

Report to Overview & Scrutiny Committee

Date of meeting: 19 July 2016



Subject: Overview and Scrutiny Work Programmes 2017/18 and Future Years

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Recommendations/Decisions Required:

- (1) That, from 2017/18, the development of annual work programmes for the Overview and Scrutiny Committee and the four select committees, be commenced during January/February in each preceding year, on the basis of the evidence sources presented in this report and other appropriate corporate or community priorities;**
- (2) That the annual overview and scrutiny work programmes be agreed by the Overview and Scrutiny Committee at its first meeting in each municipal year;**
- (3) That, from 2017/18, all Portfolio Holders be requested to present the priorities and service challenges arising from the annual business plan for their portfolio to overview and scrutiny, at the first cycle of meetings in each municipal year;**
- (4) That, in order to ensure that scrutiny activity complements the Council's policy framework or other priorities and achieves maximum value, all member scrutiny proposals (including presentations) be submitted through the existing PICK process and be fully scoped and prioritised by the Overview and Scrutiny Committee, prior to the inclusion of any proposal in the work programme for the Committee or a select committee;**
- (5) That the development of appropriate lines of questioning for external organisations making presentations to overview and scrutiny, be formally undertaken by the Overview and Scrutiny Committee at a preceding meeting, through the inclusion of an appropriate standing item in agenda for all ordinary meetings of the Committee;**
- (6) That the matters set out at paragraphs 23 and 24 of this report for possible inclusion in the overview and scrutiny work programme for 2016/17 be agreed, subject to the scoping of specific matters requiring scrutiny;**
- (7) That arrangements for bi-annual joint meetings of the chairman and vice-chairman of the Overview and Scrutiny Committee and each of the select committees, be established on a formal basis to:**
 - (a) consider arrangements for the effective identification of overview and scrutiny work programme priorities for each municipal year;**

- (b) **support the development of appropriate overview and scrutiny activity for each year, informed by relevant corporate objectives, service aims and member priorities, to ensure that the Council's services and functions are appropriate and responsive to the needs of residents, service users and others; and**
 - (c) **consider and coordinate other appropriate matters to ensure the effective management and operation of the Council's overview and scrutiny function and responsibilities; and**
- (8) That attendance at such joint meetings by the chairman and vice-chairman of the Overview and Scrutiny Committee and each of the select committees be deemed an approved duty for the purposes of the Council's Members' Allowances Scheme.**

1. (Director of Governance) As members will be aware, the Council's overview and scrutiny framework comprises an Overview and Scrutiny Committee and four 'select committees'. The responsibilities of the select committees reflect the management structure of the Council, the individual service responsibilities of which are set out in Appendix 1 to this report.
2. The Overview and Scrutiny Committee has previously indicated that it wishes to take a more robust approach to the development of its annual work programme and that of the four select committees, to ensure that there is value to scrutiny activity. A 'coordinating group' consisting of the chairman and vice-chairman of the Committee and each of the select committees, has therefore recently met to consider arrangements for the identification of appropriate scrutiny priorities for 2017/18 and future years. This report presents the recommendations of the coordinating group.

Work Programmes

3. The overview and scrutiny provisions (Article 6) of the Council's Constitution require that the Committee approve an annual overview and scrutiny work programme at the first meeting of each municipal year. In practice, this requirement is difficult to achieve, as the select committees do not usually meet until after the first meeting of the Committee in each year and the work programmes have therefore normally been adopted during the second cycle of meetings in each year. Overview and scrutiny work programmes are currently developed between the chairman of the relevant committee and the appropriate lead officer and, to some extent reflect cyclical work activity.
4. Work programmes should be relevant and achievable and be informed by relevant service aims and member priorities. The identification and prioritisation of scrutiny activity is essential if it is to be successful and offer value. Work programmes should also be realistic and retain capacity so that unplanned matters (such as call-in) can be addressed. It is important to understand that scrutiny activity cannot cover everything and should be focussed on matters where it can make a real difference.
5. The coordinating group considers that, going forward, it would be appropriate for work programme priorities to be derived from a wider range of evidence. This would enable scrutiny activity to more effectively meet the work programme requirements of the Constitution and focus less on cyclical reporting, whilst also addressing a perception amongst some members that reports are presented for 'noting' only. Evidence sources that identify areas requiring improvement or support the achievement of corporate priorities, particularly those that would make the most difference to local people, are appropriate areas for scrutiny work. Such evidence might include the following:

- (a) **Corporate Plan and Key Priorities**

6. Progress against the achievement of relevant actions for each year of the Corporate Plan is currently reported to the Overview and Scrutiny Committee and the select committees on a quarterly basis. Although this approach provides an opportunity for scrutiny of progress against specific key actions, the Corporate Plan appears to be rarely used for the identification of scrutiny priorities.
7. The Council's key priorities for each year will generally be represented within the key actions of the Corporate Plan. However, whilst this also provides an opportunity for scrutiny of progress against specific priorities, these similarly do not appear to inform scrutiny activity.

(b) The Council's Budget

8. Scrutiny of the Council's budget proposals for each year is undertaken in January through a joint meeting of the Finance and Performance Cabinet Committee and the Resources Select Committee. Ongoing monitoring of the budget is undertaken by the Resources Select Committee on a quarterly basis. This arrangement is understood to operate satisfactorily in terms of budget scrutiny.

(c) Directorate Business Plans

9. Individual Directorate Business Plans are produced at the start of each financial year, but are not currently used to identify scrutiny priorities. The coordinating group considers that it would be appropriate for Portfolio Holders to present the main themes of their business plan and relevant service challenges, to overview and scrutiny at the beginning of each municipal year. It is suggested that this would be best achieved through the select committees and that this should be added to the respective annual work programmes.

(d) Key Decisions

10. The Cabinet's Forward Plan of key decisions is currently reviewed by the Overview and Scrutiny Committee at each meeting. Whilst this approach provides an opportunity for scrutiny of specific key decisions to be taken over the period of the plan, the Forward Plan appears to be rarely used for the identification of scrutiny priorities.

(e) Overview and Scrutiny Work Programmes

11. Progress towards the achievement of the work programmes of the Overview and Scrutiny Committee and the individual select committees, is reviewed on an ongoing basis throughout each year.

(f) Key Performance Indicators

12. Performance against corporate performance indicators is reviewed by each select committee on a quarterly basis. This arrangement operates satisfactorily in terms of the scrutiny of performance and it is understood that some select committees already devote focus to this activity through exception reporting of below-target performance.

(g) Scrutiny Proposals

13. Member proposals for scrutiny activity are generally achieved through the previously adopted PICK (Public Interest, Impact, Council or other organisational performance, Keep in context) process, although these rarely appear to be scoped or prioritised as part of an overall work programme. The coordinating group has asked the Director of Governance to ensure that a flexible approach be taken to facilitating the submission of business for overview and scrutiny, including the use of correspondence and email, as well as the PICK process.

14. Although it would be beneficial for members of the public to be able to propose scrutiny activity, this opportunity is not currently available. The coordinating group has also requested the Director of Governance to develop appropriate arrangements in this regard, although it should be recognised that matters for scrutiny suggested by the public would need to be scoped in the same way as other proposals, in order to manage expectation and the availability of scrutiny resources.

(h) Complaints, Petitions and Freedom of Information Requests

15. Evidence to identify matters of local public concern, which might be appropriate for scrutiny activity, could be drawn from an analysis of issues raised through the Council's Complaints, Petitions and Freedom of Information schemes.

PICK Process

16. The coordinating group considers that the scoping of scrutiny proposals should be more robustly undertaken, to establish matters that would be of most benefit and those (that might still need to be addressed) which could be handled through other arrangements such as standalone member presentations. PICK submissions should identify clear objectives and take account of resources, to ensure value and effectiveness from the scrutiny function, and be informed by the following criteria:
 - is the issue a priority area for the Council or of interest to members? How would scrutiny help achieve corporate priorities?
 - is the issue a key matter for local people? What impact will it have and how much public interest and engagement will it create?
 - does the issue relate to an under-performing service? Is there evidence of this? Are service users unhappy?
 - could the service be improved by new objectives or additional resources? Will it be practicable to implement the outcomes of scrutiny? Are improvements likely?
 - is the issue related to new guidance or legislation?
 - how would scrutiny help hold the Executive to account or support its work?; and
 - how would scrutiny add value to the Council and/or community, to justify the likely time and effort?

Scrutiny of External Organisations

17. It is also important that clear scope and objectives are set for presentations made to overview and scrutiny by external organisations. However, the coordinating group considers that this may not always be the case in terms of the current approach to presentations made to the Overview and Scrutiny Committee, which often appear to have no clear reference to the value of such activity and could possibly be handled in a more effective manner.
18. The coordinating group has suggested that the Committee should take a more critical approach to the selection of outside organisations to be scrutinised, ensuring that invitations are issued to organisations where there are public concerns. It is also suggested that flexibility should be applied where scrutiny of an external organisation might better be conducted by a select committee rather than the Committee itself.
19. The coordinating group considers that the scoping of specific matters requiring scrutiny should be undertaken by the Committee at a meeting preceding the visit of an organisation, as a standing agenda item. It is considered that this approach would help preparation for external scrutiny by the addition of preliminary member consideration of matters to be covered and enable service directors to provide background information to support the formulation of lines of questioning.
20. The Overview and Scrutiny rules of the Constitution allow an opportunity for the public to ask questions at Overview and Scrutiny Committee meetings and to address the

Committee on items to be considered by the Committee so as to encourage the public to submit evidence or comments, particularly where the scrutiny of external organisations is planned. Although the chairman of the Overview and Scrutiny Chairman should determine the appropriate time allocation for presentations by external organisations, no time limit should be set for questions from members of the Council.

Health Scrutiny

21. The scrutiny of local health services is generally a function of Essex County Council function. Although the Council has a good scrutiny relationship with the County Council and local health scrutiny has previously been undertaken by the Overview and Scrutiny Committee, the PICK process should be used for specific health scrutiny issues for review by the Panel, whereupon authority will be sought from Essex County Council to undertake local scrutiny activity.

Work Programmes 2016/17

22. The draft work programmes for the Overview and Scrutiny Committee and the select committees for the current year are included as a separate item in the agenda, for the approval of the Committee. As a result of the discussions of the coordinating group, the following matters for possible inclusion in the work programme for the Overview and Scrutiny Committee for 2016/17 have been identified;
 - (a) Central Line services and infrastructure within the Epping Forest District (Transport for London);
 - (b) Princess Alexandra Hospital services for residents of the District (Princess Alexandra Hospital NHS Trust), subject to the agreement of Essex County Council; and
 - (c) highway services and infrastructure within the District (Essex County Council);
23. The coordinating group has also identified the following issues for possible inclusion in the work programmes for the select committees for 2016/17, and has asked that these be considered by the relevant committee, subject also to the scoping of specific matters requiring scrutiny.

Governance Select Committee

- (a) review of the operation of the Council's Petitions Scheme;
- (b) analysis of compliments and complaints data to identify trends;
- (c) review of enforcement activity across the services of the Governance Directorate;

Neighbourhoods Select Committee

- (d) review of the Council's land drainage services;
- (e) review of arrangements for ensuring the behaviour of taxi drivers; licensed by the Council;

Resources Select Committee

- (f) review of risk management arrangements;
- (g) review of the expenditure of monies arising from Section 106 Agreements; and
- (h) review of the 'cost' of member meetings.

Coordinating Group

24. The Coordinating Group considers that it should be established on a formal basis to consider ongoing matters such as the identification of overview and scrutiny work programme priorities and other appropriate matters such as member training, to ensure

the effective management and operation of the Council's overview and scrutiny function and responsibilities.

25. This approach would provide similar arrangements to the joint meetings held between the chairmen and vice-chairmen of the District Development Management Committee and the Area Plan Sub-Committees, to ensure the effective coordination of development management matters.

Resource Implications:

The recommendations of this report seek to enable scrutiny activity to more effectively meet work programme requirements. The formal establishment of the Overview and Scrutiny Coordinating Group will be likely to result in a modest level of additional travel claims from members that attend meetings.

Legal and Governance Implications:

The Council's constitution sets out rules for the management of its overview and scrutiny responsibilities.

Safer, Cleaner, Greener Implications:

There are no implications arising from the recommendations of this report in respect of the Council's commitment to the Climate Local Agreement, the corporate Safer, Cleaner, Greener initiative, or any crime and disorder issues within the district.

Consultation Undertaken:

This report was considered by Management Board at its meeting on 8 July 2015.

Background Papers:

None

Impact Assessments:

Risk Management

The Council's constitution sets out rules for the management of its overview and scrutiny responsibilities.

Equality:

There are no equality implications arising from the recommendations of this report.