

Report to with dates:	Cabinet	O&S	Audit & Governance
Date:	26 June 2008	14 July 2008	31 July 2008
Subject:	Review of Advisory Panels and Overview and Scrutiny Select Committees		
Report of:	Service Director – Business Transformation and Service Director Borough Solicitor		
Contact officers:	Diane Taylor (Telephone: 01942 827135) Peter Hassett (Telephone: 01942 827381)		

Purpose / summary: To seek Members' views on a proposed review of the roles of the Advisory Panels and Overview and Scrutiny Select Committees

Alternative options considered and reason for selecting the one recommended: The various options are identified in the report. There is also the option of making no change.

Recommendation / decision: The Cabinet is asked to endorse the proposals set out in the report and authorise officers to seek the views of Overview and Scrutiny and Audit and Governance Committees and report back.
Cabinet is also asked whether it wishes to invite comments from the Panels.

Key Decision: This report does not involve a key decision.

Risks / Implications:

Financial:	None identified
Staffing:	None identified
Policy:	Amendment to Wigan Council Constitution
Equal Opportunities - Has a Diversity Impact Assessment been conducted?	No, a diversity impact assessment is not necessary at this stage, however, equality and diversity implications have been considered when producing this report.
Wards affected:	All

Property Implications– Does the proposal involve a reduction, addition or change to the Council's asset base or its occupation?

No

Does this proposal have significant implications for the Council and the local population?

The proposal to strengthen the scrutiny function will improve accountability

Does this proposal involve a new policy or procedure or significant changes to an existing policy or procedure?

Yes, amendment to the Wigan Council Constitution

Has the Service Director Borough Solicitor confirmed that the recommendations within this report are lawful and comply with the Council's Constitution? **Yes**

Has the Service Director Corporate Services confirmed that any expenditure referred to within this report is consistent with the Council's budget? **N/A**

Are any of the recommendations within this report contrary to the Policy Framework of the Council? **No**

For Cabinet reports only:

Categorisation of the report:	x		x
Discussion leading to a decision	x	Discussion	
Monitoring		Decision	
Sharing for corporate understanding		Information	

Tracking/Process:

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council
Audit Governance & Improvement Review Committee 31 July 2008	14 July 2008	26 June 2008	

List of Background Papers in accordance with Section 100D of the Local Government Act 1972:

Document	Date	File Reference	Place of Inspection
Wigan Council Constitution Report to Cabinet - Democratic Services Review – Townships and Participation in Decision making	26 June 2008		Town Hall, Library Street, Wigan WN1 1YN

Proper Officer Kevin Lawson

Date _____

THE COUNCIL'S CURRENT DECISION MAKING STRUCTURE:

1. Attached as Appendix One is a diagram showing the current decision taking and Overview and Scrutiny structure of Wigan Council. Members will note that the Council has five Advisory Panels, one Overview and Scrutiny Committee and four Overview and Scrutiny Select Committees.
2. The Advisory Panels consist of Elected and Co-Opted (sometimes called Independent) Members. Because the Panels have no decision making powers the Co-Opted Members may vote. The Terms of Reference of the five Advisory Panels are identical but cover different subject areas:
 - a) To review policies
 - b) Monitor the Council's implementation of policies
 - c) Make recommendations to the Executive
 - d) Relate and consult with supporting partnerships
3. Because Executive Members cannot by law be Members of an Overview and Scrutiny Committee, the advantage of the Advisory Panel structure is that it enables the Executive and Non Executive members to consider issues together.
4. The Overview and Scrutiny Committee appoints four Select Committees from within the Members of the Overview and Scrutiny Committee and determines, in consultation with the Executive, a review programme for each Select Committee in accordance with the following guidelines:-
 - a) the programme must be mixed and not aligned to the Advisory Panels
 - b) the programme should not include Best Value areas to avoid duplication with the work of the Audit Governance and Improvement Review Committee
 - c) the Select Committee should plan to complete each investigation in two Council cycles
 - d) each review should accord with the following process - understand, plan evidence gathering, scrutinise, Members prepare reports
 - e) each review should only address issues relevant to the functions of the Council and any other body the Council is authorised to scrutinise (Other Body)
 - f) Councillors will have the right to appear before a Select Committee and give their evidence and opinions
 - g) each review must demonstrate added value to the Council's or other body's functions

THE ROLES OF COUNCILLORS

- 5 It is essential that the decision making and overview and scrutiny structure of the Council enables Members to fulfil the roles and functions of Councillors as set out in the Constitution which include:

Key roles - All councillors will:

- a) collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- b) represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;
- c) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- d) balance different interests identified within the ward or electoral division and represent the ward or electoral division as a whole;
- e) be involved in decision-making;
- f) be available to represent the Council on other bodies;
- g) maintain the highest standards of conduct and ethics.

THE CASE FOR CHANGE

6. Background

The Council is constantly being required to review the way it works to improve services to local people. As part of our approach to change, we have identified in this report the key drivers for changing the way the Council's Democratic Service function operates to support elected members and to ensure we can deliver services in modern way that reflects the key drivers shown below. This includes offering improved structures, systems, resources and the style in which this service is delivered. This report is cross referenced to an adjoining report on Participation in Decision making, which considers how we develop neighbourhood working and enable community involvement in decision making.

7. Key drivers for change

- a) The **Support Services Review** implementation plan identified the need to develop and improve the support provided to elected members. This included developing the ICT and information support and the Council's approach to leadership and governance.
- b) The publication of a **green paper on changes to local authority constitutions** and the proposals in the local government **white paper 'Strong and Prosperous Communities'** are all evidence of a renewed interest in public engagement from central government. This new agenda is placing all citizens at the core of our **local leadership challenge**. To make sure local democratic representation reflects the communities we serve, we urgently need to find ways to establish a modern constitution that is able to address this need efficiently. Greater user involvement can improve quality in the design and delivery of public services, and

frontline councillors should play a leading role to make that happen. In enabling this, we need to ensure we have sufficient resources, systems and people in place to support the Elections Service.

- c) **The Local Government Act 2000**, led to the creation of a cabinet government in most local authorities. This approach did away with the traditional committee structure, which involved members across a range of committees and subcommittees. This meant finding a role for non-executive members in the form of **Overview and Scrutiny function**. This role has been recognised by central and local government as an important one in enabling public service users shaping the services they receive. Scrutiny committees offer a way to see the impact of multi-organisation working from the perspective of service users and citizens, rather than service providers. This also enables scrutiny of other public service providers, such as the PCT and Hospital Trusts.
- d) The provisions outlined within **the Local Government and Public Involvement in Health Act 2007** include:
- Requiring Executives to respond to Overview and Scrutiny Reports
 - Requiring external partners to supply information to O & S Committees
 - Giving individual councillors powers to place items on the agendas of O & S Committees, and to use scrutiny to ensure that the Council acts on matters of concern to local communities (the Councillor Call for action).

The Act also sets out statutory requirements for **Local Area Agreements**:

- a duty of named organisations to co-operate with LAAs
 - a duty on these organisations to respond to scrutiny in relation to targets of the LAA with which they are involved including responsibilities on partner organisations to provide information in response to scrutiny requests, and to have regard to scrutiny recommendations.
- e) The Council has devoted substantial time commitment to **partnership activity**. It is considered that the LSP is creating better understanding and trust among partners; more effective ways of working and enhancing their capacity to learn from shared experience. The LSP has four thematic and delivery partnerships within its structure:
- Economy, Environment, Culture and Housing
 - Adult, Health and Wellbeing
 - Building Stronger Communities
 - Children, Young People and Families

However, there is no formal structure in place to link those four thematic and delivery partnerships to the Council's decision making process.

- f) There is a need to equip all councillors with the skills they need to represent their ward residents at neighbourhood level. To ensure that elected members are in a stronger position to support citizens and communities in challenging policies and practices for their area, there will be requirements for those public service providers (other than the police), to co-operate. We have responded to the role of scrutiny in part, but need to improve this role in ensuring that members can act as efficient **advocates and links to our local communities**.

8. A WAY FORWARD

a) **Leadership and decision making**

The main aim of the 2000 Act was to strengthen the leadership capacity of local government. In Wigan the Council put in place a system of leader and cabinet. This report suggests recommendations for a new approach to strengthening and delivering Overview and Scrutiny to ensure a modern approach to leadership and decision making.

b) A significant role of Members is to ensure they can raise issues from local people. The Council has no formal mechanisms in place for Members to do this. We need to ensure that systems are in place that re-engage both the public and non-executive members in decision making.

c) **Overview and Scrutiny**

The Council's approach to leadership and scrutiny has been embedded, but may not always deliver the outcomes that were originally expected. The Council has a strong co-ordinating Overview and Scrutiny arrangement which has contributed to improved policy by influencing decision makers through evidence and debate. It is acknowledged that the work of the select committees is used to make decisions, is informed and adds real value to the democratic function. Strong relationships with partners in health have been developed through the Council's health scrutiny function. However, legislation requires a strengthened role for overview and scrutiny, meaning more work and accountability than the current structure can handle and the need for obvious links to the LSP and LAA to consider localised or neighbourhood issues. Comparison with other local authorities and the need for this strengthened approach calls for:

- A performance management culture
- A dedicated scrutiny resource
- An annual workplan, outlining objectives and outcomes
- Training and development support to Members
- A clear mechanism to scrutinise LSP performance
- The provision of a forum for community debate
- The ability to carry out their place-shaping role, enabling councillors to champion the interests of local people across a wide range of local issues, through Councillor Calls for Action.

9. RECOMMENDED DECISION MAKING AND OVERVIEW AND SCRUTINY STRUCTURE

a) In recognition of the need to strengthen the overview and scrutiny function of the Council and to have in place a structure which will more closely link in with the four thematic and delivery partnerships of the LSP it is recommended that the structure in the diagram at **Appendix two** be adopted. The change involves the disestablishment of the five Advisory Panels and the four Overview and Scrutiny Select Committees to be replaced by five overview and scrutiny committees named as the thematic partnerships for consistency. The proposed mechanism for this is outlined in the adjoining report on developing new ways of neighbourhood participation in decision making.

- b) It is envisaged that all Members of the Council, other than Cabinet Members, will have the opportunity to sit on one or more of the five Overview and Scrutiny Committees.
- c) The Good Scrutiny Guide defines four principles of effective public scrutiny. These propose that good scrutiny:
- provides "critical friend" challenge to executive policy-makers and decision-makers
 - enables the voice and concerns of the public and its communities
 - is carried out by "independent minded governors" who lead and own the scrutiny process
 - drives improvement in public services
- c) Therefore, the Overview and Scrutiny Co-ordinating Committee is recommended to have within its terms of reference the following:
- Discharges functions conferred by section 21 Local Government Act 2000 & Regulations
 - Scrutinise and monitor decisions of the Cabinet
 - Can "call-in" any decision which has been made by the Cabinet (and any Key Decision made by an officer) but not yet implemented to consider if the decision is appropriate
 - Considers Councillors Calls for Action, that are not specific in nature to any of the four individual scrutiny committees.
 - Considers Petitions
 - Review the Council's policies on Corporate Strategic Services and Business Support Services functions together with policy implementation
 - The general monitoring of the Council's implementation and performance of its Chief Executive Services and Business Support Services functions
 - Reviews the overall benefit to the public from services provided by the council and other organisations
- e) The remaining four Overview and Scrutiny Committees that mirror the thematic and delivery partnerships of the LSP will work within an annual workplan and terms of reference that considers the following:
- Hold Portfolio Holders to account for the services within their areas of responsibility
 - Review the overall benefit to the public from services provided by the council and other organisations
 - Review the Council's policies on functions within their area of concern
 - The general monitoring of the implementation and performance of the Council's services within their area of concern
 - To make recommendations to Cabinet on the policy, implementation and performance of the Council's functions within their area of concern
 - Considers Councillors Calls for Action, that are specific in nature to the individual committee.

CONCLUSION & RECOMMENDATION

10. The Cabinet is asked to endorse the proposals set out in the report and authorise officers to seek the views of Overview and Scrutiny and Audit Governance and Improvement Review Committees and report back. Members may also wish to seek the view of the Advisory Panels.
11. That this report is considered alongside the report on Participation in Decision Making, that puts forward recommendations for how we develop new ways of working in partnership with local people in the community.

Katherine Fairclough
Service Director –
Business Transformation

Kevin Lawson
Service Director
Borough Solicitor

COUNCIL

CABINET & LEADER

9 Portfolio Holders

Regulatory & Other Committees

Honorary
Alderman &
Appointments
(ad hoc)

Planning

Audit & Gov

Licensing

Regulation

Standards

Advisory Panels

Regeneration
Panel

CYPS Panel

Environment
Panel

Adults Panel

Community
Protection
Panel

O & S

SC1

SC2

SC3

SC4 -
Health

Townships

Atherton

Bryn &
Ashton

Golborne &
Lowton

Hindley &
Abram

Leigh

Orrell, Billinge
& Winstanley

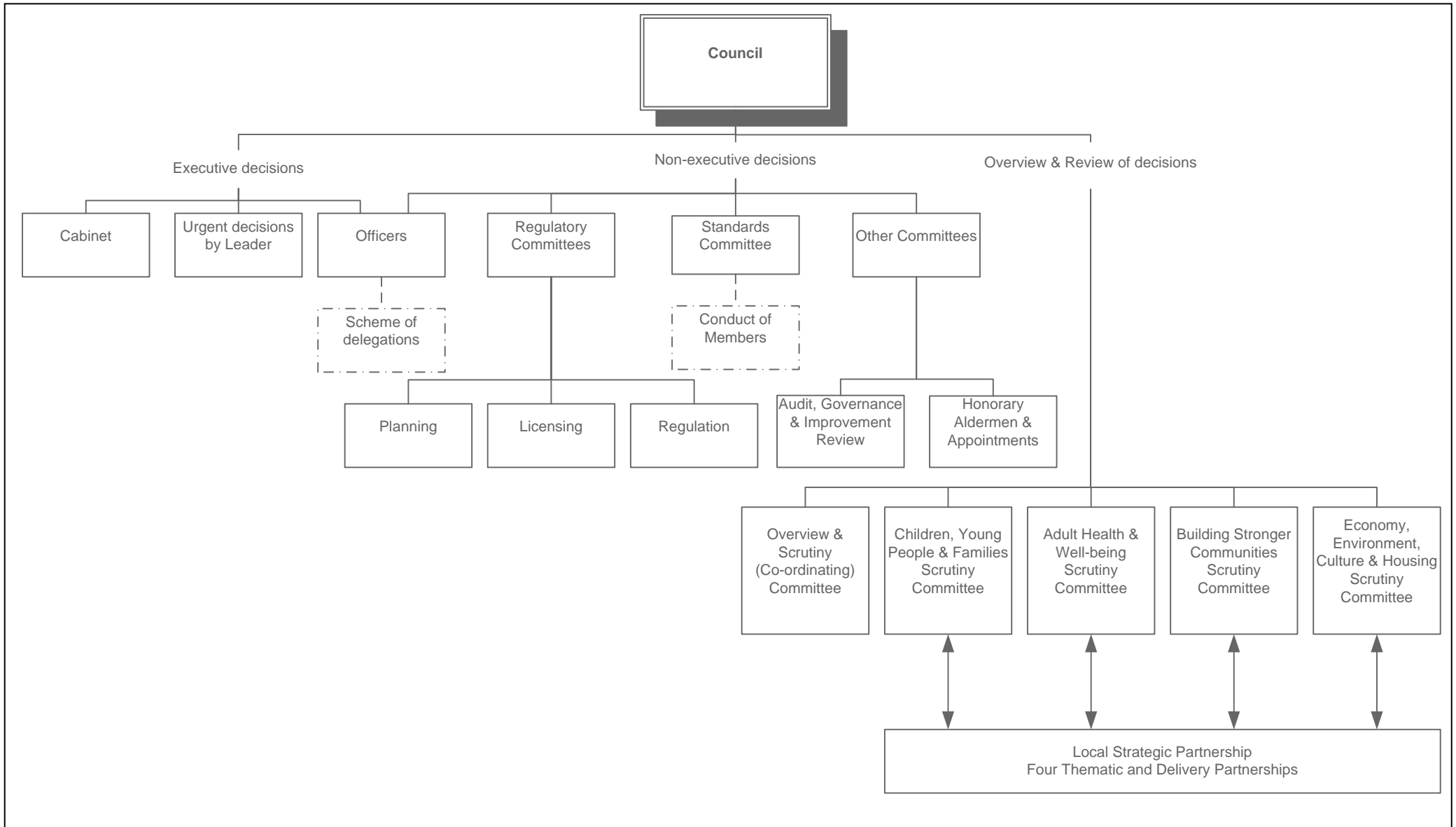
Standish,
Aspull,
Shevington

Tyldesley &
Astley

Wigan North

Wigan
South

Appendix 2



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