panel wanted to hear the views of the Executive Councillor and question them.</p>	<p>The Chairman of the Panels and the Executive Leader should discuss whether there are opportunities for the Panels to receive information earlier; allowing the Panels a greater opportunity to influence, but not direct, decision making.</p> <p>When considering the Forward Plan, seek a volunteer or nominate a Panel Member to speak to the appropriate Officer about a particular item that is due to be considered. The Member to report back to the Panel and lead a discussion on the level of pre-scrutiny that may be required.</p>