

# Supplementary Committee Agenda



## **Overview and Scrutiny Review Task and Finish Panel Thursday, 17th January, 2013**

**Place:** Committee Room 1, Civic Offices, High Street, Epping

**Time:** 7.00 pm

**Committee Secretary:** Adrian Hendry, Office of the Chief Executive  
email: ahendry@eppingforestdc.gov.uk Tele: 01992 564246

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### **5. OPERATIONAL ASPECTS OF OVERVIEW AND SCRUTINY (Pages 3 - 4)**

To examine and review the operational aspects of Overview and Scrutiny in relation to the Chairman and Vice Chairmen of the Overview and Scrutiny Committee, developing a relationship with the Leader of Council (OSC/Leader liaison) and the policy on appointments and political allegiance to O&S.

### **6. CABINET LIAISON (Pages 5 - 16)**

To consider arrangements for pre-scrutiny of Cabinet business, annual Cabinet priorities, the meeting arrangements and the questioning of Portfolio Holders.

### **7. SCRUTINY PANELS (Pages 17 - 22)**

To consider the membership and the roles of Scrutiny Panels; how progress reporting and outcomes of Panels could be achieved and the managing of Scrutiny Panel business.

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## **Report to Overview and Scrutiny Review Task and Finish Panel**



**Date of meeting: 17 January 2013**

**Subject: OSC Review – Operational Aspects including Role of Overview and Scrutiny Committee Chairman/Vice Chairman**

**Officer contact for further information:** I Willett (01992 564243)  
Assistant to the Chief Executive

**Committee Secretary:** Adrian Hendry (01992 564246)  
Democratic Services Officer

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### **Decisions Required:**

**To formulate any proposals concerning the Chairman and Vice Chairman roles for Overview and Scrutiny and other operational matters for further consultation.**

### **Report:**

1. This report sets out the legal and constitutional background to the roles of Chairman and Vice Chairman of the Overview and Scrutiny Committee, together with points which have arisen during consultation, details of any previous reviews conducted and comments made at the scoping meeting.

### **Legal/Constitutional Requirements:**

2. No member of the Cabinet may serve as a member of the Overview and Scrutiny Committee and membership of a Overview & Scrutiny Committees and Sub Committees must be agreed with regard to pro rata rules. The Council's constitution does not recognise Scrutiny Sub-committees but appointment of membership and of the Chairman are in accordance with statutory requirements.

3. The Overview & Scrutiny Procedure Rules in the constitution require the party whips should not be applied to Overview & Scrutiny.

### **Feedback/Suggestions from Consultation:**

4. The selection for these roles should be reviewed.

5. There should be closer liaison between the Cabinet and Overview and Scrutiny – regular short meetings between the Leader and Overview and Scrutiny Chairman would help.

6. The Chair/Vice Chairman's role should be awarded on merit and after assessing his/her ability to take the scrutiny role forward. The Chairman should be a long standing member with respect across all parties.

7. Their relationship with the Leader of Council should be more pro-active without being perceived as being aligned with or deferential to the Cabinet in any way.

8. There should be a convention that the Overview and Scrutiny Committee Chair is not from the ruling party.

9. The whip should not be used in Overview and Scrutiny.

10. There should be a review in to whether whips are still used, particularly in the call-in procedure where the majority party can whip members involved in Overview and Scrutiny.

11. There is a lack of awareness of whether official whips are used which can be confused with loyalties within groups i.e. a 'reluctance to break ranks'.

12. There have been cases of "call-ins" where a member has been approached for support but refused or of a reluctance to sign call-ins or challenge Cabinet decisions because of a party affiliation.

13. No political group is likely to admit that there is a party whip in place even if there was one.

#### **Previous Reviews**

15. That, in order to aid development of cross party working, party whips not apply to Overview and Scrutiny;

#### **Discussions at Scoping Meeting**

##### **Reason for decision:**

As determined at the scoping meeting.

##### **Options considered and rejected:**

None.

##### **Consultation undertaken:**

Previous consultation was carried out with members and officers. The feedback was included in the scoping report to the last meeting of this Panel. Further consultation has been agreed once provisional recommendations on the OSS review have been assembled.

**Resource implications:** None

**Community Plan/BVPP reference:** None.

**Relevant statutory powers:** Local Government Acts 2000 and 2007 and Localism Act 2011.

**Background papers:** None.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** None.

**Key Decision reference:** None.

## **Report to Overview and Scrutiny Review Task and Finish Panel**



**Date of meeting:** 17 January 2013

**Subject:** OSC Review – Cabinet Liaison

**Officer contact for further information:** I Willett (01992 564243)  
Assistant to the Chief Executive

**Committee Secretary:** Adrian Hendry (01992 564246)  
Democratic Services Officer

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### **Decisions Required:**

- (1) To hear the views of Councillor Waller on presentations by Cabinet members to Overview and Scrutiny on their work programmes for each year;
- (2) To formulate any proposals concerning liaison arrangements between the Cabinet and Overview and Scrutiny (OS) for further consultation; and
- (3) To review the "PICK" system for determining the Overview and Scrutiny work programme.

### **Report:**

1. This report sets out the legal and constitutional background to the issue of Cabinet/OS liaison, together with points which have arisen during consultation, details of any previous reviews conducted and comments made at the scoping meeting.

### **Legal/Constitutional Requirements:**

#### **Statutory**

2. The Council must ensure that their Overview and Scrutiny Committees has the power:
  - (a) to review or scrutinise decisions or any action that is the responsibility of the Executive;
  - (b) to make reports or recommendations to the Executive on matters that are their responsibility.

## **Constitution**

3. The Overview and Scrutiny Committee shall approve a work programme and in compiling the contents the Committee will:

- (a) seek proposals for inclusion from all Members of the Council through the Member's Bulletin;
- (b) invite the Leader of the Council and other Portfolio Holders to submit proposals in respect of the Council's executive functions;
- (c) arrange meetings with the Leader and the other Portfolio Holders to discuss their plans for the year in question;
- (d) agree with the Leader and Portfolio Holders on any items for inclusion in the work programme which may be undertaken by OS on the Cabinet's behalf; and
- (e) monitor the work programme for Overview and Scrutiny in respect of the current year.

## **Feedback/Suggestions from Consultation:**

4. There should be a review of the relationship between Cabinet and Overview & Scrutiny.

5. Use of the Forward Plan to analyse future issues which will come before Cabinet is a better way of achieving effective scrutiny. The Forward Plan could then be used by OS to highlight issues for consideration.

6. The OSC should also undertake a policy development role and pre-scrutinise any difficult issues with the Cabinet.

7. There is a separation between Overview and Scrutiny and the Cabinet, with very little collaboration/discussion with OS Committee in Cabinet decisions. Dialogue/communication is not apparent between the OSC Chairman and the Leader.

8. The current "PICK" process should be reviewed to link the selection of topics for review in relation to forthcoming Cabinet business.

9. The current procedure for reviewing the Cabinet agenda at OSC meetings does not work. OSC only meets one week before the Cabinet which is too late for effective pre-scrutiny. Currently, this procedure is used merely to update Cabinet on what OSC has been doing which is not the point.

## **Suggestions:**

10. Procedures for facilitating dialogue between the Chairman of OSC and the Leader should be arranged. Within this relationship, policy development to be undertaken by OSC on the Cabinet's behalf could be decided.

11. The OSC should use the forward plan to scrutinise the Cabinet.

12. The timing and dates of the OSC should be re-assessed, so the OSC meets earlier before the Cabinet.

13. The Leader of the Council should present a forward plan/statement of priorities to OSC at least once each year coupled with an open session for questions on any subject. This might be as part of an OSC meeting or held separately.

### **Previous Reviews**

14. The Leader should attend the first meeting of the year to outline Cabinet plans.

15. Portfolio Holders should make presentations to the Overview and Scrutiny Committee on aspirations early in each Council year.

16. The Council's Forward Plan (Key decisions list) should be monitored on a regular basis by the Overview and Scrutiny Co-ordinating Committee.

17. There should be a dedicated slot on each Cabinet agenda for the Overview and Scrutiny Co-ordinating Committee Chairman.

### **Points from Scoping Meeting**

18. The relationship between O&S and the Cabinet did not seem as good as it could be, they did not seem to be working well together.

19. The O&S Committee and the Cabinet meetings were too close together.

20. Would it be better to use the forward plan to review the Cabinet's work over a three month period?

### **Other Matters**

21. A copy of the 'PICK' form and procedure is attached.

22. A paper prepared by Councillor G. Waller as part of the earlier consultation process is attached. The Panel previously agreed that it would be useful to hear his views about presentations by the Leader/Cabinet members on the programmes for each year.

### **Reason for decision:**

As determined at the scoping meeting.

### **Options considered and rejected:**

None.

### **Consultation undertaken:**

Previous consultation was carried out with members and officers. The feedback was included in the scoping report to the last meeting of this Panel. Further consultation has been agreed once provisional recommendations on the OSS review have been assembled.

**Resource implications:** None.

**Community Plan/BVPP reference:** None.

**Relevant statutory powers:** Local Government Acts 2000 and 2007 and Localism Act 2011.

**Background papers:** None.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** None.

**Key Decision reference:** None.

Z:\C\OVERVIEW AND SCRUTINY\17 JAN 2013 – OSC REVIEW – CABINET LIAISON



## **Representations by Councillor Gary Waller concerning Cabinet/Overview & Scrutiny Liaison**

“Dear Ian

I was glad to have a discussion with you last week about the role of scrutiny within EFDC and how it might be improved. I've thought about this matter since then, and I feel that the two changes which could be most effective would be 1) reforming questions, both with and without notice, including those from the public, at Council meetings; and 2) introducing at least one session annually at which the Leader would be questioned on his programme by members of the Overview & Scrutiny Committee.

As far as 1) is concerned, I would combine the separate items on the agenda set aside for questions into one question time when, say, up to 20 minutes would be set aside to deal with questions on specific topics for which notice would be given, and addressed to any Cabinet member. Each questioner would then have an opportunity to ask a supplementary question for which notice would not be given but which would have to be linked to the original question. Possibly other members could also have an opportunity to ask a supplementary question (as happens in the House of Commons). During the available time it might be possible to get through five or six questions together with supplementaries, although it would be necessary for the Chairman to control the process quite tightly to ensure, for instance, that supplementaries were related to the original questions. Since we spoke last week, I have discovered that Harlow Council organises its questions in this kind of way, allowing the public to put questions in addition to councillors, and I hope to attend a Council meeting to see how well it works.

Turning to 2), what I have in mind is a session not unlike that which takes place when the Prime Minister meets the Liaison Committee (made up of Select Committee chairs) around three times a year. As there wouldn't be a limit on the scope nor the number of questions which could be put by a member, it would be possible to probe in some depth on any particular subject. I guess this session could be of something like one and a half hours in duration, so issues could be considered quite fully. I presume that this innovation could perhaps be introduced without any changes to the Council's constitution.

As I indicated, I don't think that scrutiny is particularly effective at present, but the introduction of these changes could make quite a difference. I don't know how the Task and Finish Panel intends to look into the matter of scrutiny, but I would welcome an opportunity to discuss it with the Panel's members.

Kind regards  
Gary”

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## **Dealing with member requests for review and PICK Priority Setting**

### **Setting Up 'Task and Finish' Panels**

As a guideline and subject to resource constraints, the Overview and Scrutiny Committee may establish time limited scrutiny 'Task and Finish' Panels. These panels will be charged with carrying out an in-depth investigation into a specific service area or policy. Each panel will work to a specific brief set out by the Overview and Scrutiny Co-ordinating Committee although scoping and reporting routes will be relevant to each review or task.

Membership of the scrutiny panels may be drawn from the Overview and Scrutiny Committee itself and/or from other Members of the Council. Membership will depend on the knowledge and expertise required to deal with the matter in hand, as long as the principle of independence is not compromised.

Choosing the topics for the scrutiny panels to work on is a key task for the Overview and Scrutiny Committee. It will be impossible for the scrutiny panels to cover all the Council's activities and there is therefore a need to prioritise particular issues.. Overview and Scrutiny Committee has adopted criteria to assist it with the task of choosing topics for scrutiny to judge both the individual topic suggested and the shape of the overall programme of topics being scrutinised:

This system is called PICK. This acronym stands for:

### **PICK System**

#### **P for Public Interest**

Members' representative roles are an essential feature of Scrutiny. They are the eyes and ears of the public, ensuring that the policies, practice and services delivered to the people of the District, by both the Council and external organisations, are meeting local needs and to an acceptable standard. The concerns of local people should therefore influence the issues chosen for scrutiny. Members themselves will have a good knowledge of local issues and concerns. Surgeries, Parish Councils, Residents Associations and Community Groups are all sources of resident's views. Consultation and Surveys undertaken by the Council and others can also provide a wealth of information.

#### **I for Impact**

Scrutiny is about making a difference to the social, economic and environmental well-being of the area. Not all issues of concern will have equal impact on the well-being of the community. This should be considered when deciding the programme of work, giving priority to the big issues that have most impact. To maximise impact, particularly when scrutinising external activity, attention should also be given to how the committee could influence policy and practice. Sharing the proposed programme of reviews with Members, officer and key partners will assist this process.

#### **C for Council Performance**

Scrutiny is about improving performance and ensuring the Council's customers are served well. Members will need good quality information to identify areas where the Council, and other external organisations, are performing poorly. There is no shortage of Performance Indicators available and the recent scrutiny review has sought to develop a 'basket' approach to future review. Areas where performance has dropped should be our priority.

### **K for Keep in Context.**

To avoid duplication or wasted effort priorities should take account of what else is happening in the areas being considered. Is there a Best Value Review happening or planned? Is the service about to be inspected by an external body? Are there major legislative or policy initiatives already resulting in change? If these circumstances exist Members may decide to link up with other processes (e.g. Best Value Review) or defer a decision until the outcomes are known or conclude that the other processes will address the issues. Reference should also be made to proposed programmes of work in the Councils plans and strategies

### **Members Requests**

Members should complete the attached form (Annex 1) having regard to the above categories. Requests will be considered by the Overview and Scrutiny Co-ordinating Committee and ranked against other requests and available resources and placed in a ranking list (Annex 2) using the following scoring system.

## PICK Scoring System

- **P**ublic Interest: the concerns of local people should influence the issues chosen

| Score | Measure                |
|-------|------------------------|
| 0     | no public interest     |
| 1     | low public interest    |
| 2     | medium public interest |
| 3     | high public interest   |

- **I**mpact: priority should be given to the issues which make the biggest difference to the social, economic and environmental well-being of the area

| Score | Measure       |
|-------|---------------|
| 0     | no impact     |
| 1     | low impact    |
| 2     | medium impact |
| 3     | high impact   |

- **C**ouncil Performance: priority should be given to the areas in which the Council, and other agencies, are not performing well.

| Score | Measure                                |
|-------|--|
| 0     | 'Green' on or above target performance |
| 2     | 'Amber',                               |
| 3     | low performance 'Red'                  |

- **K**eep in Context: work programmes must take account of what else is happening in the areas being considered to avoid duplication or wasted effort.

| Score | Measure  |
|-------|--|
| 0     | Already dealt with/ no priority  |
| 1     | Longer term aspiration or plan   |
| 2     | Need for review raised but not adopted policy  |
| 3     | Need for review acknowledged and already incorporated into programme or contained in a strategy and/or Council BVPP target |

Each topic will be scored under each category as indicated above. Where a category is not applicable, no score will be given.

**Request by Member for Scrutiny Review**



Please complete the form below to request consideration of your issue by the Overview and Scrutiny Committee

|   |                        |
|---|------------------------|
| <b>Proposers Name:</b>  | <b>Date of Request</b> |
| <b>Supporting Councillors (if any):</b>   |                        |
| <b>Summary of Issue you wish to be scrutinised:</b>   |                        |
| <b>NOTE: ENTRIES BELOW RELATE TO ISSUE CATEGORIES OF THE PICK PROCESS.<br/>PLEASE REFER TO THE EXPLANATORY NOTES TO THIS FORM FOR FURTHER<br/>INFORMATION</b> |                        |
| <b>Public Interest Justification:</b>   |                        |

**Impact on the social, economic and environmental well-being of the area:**

**Council Performance in this area (if known: Red, Amber, Green):**

**Keep in Context (are other reviews taking place in this area?)**

**Office Use:**

**Pick score:**

**Considered By OSCC:**

**Annex 2**

**Scoring Matrix**

|   | <b>Issue</b> | <b>Public Interest</b> | <b>Impact</b> | <b>Council Performance</b> | <b>Keep in Context</b> | <b>Score</b> | <b>Proposed action</b> |
|---|--------------|------------------------|---------------|----------------------------|------------------------|--------------|------------------------|
| 1 |              |                        |               |                            |                        |              |                        |
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## **Report to Overview and Scrutiny Review Task and Finish Panel**

**Date of meeting: 17 January 2013**



**Subject: OSC Review – Scrutiny Panels**

**Officer contact for further information:** I Willett (01992 564243)  
Assistant to the Chief Executive

**Committee Secretary:** Adrian Hendry (01992 564246)  
Democratic Services Officer

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### **Decisions Required:**

- (1) To receive any views expressed by Panel Chairmen whether by correspondence or at this meeting;**
- (2) To formulate proposals concerning Scrutiny Panels for further consultation.**

### **Report:**

1. This report sets out the legal and constitutional background to the Overview & Scrutiny Panels, together with points which have arisen during consultation, details of any previous reviews conducted and comments made at the scoping meeting.
2. A copy of this report was sent to all Scrutiny Panel Chairmen with an invitation to comment either to officers or at the meeting.

### **Legal Requirements:**

3. Overview and Scrutiny Committees may appoint one or more sub-committees, and may discharge any of its functions through a Sub-Committee.
4. Sub-Committees of an Overview and Scrutiny Committee cannot discharge any functions other than those delegated by the Overview and Scrutiny Committee.
5. Members of the Executive may not be members of the Overview and Scrutiny Committee or any Sub-Committee.
6. If decided by the Overview and Scrutiny Committee or Sub-Committee anyone invited by the committee who is not a member of the Council is entitled to be a non-voting member of the body concerned.
7. Overview and Scrutiny Committees (and Sub-Committees) must reflect the political balance of the local authority or adopt different arrangements for the allocation of seats if the full Council approves without any member present voting against.

8. Overview and Scrutiny Committees (and Sub-Committees) must meet in public except where appropriate provisions allow the public to be excluded

9. Overview and Scrutiny Committees (and Sub-Committees) can require members of the executive and officers of the local authority to appear to answer questions.

10. Overview and Scrutiny Committees may invite other persons to attend meetings

### **Constitutional Requirements**

11. Overview and Scrutiny Committee may refer all or part of policy review and policy development work to a Standing Scrutiny Panel or a 'Task and Finish' Panel for consideration

12. Standing Panels may be established on an annual basis by the Overview and Scrutiny Committee which will determine the number of members to serve and the terms of reference of the Panel.

13. Standing Panels are required to achieve cross-party representation whilst allowing the inclusion of members who are not members of a political group or are not members of the Overview and Scrutiny Committee.

14. Standing Panels will have memberships which represent the minimum number to achieve cross party representation.

15. 'Task and Finish' Panels may be established by the Overview and Scrutiny Committee in order to deal with ad hoc projects or reviews included in its annual work programme.

16. 'Task and Finish' Panel activities will be restricted to matters which are issue-based, time limited and non-cyclical in character and have clearly defined objectives.

17. 'Task and Finish' Panels will;

a) have Chairmen and Vice-Chairmen appointed by the Overview and Scrutiny Committee;

b) have memberships which need not be based on pro rata rules;

c) have memberships which represent the minimum number necessary to adhere to their work programmes;

18. There are no restrictions on the number of Councillors who can become a member of 'Task and Finish' Panels.

19. No 'Task and Finish' Panel shall comprise members of a single political group only.

20. Any member of the Council can attend meetings and receive copies of the agenda for 'Task and Finish' Panels.

21. A member of the Cabinet cannot be a member of a 'Task and Finish' Panel if his or her portfolio bears directly on the Panel.

22. The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of appropriate persons as non-voting co-optees.

23 OS Sub Committees will appoint Standing and Task & Finish Scrutiny Panels. Standing Panels will comply with provisions for political balance as if they were Sub Committees. Task & Finish Panels are exempted from pro rata memberships as a result of a unanimous decision of the Council to that effect.

24. Members of the public may attend all meetings (subject only to the exceptions in these rules.

#### **Feedback/Suggestions from Consultation:**

25 There should be a review of the Panel arrangements, particularly Standing Panels.

26 Standing panels (with some exceptions) tend to deliver less than 'Task and Finish' Panels. Standing Panels can be very procedural and do not effectively scrutinise.

27 The pro rata selection process for Standing Panels can create less effective and focused memberships on some Panels as some appear to serve on these bodies, purely to "make up the numbers".

28. Certain Panel Chairmen are not attending the Overview & Scrutiny Committee because of apparent lack of interest, other commitments or absence of anything to report.

29. The Council could consider waiving pro-rata rules on Standing Scrutiny Panels.

30. This might apply where there are enough other members to fill places, although this should not give that party the right to an additional place on another Committee.

31 Standing panels work programmes should be driven by members' concerns not by Service Directors.

32 Chairs of Panels should attend the OSC and provide a report on their Panels to ensure progress is being made.

33 There should be a balance between internal and external reviews.

#### **Previous Reviews**

34 That 'Task and Finish' panels be used for ad hoc projects agreed in the annual work programme particularly in relation to in-depth reviews of services/policies and policy development.

35. 'Standing Panels' should be used for cyclical topics.

36 Pro rata rules shall apply to the Overview & Scrutiny Committee and 'Standing' Panels but not to 'Task and Finish' Panels.

37 Pro rata for 'Standing' Panels should be used to determine the lowest number of members to achieve cross party representation together with flexibility to allow the inclusion of members who are not members of a political group or on the Overview & Scrutiny Committee;

38 There should be flexibility in membership of 'Standing' and 'Task and Finish' Panels by not restricting the membership of Panels to those on the parent committee thereby allowing Councillors with the most appropriate skills to be members, co-option also to be considered with flexibility to allow the inclusion of non-affiliated members;

39 Panel memberships should be kept to a minimum subject to the principle that each political group should be entitled to representation;

40 There should be no single party panels;

41 The appointment of Panel Chairmen will be determined by Overview & Scrutiny Committee.

42 That political groups should be allowed to nominate up to the date of the first meeting of each Panel to avoid delay.

43 The Overview & Scrutiny Committee will determine the size of membership of Panels and their terms of reference and timescale and reporting arrangements.

44 Substitute arrangements apply to the Standing Panels.

### **Discussions at Scoping Meeting**

45 Standing Panels should be reviewed, in terms of format and relevance.

**(NB A later meeting will discuss the OS arrangements for reviewing the budget and conducting performance management,)**

### **Reason for decision:**

As determined at the scoping meeting.

### **Options considered and rejected:**

None.

### **Consultation undertaken:**

Previous consultation was carried out with members and officers. The feedback was included in the scoping report to the last meeting of this Panel. Further consultation has been agreed once provisional recommendations on the OSS review have been assembled.

**Resource implications:** None.

**Community Plan/BVPP reference:** None.

**Relevant statutory powers:** Local Government Acts 2000 and 2007 and Localism Act 2011.

**Background papers:** None.

**Environmental/Human Rights Act/Crime and Disorder Act Implications:** None.

**Key Decision reference:** None.

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