

DRAFT RESPONSES TO THE PEER REVIEW OF SCRUTINY RECOMMENDATIONS

1. Committee Structure

- 1.1 The Overview and Scrutiny Co-ordinating Committee should be disbanded and replaced with a smaller group to oversee and co-ordinate all scrutiny activities.

This “work planning group” should operate on an informal basis and should not be a formally constituted committee, thereby removing the support and administration that is associated with formal committee meetings. The remit of the group should be to oversee and co-ordinate the work programmes produced by each of the Overview and Scrutiny Committees and to commission Task and Finish Groups.

Response:

This principle of this recommendation is accepted but to be implemented in a modified form. It is considered that the Overview and Scrutiny Co-ordinating committee should continue to exist to coordinate all scrutiny activity and that this group should be a formal committee comprised of the Chairs of the Scrutiny groups together under the chairmanship of the Chair of Overview and Scrutiny Co-ordinating Committee. This group would fulfil the role of the ‘work planning group’ recommended by the review. The role of Overview and Scrutiny Co-ordinating Committee will be defined in terms of reference which support the principle of this recommendation.

- 1.2 Consideration should be given to reducing the number of Overview and Scrutiny Committees and to developing a greater focus on informal Task and Finish Group work.

This approach would enable small groups of members to investigate issues and report their findings and recommendations to a Committee. The current number of Overview and Scrutiny Committees limits the capacity of members and support services to manage Task and Finish Groups in addition to the Committees. It is widely recognised at a national level that the most effective Overview and Scrutiny outcomes are achieved through Task and Finish Group work. Ultimately, a balance needs to be struck between effective ‘overview’ through Committee structure and in-depth scrutiny through Task and Finish Group work.

Response:

This recommendation is accepted in a qualified form. It is considered that it is helpful for the council to retain the thematic clusters, since these align with the priorities in the corporate plan. It is, however, accepted that each thematic cluster should formulate a work programme based upon a limited number of themes and that each area of scrutiny should be operated on a task and complete and time-limited basis. It is further considered that each thematic cluster should each year identify a set number of topics to scrutinise, to formulate these into a work programme which will be approved by the Overview and Scrutiny Co-ordinating Committee. It may be more effective if each task and complete topic is undertaken by a sub-set of the membership of the scrutiny committee which would fulfil the recommendation of the review.

- 1.3 Regardless of the number of Overview and Scrutiny Committees that the Council deems appropriate, their remit should be refocused to reflect service delivery and council priorities.

The thematic remits of the current Committees leaves it open to interpretation where particular services and issues fall. Refocusing the Committees to mirror operational and service delivery structures will provide greater clarity and focus and reduce duplication across the Committees. It

will also enable Senior Officers to provide better support. Task and Finish Groups are an ideal way of addressing cross-cutting issues.

Response:

This recommendation is accepted. It is considered that each thematic scrutiny area needs to develop its work programme following this principle and it shall be the duty of the Overview and Scrutiny Co-ordinating Committee to ensure this is the case when approving the work programme of the scrutiny area.

- 1.4 The Health Scrutiny Sub-Committee should be disbanded and alternative mechanisms for members to be informed of changes in the health economy should be developed, including strengthening links with the County Council Health Scrutiny and providing informal briefings for members.

We recognise the value members place on the Health Scrutiny Sub-Committee, however we feel that given the changes in the health and the Council's limited resources, Overview and Scrutiny should focus on those areas where the biggest local impact can be achieved. Formal Health Scrutiny powers, as outlined in the Health and Social Care Act 2001, rest with the County Council, where there is a Joint Health Scrutiny Committee which includes a Newcastle-under-Lyme scrutiny member.

Response:

This recommendation is not accepted. The Council considers that it can add considerable value to the health and wellbeing of the Borough by retaining its health scrutiny function. Further, it has been encouraged by the County Council and the health sector to retain an appropriate role in scrutinising local health services. In formulating its work programme, the health scrutiny committee will take account of the health scrutiny programme of the County Council and will complement this with appropriate scrutiny of local health services and outcomes. The findings of relevant health scrutiny studies will be forwarded to the County Council and other appropriate responsible bodies.

- 1.5 The frequency of Overview and Scrutiny Committee meetings should reflect the nature of the business.

Committees should not necessarily be required to meet according to a fixed schedule. If a Committee has identified an issue of concern, there should be scope for the Committee to meet earlier than the next scheduled meeting in order to achieve timely scrutiny and improve the pace of impact.

Response:

This recommendation is accepted and endorsed. It shall be the of the Overview and Scrutiny Co-ordinating Committee to ensure this principle is adhered to when review scrutiny work programmes.

- 1.6 Consideration should be given to developing local-level scrutiny to complement the Council-wide scrutiny undertaken by the Overview and Scrutiny Committees and related Task and Finish Groups.

The Council's Local Area arrangements should be used to encourage members to identify issues specific to their local area that would benefit from a scrutiny exercise. In line with relevant legislation, Cabinet members should be excluded from this scrutiny activity, therefore Local Area Forums/Committees will need to establish a Task and Finish Group made up of Non-Executive Members that then reports into the relevant Overview and Scrutiny Committee, and then ultimately to Cabinet.

Response:

This recommendation is accepted. The Council is currently reviewing its local areas working arrangements (ie the Local Action Partnerships). Once this review is completed, the Overview and Scrutiny Co-ordinating Committee will give consideration to the role which LAPs may play in supporting the council's scrutiny processes, particularly in relation to local issues.

2. Membership of Committees

2.1 There should be a stronger and more pro-active role for Overview and Scrutiny Committee Chairmen. The role should focus not only on the effective management of meetings, but should also encompass greater activity outside of Committee meetings, including:

- Following up on issues raised during meetings,
- Following up on requests for information,
- Liaising with service officers and Portfolio Holder to identify issues to be included on the Committee's work programme' and
- Liaising with service officers and Portfolio Holder to ensure reports are provided to the Committee in timely manner and incorporate information required by the Committee.

Job Descriptions for Chairmen should be developed.

Response:

This recommendation is accepted. The pro-active role of Overview and Scrutiny Committee chairmen will be implemented through the Overview and Scrutiny Co-ordinating Committee.

2.2 The role of Vice-Chairmen should be reconsidered. Currently Vice-Chairmen appear to have limited involvement in preparing and managing Committee meetings. We are not opposed to the role of Vice Chairmen per se, but feel that the role in its current format does not add value. We recommend that consideration is given to replacing the role of Vice-Chairmen with 'Lead Member' roles. This would entail Lead Members from each political group nominated for each Committee to support the Chairmen in managing the Committee's work programme. This engages a small number of members in a more proactive role and has proven to work effectively in other Local Authorities.

Response:

This recommendation is noted. The Overview and Scrutiny Co-ordinating Committee will give further consideration to the need for and role of Vice-Chairmen of scrutiny committees.

2.3 The number of members on each Committee should be reduced from 15 to the minimum number required to achieve political proportionality.

The current size of the Committees proves challenging for Chairmen to ensure each member is able to contribute, whilst also ensuring that the Committee 'delves in deep' into the issue. Smaller Committees would aid greater engagement from those members involved.

Developing a focus on Task and Finish Groups, as outlined above, would ensure that all members have a role within Overview and Scrutiny and would mitigate against the concern that reducing the membership of the Committees would disengage a number of members. Task and Finish Group membership should be based on skills and interest and not political proportionality.

Response:

The principle of this recommendation is accepted. The Overview and Scrutiny Co-ordinating Committee will ask each of the scrutiny committees to draw smaller groups of Members to participate in particular task and complete pieces of work, based on the expertise of Members to support particular scrutiny studies. The Overview and Scrutiny Co-ordinating Committee will monitor the implementation of this recommendation in order to ensure that the principles are realised.

- 2.4 The Work Planning Group that we have recommended be established should consist of the Chairmen of the Overview and Scrutiny Committees and depending on the decision taken in relation to Vice-Chairmen, should also consist of Vice-Chairmen if they exist.

Response:

The Overview and Scrutiny Co-ordinating Committee will perform the role of the Work Planning Group, it will consist of the chairs of the scrutiny committees and may include the Vice Chairmen as and when needed.

3. Scrutiny Studies

- 3.1 We recommend that Members and Officers become more outward looking and take opportunities to visit other Local Authorities to learn from the experiences of others.

There are numerous resources available to guide Newcastle-under-Lyme in developing and supporting an effective Overview and Scrutiny function. The Centre for Public Scrutiny (CfPS) provides a wealth of guidance that is extremely beneficial. We recommend that these are explored and adapted for the local context, there is no need to reinvent the wheel. In addition to this, we have left some materials from our own authorities that might be useful.

We also suggest that Members and Officers participate in any local Overview and Scrutiny networks that exist, if such networks do not exist locally we recommend that consideration is given to developing one. Colleagues in surrounding local authorities will inevitably welcome the opportunity to share experiences and best practice. There are examples of effective outcomes from your Overview and Scrutiny work, which will be of interest to other local authorities.

Response:

This recommendation is accepted and the Overview and Scrutiny Co-ordinating Committee will provide advice and guidance to ensure this becomes a regular part of the way in which the council conducts its scrutiny work.

4. Indicative Work Programme

- 4.1 Scrutiny should develop a work programme for at least twelve months in advance. It should be developed through broad engagement with members, officers and partners.

We would suggest that members could attend a special forum event to discuss and evolve the programme.

In preparing the programme a number of factors need to be taken into account:

- scrutiny should consider items from a wide range of sources including the corporate plan, performance information, the council's major areas of expenditure, consultation, evidence of need etc.
- scrutiny of the corporate plan and the budget is essential
- pre-decision scrutiny of decisions to be made by Cabinet can be very useful. However, care is needed to make sure the work is complete in time for it to be of assistance to the Cabinet/Portfolio Holder but not so early as to be out of date when the decision is to be taken.
- the planning horizon should look ahead at least 12 months; longer if there is a medium-term priority set out in the corporate plan. It will require Cabinet to publish a Forward Plan with the same planning horizon to give advance notice of relevant issues. It is expected that the detail in both the forward plan and the work programme will be less specific later in the period.
- Cabinet should become more aware of scrutiny and the benefits available through close examination with the non-political, evidence-based approach of scrutiny.

The work programme will need to be able to be flexible, proactive and responsive to changing circumstances. A good scrutiny work programme will address the making of key decisions as well as being sufficiently fleet of foot in responding to issues of significance that arise during the period of the plan.

Response:

This recommendation is accepted. The Overview and Scrutiny Co-ordinating Committee will take the lead in ensuring this is implemented when reviewing the work programmes of scrutiny committees.

5. Training and Support

- 5.1 The council should invest in member training across the council, bringing in external experience and expertise to ensure that scrutiny is understood consistently with a common ambition and expectation.

External training would enable the exchange of best practice and improve the effectiveness of scrutiny work.

Response:

This recommendation is accepted. The Overview and Scrutiny Co-ordinating Committee will take the responsibility for ensuring this is implemented.

- 5.2 The council should invest in specific training for all those appointed as chairmen or vice-chairmen

Chairing scrutiny committees and task and finish groups requires a different skill set to the chairing of other committees.

Response:

This recommendation is accepted. The Overview and Scrutiny Co-ordinating Committee will take the responsibility for ensuring this is implemented.

- 5.3 The council should invest in officer training

Officers at different levels across the council should be involved in supporting the scrutiny committees relevant to their work/functions. To support scrutiny effectively officers need to understand the process and how they can provide effective support.

It is not necessary to incur large expenditure on training. Opportunities for training from recognised expert bodies (e.g. Centre for Public Scrutiny and University of Birmingham) or sharing experience with other councils can be explored.

Response:

This recommendation is accepted. The Overview and Scrutiny Co-ordinating Committee will ask the Chief Executive to ensure this is implemented.

6. **Resourcing**

- 6.1 The council should appoint at least one dedicated scrutiny officer but to a more closely defined role than in the past.

The scrutiny officer(s) should support members to develop work programmes, to monitor progress, to support the chair, ensure that evidence from appropriate sources is available and facilitate effective scrutiny, developing an identity for scrutiny in Newcastle-under-Lyme.

Response:

This recommendation is noted and the Overview and Scrutiny Co-ordinating Committee will ask the Head of Central Services to consider this as part of the proposed review of the democratic services function.

- 6.2 Support for scrutiny should be drawn from the whole officer structure.

The officers should give advice and evidence at an appropriate level. The ethos across the council should be one of being part of scrutiny – the “Critical Friend”.

Response:

This recommendation is noted and the Overview and Scrutiny Co-ordinating Committee has asked the Chief Executive to enable this to happen.

- 6.3 A senior officer should be nominated to champion each scrutiny committee.

This will raise the awareness and profile of the scrutiny committees across the council. The council should consider whether this senior officer should be one which is scrutinised under the terms of reference of the committee or a ‘critical friend’ who solely acts as champion and advisor to the committee avoiding any apparent conflict between advising the committee and providing evidence to the scrutiny. Other relevant officers should advise and attend meetings when required by the agenda.

Response:

This recommendation is noted and the Overview and Scrutiny Co-ordinating Committee has asked the Chief Executive to enable this to happen.