

**REVIEW OF THE EFFECTIVENESS OF
OVERVIEW & SCRUTINY
(Report by the Internal Audit Manager)**

1. BACKGROUND

- 1.1 Following the Corporate Governance Panel's own effectiveness review in September 2012, it felt it would be beneficial for other Panels and Committees to undertake similar reviews. This report details the outcome of the review of the three Overview & Scrutiny Panels.

2. WORK UNDERTAKEN

- 2.1 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 have undertaken their own 'critical friend' challenge. They were assisted by the Scrutiny and Internal Audit Managers. The results of the review have been considered and endorsed by all three Panels.
- 2.2 Issues within the three main themed areas of administration and structure, work programme and the review and scrutiny process were considered. A summary of these areas is attached at Annex A.

3. FINDINGS

- 3.1 Whilst the group focussed on considering current practices, they also identified opportunities to further develop and improve practices and procedures. Whilst these developments are important, they should not detract from the groups view that they are generally **acting effectively in discharging their responsibilities and fulfilling their terms of reference.**
- 3.2 Annex B is a summary of the issues identified from the review.
- 3.3 One of the areas that the working group discussed and felt could be improved, for the benefit of all, was the structure and format of written reports presented to Members. This view was endorsed by each of the Overview & Scrutiny Panels. They consider that the current report format does not allow for the quick identification of significant matters. In order to highlight these issues, the Panels agreed consideration should be given to introducing a short executive summary setting out the key issues, risks and recommendations with supporting detail contained within annexes. Chief Officers' Management Team, having noted the concerns raised, have instigated a review of the current reporting style.

- 3.4 Whilst a number of the issues identified could be classed as only pertaining to the work of the Panels, the working group did feel that the Council was not sufficiently engaging with the public and other stakeholders. Opportunities identified for improvement were:
- a) Increasing the frequency of press releases to engage with and seek greater public involvement with the affairs of the Council.
 - b) Emailing the Decision Digest to Parish Councils to make them aware of the work that is being undertaken
 - c) Making better use of the opportunities available through social media (to publicise meetings and issues to be discussed).
- 3.5 Opportunities for improvement relating to the work of the Overview & Scrutiny Panels included:
- d) Increasing the opportunity to influence decision making through earlier scrutiny of policy proposals.
 - e) Receiving update reports on service developments and agreed actions arising from their own reviews, to allow them to note and evaluate the benefits gained.

4. RECOMMENDATIONS

- 4.1 It is recommended that the Panel:
- i. note that the Overview & Scrutiny Panels are acting effectively in discharging their responsibilities and fulfilling their terms of reference;
 - ii. take account of the outcome of the effectiveness review when considering the annual governance statement; and
 - iii. discuss whether effectiveness reviews should continue and if so, which Panel or Committee should next be reviewed.

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>	<u>Action to be taken</u>
Improving the effectiveness of the Council		
<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>		
Getting the greatest benefit from the meetings		
<p>2 Some meetings are becoming longer due to the number of items being considered. Whilst one Panel has time allocated for discussion, the length of the agenda for other meetings 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>a. The Panel 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>b . 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>The appropriate Democratic Services Officer will liaise with the Chairman (Action: Immediately).</p> <p>This will be kept under review and additional meetings called as and when required.</p>

Opportunities for improvement identified by the Working Group

<u>Current practice</u>	<u>Opportunity for improvement</u>	<u>Action to be taken</u>
<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> <p style="margin-left: 20px;">65 pages : Economic 103 : Environmental 104 : Social</p> <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>c. Reports are public documents and should be able to be read, understood (by a wide audience) and acted upon in a single reading. They should be written in plain english without reference to technical or local government jargon. All acronyms should be explained in full.</p> <p><i>[O&S (Social Well-Being) suggested that a glossary of terms should be produced. They also supported a further suggestion that a glossary should be included within Committee/Panel reports].</i></p> <p>d. 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>	<p>A glossary of terms will be prepared (and maintained) by Democratic Services and made available on the intranet and emailed to all Members. (Action: 30 June 2013)</p> <p>Chief Officers' Management Team are requested to remind Officer's that all acronyms should be explained in full (Action: Immediately)</p>
<p>4 Questioning of Officers and Executive Members is generally of a good standard and continues to improve.</p> <p>It was felt that more could be done in this area, to both improve questioning and the management of the meetings and obtain a fuller understanding of the issues that are being discussed.</p>	<p>e. If requiring specific information relating to a report, Members should be encouraged to submit written questions to the appropriate Officer or Executive Member in advance of the meeting.</p> <p>f. An Action Log should be maintained containing minor issues (e.g. unanswered questions) that require follow up action.</p>	<p>Chief Officers' Management Team are to review the current reporting style. The views expressed by the working group will be taking into consideration in the review. (Action: COMT to progress and consider any changes by 30 September 2013).</p> <p>Democratic Services will remind Members regularly of the opportunity available for 'in advance' questions (Action: Ongoing).</p> <p>Democratic Service Officer's will prepare/submit Action Logs for the three Panels (Action: Immediately).</p>

Opportunities for improvement identified by the Working Group

<u>Current practice</u>	<u>Opportunity for improvement</u>	<u>Action to be taken</u>
<p>Officer Support</p> <p>5 Support from Democratic Services was good, across both meeting management & administration and the support provided to individual scrutiny reviews.</p> <p>6 Technical and professional input from Officers to scrutiny reviews etc was generally of a good standard. Forthright discussion on this area concluded that some senior Officers appeared overly defensive and reticent to provide full responses.</p> <p>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.</p>	<p>g. All members involved in O&S should seek opportunities to improve their questioning skills.</p> <p>h. 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.</p>	<p>Democratic Services will continue to provide training in the area of questioning (Action: training will be offered at least once per year)</p> <p>Chief Officers' Management Team have already reminded Heads of Service and Activity Manager of the opportunities that scrutiny offers.</p>
<p>How well do the Panel's engage with the public?</p> <p>7 The engagement of the public with the Panels was considered. Various differing views were expressed. Disappointment was expressed that little was gained when the Panels met across the District whilst Pathfinder House was being constructed.</p> <p>The lack of press interest in the work of the Panel and the Council in general was also considered. Serious concerns were</p>	<p>i. 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.</p> <p>The Decision Digest should be emailed to Parish Council's.</p> <p>To allow members of the public to raise issues, a short open public forum (not a</p>	<p>It is noted that an internal audit review into the Council's use of social media is currently underway. The Working Group's concerns regarding press interest in the Panels' work programmes and the difficulties associated with generating public engagement will be considered in that review.</p> <p>Regular messages on the</p>

Opportunities for improvement identified by the Working Group

Current practice

expressed about this.

Opportunity for improvement

question & answer session) be held at the start of each O&S Panel meeting.

[During discussions of the Working Group's report] Councillors L A Duffy and S Greenall volunteered to champion the use of Twitter and Facebook respectively as a way of seeking public participation in the work of the Panels.

Action to be taken

opportunity the public has to attend meetings and subjects under discussion will be put on social media sites (Action: process to be introduced following conclusion of internal audit review).

The Decision Digest will be emailed to Parish Council Clerk's (Action: Immediately).

The Democratic Services Manager to consider how open public forums could be introduced and what changes, if any, are required to the Constitution. A report on the options available to be considered by each Panel. (Action: 31 October 2013).

Work Programme

Deciding Workload

8 All the Panel's determine their own workload. Notice of Executive Decisions information is clear. This allows policy initiatives/strategic decisions to be included in the work programmes.

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

j. 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.

See item 16.

Opportunities for improvement identified by the Working Group

Current practice

September).

- 10 Whilst the call-in process had not been used regularly , when it had been, it was considered beneficial.

Opportunity for improvement

Action to be taken

How well do the Panel's work together?

- 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.

- k. 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).

The Democratic Services Manager to circulate the Panel agendas to the three Panel Chairman for information and to assist with identifying opportunities for joint meetings. (Action: Immediately).

- l. 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).

This will be kept under review. Democratic Services will provide guidance to Officer's (Action: Ongoing).

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. It is accepted that due to the

- m Each Panel should be mindful of the financial/economic aspects of issues being discussed.

Panel Chairman to remind Panel Members of the importance of considering financial/economic aspects of the issues under discussion (Action: Immediately).

Opportunities for improvement identified by the Working Group

Current practice

timing of meetings, there is limited opportunity for comments to be referred from one Panel to another.

With the exception of O&S, 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.

Opportunity for improvement

Action to be taken

Review and scrutiny process

Conduct of scrutiny reviews

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| <p>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.</p> | <p>n. Closer adherence to the agreed study methodology.</p> | <p>Panel Chairman to ensure the methodology is completed at the start of studies (Action: Immediately).</p> |
| <p>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.</p> | | |

Opportunities for improvement identified by the Working Group

<u>Current practice</u>	<u>Opportunity for improvement</u>	<u>Action to be taken</u>
<p>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 outcome, leaving the Panel little option but to support the recommendations being proposed.</p>	<p>o. Reports should present a range of options for Panel to consider, rather than direct the Panel to one particular outcome. In terms of effectiveness generally, the Working Group had formed the view that this could be demonstrated by the influence the Panels exerted on the Cabinet.</p>	<p>As part of the annual review of the Council's Constitution, it has been agreed that the Cabinet should be required to produce a formal response to the Panels' recommendations. This was approved by Council in April.</p>
<p>15 Contact is maintained with a service following completion of a review. Member 'Champions' are appointed to maintain cont Democratic Services act with the service and retain oversight of the service developments. The Group felt that this could be further improved.</p>	<p>p. 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</p>	<p>Panel Chairman promote the appointment of the Member Champion role (Action: Ongoing).</p> <p>Appointment of Champions to be formalised and a list of appointments maintained (Action: Immediately).</p> <p>The action logs be used to record 'update' reports due as well as allow the Chairman to provide updates on matters of interest (Action: Ongoing).</p>
<p>Overview of the decision making process</p>		
<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 at</p>	<p>q. 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. This will also enable the Panels to identify matters that might require</p>	<p>The Panel Chairmen have met the Executive Leader. He welcomed early engagement from the Panels. The Forward Plan to be used to identify issues that the Panel wish to consider and have the opportunity to influence. If appropriate, a Member Champion be appointed at this early</p>

Opportunities for improvement identified by the Working Group

<u>Current practice</u>	<u>Opportunity for improvement</u>	<u>Action to be taken</u>
<p>the pre-decision stage 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>debate later in the policy-making process.</p> <p>r. When considering the Notice of Executive Decisions, 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>	<p>stage to lead on the matter on behalf of the Panel. (Action: Completed/Ongoing).</p> <p>Panel Chairman promote the appointment of the Member Champion role (Action: Ongoing).</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>s. Questions about policy to be directed to Executive Councillors. Officers to answer factual/technical questions.</p>	<p>Panel Chairmen to direct questions about policy to Executive Councillors (Action: Ongoing).</p>