



Report Reference Number: E/18/01

To:	Executive
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Status:	Non-key decision
Ward(s) Affected:	All
Author:	Victoria Foreman, Democratic Services Officer
Lead Executive Member:	Councillor Mark Crane, Leader of the Council
Lead Officer:	Gill Marshall, Solicitor to the Council

Title: Scrutiny Review 2018

Summary:

An effective scrutiny function in local government is essential to fair and transparent decision making. The Corporate Peer Challenge undertaken in November 2017 by the Local Government Association (LGA) outlined that the scrutiny arrangements at the Council “appeared weak and are in need of review”. There are a number of ways in which scrutiny at Selby can be improved, and this report sets out how this could be achieved. At the scrutiny training provided by Kirklees Council, a number of themes, actions and goals were identified from the work of Members present at the sessions, which have been subsequently presented to the Scrutiny Working Group for consideration. The recommendations for the Executive, as set out below, are a reflection of the discussions had at the Kirklees training on 12 April 2018 and at the meeting of the Working Group on 24 April 2018.

Recommendations:

The Executive is asked to note:

- i) The development of Terms of Reference for ‘deep dives’ or ‘scrutiny in a day’ reviews looking initially at planning enforcement, housing, antisocial behaviour and the Safer Selby Hub.**
- ii) Officers will work with the Chair of Scrutiny to understand what kind of support would be most appropriate for scrutiny at Selby.**
- iii) The circulation of the 2018/19 Executive meeting dates at the next meeting of the Scrutiny Committee (5 July 2018) to ensure that a member of the committee attends each Executive meeting.**
- iv) The arrangement of further scrutiny training for Members.**

The Executive is asked to agree:

- v) **The establishment of a liaison group between the Chairs of Scrutiny and the Executive, to meet on a quarterly basis, to discuss the Executive's Forward Plan and the Committees work programme.**
- vi) **To recommend to Council the development of a role profile for the Chair of Scrutiny.**

Reasons for recommendations

The Executive are asked to note and agree the recommendations above in order to ensure that the work to improving scrutiny, as recommended by the Peer Challenge Team and set out in the Council's Peer Challenge Improvement Plan, is progressed.

1. Introduction and background

- 1.1 The Corporate Peer Challenge undertaken at Selby in November 2017 by the Local Government Association outlined that the scrutiny arrangements at the Council '...appeared weak and are in need of review'. The Peer Challenge Team identified the need for improvement as one of their key recommendations, and further on in their report, expanded on the reasons for this assessment:

'4. Review and improve scrutiny arrangements to ensure that there is healthy and adequate challenge within the Council to help with improvements.

Scrutiny arrangements in the Council appear weak and are in need of review. Clearly, as in many local authority areas, there is work to be done on thinking this through. We therefore recommend that you explore ways to provide support to the Scrutiny Committee to consider the benefits of aligning and coordinating its work plan with the Corporate Plan. This will enable it to scrutinise the delivery and impacts of the priorities of the Plan. It can do this by scrutinising work through commissions and deep-dives around key work programme areas, strategic priorities, and critical issues impacting on Selby district's citizens.'

- 1.2 As a response to the LGA's report, the Council has produced an Improvement Plan to address the issues highlighted by the Peer Challenge, including the scrutiny arrangements. The Council will review existing scrutiny arrangements, report recommendations to the Executive and develop proposals for revised arrangements for implementation. The work on the review of scrutiny began with the Kirklees training on 12 April 2018, as a result of which shorter and long term actions were identified.
- 1.3 A national review on the effectiveness of scrutiny has also recently been undertaken by central government. The Communities and Local Government Select Committee published their report in December 2017, and made various points and recommendations, a number of which could be considered when reviewing the scrutiny arrangements at Selby:
 - All responsible council leaderships should recognise the potential added value that scrutiny can bring, and heed the lessons of high profile failures of scrutiny such as those in Mid Staffordshire and Rotherham.

- Executive Members should attend meetings of Scrutiny Committees when invited to do so but only as witnesses and to answer questions from the Committee.
- It is vital that the role of scrutiny chair is respected and viewed by all as being a key part of the decision-making process; effective and impartial scrutiny chairs are essential. Chairs must be appointed in a way as to ensure that the independence of scrutiny committees is maintained.
- Transparency and a Committee's ability access to information (even commercially sensitive information) are essential.
- External experts should be encouraged to play a greater role in scrutiny, and engagement with service users and the public when forming understanding of a given subject is to be commended.
- Scrutiny members should have enough prior subject knowledge to prevent meetings becoming information exchanges at the expense of thorough scrutiny, e.g. listening and questioning skills are essential and capacity to constructively critique the Executive rather than following party lines.
- Scrutiny committees must be able to monitor and scrutinise the services provided to residents, including services provided by public bodies and commercial organisations, including Local Enterprise Partnerships (LEPs).

1.4 The Government responded to the Select Committee's report in March 2018; it plans to issue new guidance on scrutiny (the last guidance of any kind having been issued in 2006) and is open to further discussion on the election of scrutiny chairs by other councillors (rather than their appointment).

1.5 The importance of good scrutiny has also been emphasised in the recent inspection report into budgetary issues at Northamptonshire County Council (NCC):

'The Inspection team challenged the scrutiny process and noted that there had been no attempt to review either successful or unsuccessful budget inclusions in past years to learn lessons as to why things went well or failed to be delivered. The inspection team noted that this year's draft budget had been subject to scrutiny albeit to a very compressed timetable and that this had resulted in the removal of a number of items as they were still red rated or unachievable. Given that the budget process in NCC starts in the autumn it would have been possible to release some topics for examination much earlier which might have resulted in better proposals which could have been deliverable.'

1.6 In order to change the scrutiny arrangements at Selby and ensure its effective operation, some consideration needs to be given as to how the current arrangements are working and what changes can be made to improve this.

2. The Report

Current Arrangements at Selby

- 2.1 Selby District Council currently has two scrutiny committees and an Audit and Governance Committee. The Terms of Reference for both Committees are attached at Appendix A, and details of Special Responsibility Allowances are set out at Appendix B in the Council's Member Allowances Scheme.
- 2.2 Previous work has been undertaken with Scrutiny Members on developing techniques to select topics for its work programme, and external training has been provided on developing scrutiny and improving Members' questioning skills. However, the peer challenge findings suggest that more work is still required in these areas.
- 2.3 The current Overview and Scrutiny Committee has seven members and meets on a quarterly basis to consider topics selected on its work programme. Following suggestions from officers, it has recently expanded the topics it considers and has begun receiving reports relating to quarterly budget updates, the Programme for Growth and Olympia Park. Its work programme continues to contain effective and key topics for it to consider; however, further work needs to be undertaken with the Committee to expand the areas it looks at and to improve skills such as providing effective questioning of officers presenting reports. The Committee also needs to have greater input into its work programme to ensure it identifies effective topics to consider. The Committee's work programme for 2017/18 is attached at Appendix D.
- 2.4 The Policy Review Committee has seven members and meets on a quarterly basis to consider items relating to the budget or policies of the Council. However, there has been a difficulty in creating and maintaining an effective work programme which has meant that the Committee has met only four times since June 2017, due to a lack of business and items coming forward to the Committee's work programme. The Committee's work programme for 2017/18 is attached at Appendix E.
- 2.5 The Council's Audit and Governance Committee has seven members and meets on a quarterly basis. The business considered at the Committee is mostly statutory in nature, i.e. internal and external audit, accounts, risk and the Council's budget.

Training from Kirklees

- 2.6 On 12 April 2018, Kirklees Council delivered training sessions for members of the Executive and the Policy Review, Scrutiny and Audit and Governance Committees. The training's aims were to refresh Members' understanding of scrutiny, identify what effective scrutiny looked like, how it currently operated at Selby, areas of improvement and development of work programmes. The training was well received by those that attended, and through discussion and group work in both the Executive and Scrutiny sessions, a number of common themes were identified. These common themes are set out below:

- A more defined/stronger role for the Chair of Scrutiny through development of a role profile.
- More attendance by external partners, i.e. Police, Fire, MP etc.
- Better Member-led work programming, taking into consideration officer priorities, the Forward Plan, the Corporate Plan and Service Plans, including more pre-decision scrutiny and officer consultation with Scrutiny.
- Training for Scrutiny Members on scrutiny and its role, but also on technical aspects such as finance.
- Developing a better working relationship between the Executive and Scrutiny, such as communication and feedback on Scrutiny recommendations, and looking at how Scrutiny reports back to the Council and Executive.
- More task and finish groups/'deep dives' into specific issues, appropriately scoped and timetabled (e.g. Better Together, Planning Enforcement).
- Investigate the potential of co-opted members on the committee.
- Better communications and promotion around the work of Scrutiny to boost its profile, across the Council and externally, linking through to encouraging public involvement.

2.7 The themes set out above informed the development of a number of actions, both immediate and for the longer term, for strengthening scrutiny at Selby. The immediate actions identified were as follows:

- Develop a role profile for the Chair of Scrutiny.
- Work programming workshops with input from officers and Corporate, Forward and Service Plans.
- Identify the external partners Members are interested in hearing from.
- Identify and arrange training sessions (e.g. by Centre for Public Scrutiny/Local Government Information Unit).
- Place work planning at the top of agendas.
- Identify issues for 'deep dives' (linked to work programming).
- Develop a better working relationship between Executive and Scrutiny through meetings between the Executive and the Chair of Scrutiny.

2.8 The longer-term goals identified were as follows:

- Review structure of Scrutiny for potential implementation from May 2019.
- Develop the communications around Scrutiny and raising its profile both inside and outside the organisation.
- Develop public engagement in scrutiny and investigate the co-option of members of the public.
- Examine how Scrutiny reports back to Council and the Executive.

2.9 At the training event, some Members of the Scrutiny Committee also suggested that there should be a dedicated Scrutiny Officer who solely worked on supporting scrutiny at the Council. However, this would not be feasible for financial reasons and due to the Council's size and current number of scrutiny committees. Additionally, aside from City of York Council

and North Yorkshire County Council, no other North Yorkshire authority employs officers solely dedicated to scrutiny and nationally, such officers tend to be employed at larger authorities. However there are resources available within the Council who are able to support Scrutiny. It is therefore suggested that officers work with Scrutiny to put in place a package of support for the scrutiny function.

Moving Forward and Next Steps

- 2.10 As a result of the training outcomes outlined above and the view expressed by the Peer Review team, it is clear that changes are required to the scrutiny arrangements at the Council to ensure they perform the duties and the role that is required of them.
- 2.11 Members expressed an interest in being involved in reviewing the scrutiny function. The Scrutiny Working Group, which had previously been convened to examine different options at the last review of scrutiny in 2016, was reconvened and met on 24 April 2018. The Working Groups considered the outcomes, actions and goals from the Kirklees training, as set out above. The Working Group subsequently made a number of recommendations as to the practical 'next steps' in the current review of scrutiny. The Executive are asked to note and endorse these recommendations:
- Develop Terms of Reference for 'deep dives' or 'scrutiny in a day' reviews starting by looking at planning enforcement, housing, antisocial behaviour and the Safer Selby Hub.
 - Officers to work with the Chair of Scrutiny to understand what kind of support would be most appropriate for scrutiny at Selby.
 - Establish a liaison group between the Chairs of Scrutiny and the Executive, to meet on a quarterly basis to discuss the Executive's Forward Plan and the Committee's work programme.
 - Circulate the 2018/19 Executive meeting dates at the next meeting of the Overview and Scrutiny Committee (5 July 2018) to ensure that a member of the committee attends each Executive meeting.
 - Develop a role profile for the Chair of Scrutiny (see Appendix C for an example role profile from Kirklees Council).
 - Arrange further scrutiny training for Members.
- 2.12 The Scrutiny Working Group will continue to meet and consider the work of improving scrutiny throughout 2018/19. It is anticipated that by using this year to develop and enhance scrutiny, the need for any further substantial changes will be identified by Members in time for formal implementation in the 2019/20 municipal year.
- 2.13 The Executive are asked to endorse the recommendations of the Scrutiny Working Group as set out above, and make any comments on the Scrutiny Review.

3. Alternative Options Considered

- 3.1 None.

4. Implications

4.1 Legal Implications

Effective Scrutiny arrangements form part of the governance framework of the Council.

4.2 Financial Implications

Travel expenses may be incurred for Councillors attending meetings.

4.3 Policy and Risk Implications

Not applicable.

4.4 Corporate Plan Implications

The Council's Corporate Plan sets out long term plans to make Selby District a great place to do business, enjoy life, make a difference, supported by the Council delivering great value. An effective scrutiny function is essential to fair and transparent decision making, which underpins the work of the Council.

4.5 Resource Implications

Through improving the work of scrutiny at Selby there may be some minor resource implications for officers in supporting the work of the Committees, such as reviews or 'deep dives' into specific subjects. It is anticipated that these will be contained within existing budgets.

4.6 Other Implications

Not applicable.

4.7 Equalities Impact Assessment

Not applicable.

5. Conclusion

- 5.1** In order to ensure the Peer Challenge Team's recommendations (and subsequent actions on the Council's Improvement Plan) are progressed, the Executive is asked to note and agree the recommendations set out above. The work to strengthen scrutiny at Selby District Council will be ongoing, and the agreement of the recommendations in the report is required in order to start the process.

6. Background Documents

Northamptonshire County Council Best Value Inspection Report - January to March 2018, Ministry of Housing, Communities and Local Government
<https://www.gov.uk/government/publications/northamptonshire-county-council-best-value-inspection>

7. Appendices

Appendix A – Terms of Reference for Scrutiny and Policy Review Committees

Appendix B – Members' Allowances Scheme

Appendix C – Example of a role profile for the Chair of Scrutiny (Kirklees Council)

Appendix D – Scrutiny Committee Work Programme 2017/18

Appendix E – Policy Review Committee Work Programme 2017/18

Contact Officer:

Victoria Foreman
Democratic Services Officer
vforeman@selby.gov.uk
01757 292046