



Report Reference Number: C/18/02

To:	Council
Date:	17 July 2018
Ward(s) Affected:	All
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Lead Executive Member:	Councillor Mark Crane, Leader of the Council
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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”.

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. Initial work on the review has since been undertaken and was agreed by the Executive on 24 May 2018.

The recommendations for the Council, as set out below, are a reflection of the discussions had at the Kirklees training on 12 April 2018, the meeting of the Working Group on 24 April 2018, at Executive on 24 May 2018 and Scrutiny Committee on 27 June 2018.

Recommendations:

The Council is asked to agree:

- i) To adopt role profiles for the Chairs of Scrutiny Committee, Policy Review Committee and Audit and Governance Committee (as set out at Appendices A, B and C of the report) for inclusion in the Council’s Constitution at Part 3 – Responsibility for Functions.**
- ii) That the arrangements for scrutiny at Selby be reviewed again after the 2019 elections, following work to improve scrutiny during the 2018-19 year, for implementation in the 2019-20 municipal year.**

Reasons for recommendations

Council is asked to note and agree the recommendations above in order to ensure that the work to improve scrutiny, as recommended by the Peer Challenge Team and set out in the Council's Peer Challenge Improvement Plan and agreed by the Executive on 24 May 2018, 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 produced an Improvement Plan to address the issues highlighted by the Peer Challenge, including the scrutiny arrangements. The Improvement Plan was agreed by both Executive and Council in February 2018. The Council would review existing scrutiny arrangements, report recommendations to the Executive and Council, 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. These actions were refined by the Scrutiny Working Group at its meeting in April 2018, and developed into recommendations for the Executive.
- 1.3 At its meeting on 24 May 2018, the Executive agreed the following recommendations:
- That Terms of Reference for 'deep dives' or 'scrutiny in a day' reviews be developed, starting by looking at planning enforcement, housing, antisocial behaviour and the Safer Selby Hub.
 - That officers would work with the Chair of Scrutiny to understand what kind of support would be most appropriate for scrutiny at Selby.
 - To 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.

- That the 2018/19 Executive meeting dates would be circulated at the next meeting of the Scrutiny Committee to ensure that a member of the committee attends each Executive meeting.
- That role profiles for the Chairs of Scrutiny would be developed.
- That further scrutiny training would be arranged for Members.

The current progress against these agreed actions is set out at paragraphs 2.11 to 2.14 below.

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 needed to be given as to how the current arrangements were working and what changes could be made to improve them.

2. The Report

Current Arrangements at Selby

- 2.1 Selby District Council currently has two scrutiny committees and an Audit and Governance Committee. The 2018-19 work programmes for the committees are attached at appendices D, E and F of this report.
- 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.

Training from Kirklees

- 2.3 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.

2.4 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.
- 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.

2.5 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.

2.6 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

2.7 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.

- 2.8 Members have 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 Group considered the outcomes, actions and goals from the Kirklees training, as set out above, and subsequently made a number of recommendations as to the practical 'next steps' in the current review of scrutiny.
- 2.9 The Executive endorsed and noted the recommendations of the Scrutiny Working Group at their meeting on 24 May 2018. The recommendations agreed by the Executive are set out earlier in this report at paragraph 1.3.
- 2.10 The Scrutiny Committee considered the Executive report at its meeting on 27 June 2018:
- Under the agenda item dealing with its work programme for 2018-19, the Scrutiny Committee noted the Executive meeting dates for 2018-19, in order to arrange Scrutiny Committee member attendance at these meetings.
 - The Committee supported the review of scrutiny, and felt that the report and recommendations were comprehensive and sensible. The Committee emphasised the importance of the promotion of the work of scrutiny, including encouraging the Committee to get out into the community more as part of their work.

Current progress against the recommendations

- 2.11 The role profiles for the Chairs of Scrutiny have now been developed and agreed in conjunction with the Chairs of the Scrutiny, Policy Review and Audit and Governance Committees. Council is asked to formally agree these role profiles for adoption into the Council's Constitution at Part 3 – Responsibility for Functions.
- 2.12 The dates for the liaison meetings between the Executive and Chairs of Scrutiny have also been established; the meetings will take place on a quarterly basis throughout the year in July, October, January and April.
- 2.13 Officers have started to investigate further scrutiny training for Members, as well as drafting the 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. Officers will continue to work with the Chair of Scrutiny on understanding appropriate support for scrutiny at Selby.
- 2.14 The Scrutiny Working Group will continue to meet and consider the work of improving scrutiny throughout 2018-19. It is anticipated that by using the 2018-19 year to develop and enhance scrutiny, the need for any further substantial changes will be identified by Members in time for implementation in the 2019-20 municipal year, following the elections in May 2019. Council is asked to agree this ongoing approach to the scrutiny review.

3. Alternative Options Considered

- 3.1 For completeness officers considered the option to leave scrutiny arrangements as they were, but this was quickly discounted. There is a clear need and appetite to improve scrutiny arrangements as captured in feedback from the LGA Peer Review, the Kirklees workshop, the Scrutiny Working Group, Executive and Scrutiny Committee.

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 Council is asked to agree the recommendations set out at the start of the report. The efforts to strengthen scrutiny at Selby District Council will be

ongoing, and the agreement of the recommendations in this report by Council is required in order to progress the work.

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 – Role Profile, Chair of Scrutiny Committee

Appendix B – Role Profile, Chair of Policy Review Committee

Appendix C – Role Profile, Chair of Audit and Governance Committee

Appendix D – Scrutiny Committee Work Programme 2018-19

Appendix E – Policy Review Committee Work Programme 2018-19

Appendix F – Audit and Governance Committee Work Programme 2018-19

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