

Report to: Cabinet

Date: 11 December 2008

Subject: Changes to Advisory Panels and Scrutiny Committees

Report of: The Deputy Chief Executive and Service Director
Borough Solicitor

Contact officer: Diane Taylor 2135

Purpose / summary: To provide feedback on the recent consultation carried out with Cabinet, Advisory Panels, Overview and Scrutiny Committee and Audit, Governance and Improvement Review committee on the changes to Advisory Panels and introduction of themed Scrutiny Committees.

Alternative options considered and reason for selecting the one recommended: An alternative option would be to keep to the existing Committee structure

Recommendation / decision: Cabinet is asked to

- a) Note the outcome of the consultation process; and
- b) Authorise the Service Director – Borough Solicitor to examine the implications of the comments made by members and bring a further report back to Cabinet setting out the detail of terms of reference and proposed membership for the committees with a view to implementation in the next municipal year.

This report does not involve a key decision

Financial: There may be some resource implications as a result of implementing the changes but these will be contained within overall budgets.

Staffing: The Democratic Services team has been restructured to take account of the proposed changes.

Policy: None

Equal Opportunities - Has a Diversity Impact Assessment been conducted? No

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?

Equality and diversity implications have been considered as part of the Democratic Services Review and will be taken into account as the detail is produced.

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

No

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? **Yes**

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
Discussion leading to a decision	x
Monitoring	
Sharing for corporate understanding	

	x
Discussion	
Decision	x
Information	

Tracking/Process:

	Consultation	Ward Members	Partners
Panel	Overview & Scrutiny	Cabinet	Council
		11 December 2008	

Background Papers to this Report within the meaning of Section 100D of the Local Government Act 1972.

Report to Cabinet 26 June 2008 - Review of Advisory Panels and Overview and Scrutiny Select Committees

Appendix

Appendix A – proposed structure of scrutiny committees

Proper Officer Kevin Lawson

Date _____

Background:

- 1.0 The review of Democratic Services aimed to modernise the constitution to enable our community leadership role and to allow a streamlined, open and more transparent decision making process that enables effective scrutiny and policy development.
- 1.1 Internally, the support services review identified the need to develop and improve the support provided to Elected Members and the democratic process. Nationally a number of legislative requirements are driving us, bringing with them a requirement to strengthen community leadership and put systems in place to measure performance and support members' needs: along with a renewed interest in public engagement.
- 1.2 The Local Government and Public Involvement in Health 2007 strengthens the role of the Overview and Scrutiny (O&S) Committees, requiring executives to respond to O &S, external partners to supply evidence and information to O&S, and giving individual Councillors powers consider areas of concern to local communities (Councillor Call for Action). The Act also sets out statutory requirements for Local Area Agreements, ensuring a duty to co operate and respond to scrutiny in relation to targets. To fulfil this role, we need to develop stronger links between our scrutiny function and the activity of the Local Strategic Partnership (LSP).

Proposals:

The proposed structure – See appendix A

- 1.3 Arising from the review, a structure was proposed that links with the four thematic & delivery partnerships of the LSP, and will mean:
 - Disestablishing the five advisory panels
 - Replacing the current Overview and Scrutiny Committee with one co-ordinating Committee and the current four select committees 4 committees named as the thematic partnerships
- 1.4 The four scrutiny committees would mirror the thematic and delivery partnerships of the LSP and will work within an annual work plan to clear terms of reference.
- 1.5 The Audit, Governance and Improvement Review Committee will continue to oversee the work of the Internal and External Audit functions and provide independent assurance of the effectiveness of:
 - The governance arrangements of the Council and its services.
 - The Council's risk management framework and the associated control environment.
 - The Council's financial management processes and the way this relates to the performance of individual services and the Council as a whole.

2.0 Benefits expected

If members agree to implement these proposals we would expect to see:

- A stronger, more strategic role for scrutiny with the ability to scrutinise LAA & LSP performance, with annual work plans, containing clear objectives and outcomes.

- Provision of a forum for community debate
- Mechanisms to consider Councillor Calls for Action and petitions

To enable us to respond to these requirements Cabinet requested that officers consult with Elected Members on the proposed structure and changes.

2.1 Consultation response

Elected Members were consulted in July, and this report highlights their responses and recommends that Cabinet endorse the decision to change the structure.

General

- 2.2 Overall Elected Members were positive about the proposed changes. They agreed that these changes should reduce call ins and give Scrutiny Committees better links with partners and a strengthened role. However Adult Service Panel felt the current structure worked well with a good level of commitment, debate and challenge. One Co-opted Member felt that to enable Committees to go direct to Council would be beneficial.
- 2.3 The consultation highlighted a misunderstanding of the scrutiny function, in that it is seen by some members as solely a challenging / interrogation role rather than its intention to:
- Provide a critical friend or challenge to the executive, policy makers and decision makers
 - Enable the voice and concerns of the public
 - Drive improvement in public services
- 2.4 This highlights a need for further work on describing how the Committees would operate in practice and this would take away a number of the reservations expressed. Members queried what if any additional costs would be included to support scrutiny.
- 2.5 Members were concerned about the lack of clarity and links with townships and the public. They requested that Elected Members were kept up to date on developments.

Capacity, role and remit

- 2.6 An issue from all Panels consulted was the capacity and remit of Scrutiny Committees, in particular economy, environment, culture and housing. Would it help with capacity if sub groups were developed to look at and scrutinise certain specific areas then report back to full Committee? Could the Panels be in two parts, where they could be led by the relevant portfolio holders in one part switching to the Chair of the Committee for the rest of the business?
- 2.7 Members discussed scrutiny and its role in general, and stressed concern about losing the openness that currently exists.
- 2.8 Members welcomed work plans for each Committee to enable monitoring and fit with other areas of policy.

- 2.9 Members asked for clarity about where health issues relating to children and young people are scrutinised.

Role of individual members and their involvement

- 2.10 Members stressed the importance of enabling Co-opted Members to sit on the Scrutiny Committees, and asked for clarity of this role.
- 2.11 Members asked if the new proposals would change the way that Chairmen are selected, whether opposition Chairmen would be accepted and if portfolio holders would be able to chair or sit on the Committee.
- 2.12 Concern was raised about the risk of breaking the close liaison between the portfolio holders and the committee members if the scrutiny role was to become adversarial.

3.0 Summary of comments

It can be seen from the consultation with Advisory Panels, Overview and Scrutiny Committee and Audit, Governance and Improvement Review Committee that there are some areas of detail to be worked up with further proposals to be brought back to Cabinet, particularly in relation to Co-opted Members, capacity of Committees to handle the wide ranging work of the thematic partnerships, and training and support for members in the changing role of the scrutiny function.

There are also one or two issues to be resolved in relation to the membership of the new committees and the position of the current Chairs who are Members of the Executive. CIPFA guidance is to the effect that only one member of the committee having a scrutiny function should also be a member of the Audit, Governance and Improvement Review Committee. If applied literally this could limit membership of the new committees. Further the role of Executive Members at the new committees will need to be reviewed in view of the enhanced scrutiny functions.

4.0 Recommendations

Cabinet is asked to:

- 4.1 Note the outcome of the consultation process
- 4.2 Authorise the Service Director – Borough Solicitor to examine the implications of the comments made by members and bring a further report back to Cabinet setting out the detail of terms of reference and proposed membership for the committees with a view to implementation in the next municipal year.

Sue Johnson
Deputy Chief Executive
Kevin Lawson
Service Director Borough Solicitor



