

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF OVERVIEW AND SCRUTINY REVIEW TASK AND FINISH
PANEL
HELD ON THURSDAY, 17 JANUARY 2013
IN COMMITTEE ROOM 1, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 9.15 PM**

Members Present: K Angold-Stephens (Chairman), Mrs R Gadsby (Vice-Chairman), Mrs M Sartin (Vice Chairman of Council), D Stallan (Housing Portfolio Holder) and Mrs J H Whitehouse

Other members present: G Waller

Apologies for Absence: Mrs A Grigg (Asset Management and Economic Development Portfolio Holder)

Officers Present I Willett (Assistant to the Chief Executive) and A Hendry (Democratic Services Officer)

6. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

The Panel noted there were no substitute members.

7. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Code of Member Conduct.

8. NOTES FROM THE LAST MEETING

The notes from the 6 December 2012 meeting were agreed as a correct record.

9. OPERATIONAL ASPECTS OF OVERVIEW AND SCRUTINY

Role of Chairman of Overview and Scrutiny

(a) Chairman of Overview and Scrutiny

The Panel considered a report dealing with the role of the Overview and Scrutiny Chairman and Vice-Chairman. It was noted that the constitution did not say that the Chairman should not be a member of the ruling group. The Panel considered whether the constitution should introduce a new rule providing for the position to be held by a member not from a majority group.

Councillor Sartin said that the wording that was in the constitution seemed OK to her and should be left as it stood although it should be an experienced councillor. Councillor Whitehouse added that it should also be a member with experience of scrutiny.

AGREED: Councillor Sartin suggested that the following wording be added to the constitution, that:

"The Chairman should have experience and understanding of our Scrutiny System."

(b) Party Whips

The Panel discussed the perception that Scrutiny Councillors may not be “whipped” meetings. Councillor Waller noted that the whip only functioned in appointing substitute members but not in instructing members how to vote.

The Panel thought that although there was no whip applied in the context of Overview and Scrutiny meetings there was maybe a psychological element on the part of members based on party loyalty. The Chairman said a lot of this was perception and not reality and this could be handled through suitable training. Councillor Stallan as a Portfolio Holder involved in call-ins, assured the meeting that although he had asked members for their support they had never been whipped. However whether this was just a perception or had an actual basis in fact, Overview and Scrutiny should not be based on political considerations.

AGREED: that the constitution should not be altered but, with an emphasis on any training given to members on Overview and Scrutiny that it was not and should not be whipped.

10. CABINET LIAISON

(a) Leader Liaison

The Chairman introduced Councillor Waller who had made representations to the Panel on the issue of Cabinet and O&S liaison. He proposed holding a Q&A session between the Leader and the O&S Committee. He had based this on what presently happens with the Prime Minister who meets with a Liaison Committee, made up of the Select Committee Chairs, around three times a year.

He envisaged the Leader attending a dedicated O&S Committee meeting at the beginning of the year, where he could outline his strategy for the year and where the committee could quiz him, in detail, on the Cabinet’s plans for the year ahead and how he saw the Council developing in the future. This could happen once or twice a year. This meeting would also be opened up to all members to attend.

A similar meeting could involve other Cabinet members, along with their relevant officers, giving members time and space to dig down into the Cabinet’s work and plans for the coming year. The O&S Committee should discuss in advance which questions they would like to ask the Portfolio Holders at these meetings. This could also be a role that the Standing Panel could do for their own Portfolio Holders. It would also strengthen scrutiny for the Council, as at present Overview and Scrutiny tended to focus on outside bodies.

Councillor Stallan thought it was a good idea to question the Leader and Cabinet members twice each year. As for the Portfolio Holders they could go either to the main O&S Committee or the Scrutiny Panels. Currently Portfolio Holders do not have any obligation to respond to these Panels. A Q&A session could be put into the work programmes of the Panels for a once a year meeting, these special meetings could be held in the Chamber and opened to all members.

Councillor Sartin noted that the Portfolio Holders always tried to attend O&S Committee and their relevant Standing Panels meetings and be available to answer questions. She would like to see the Portfolio Holders questioned by their Standing Panels and have Leader questions one or two times a year. Councillor Stallan added

that it should be remembered that O&S could summon any Portfolio Holder to attend their meetings.

Councillor Whitehouse agreed that the Leader should be questioned at the Overview and Scrutiny Committee. The Standing Panels tend to see the Portfolio Holders as part of the Panel's regular meetings. At Essex County Council the Portfolio Holders tended to sit with the officers and the public; this was to separate them from the Panel members. There was also more emphasis on internal scrutiny as opposed to external. Following on from this Councillor Stallan said that there was a need to consider the layout for the Standing Panels.

Mr Willett informed the Panel that it was already in the Constitution that the Leader should be questioned by O&S. Also in the Constitution was provision for the O&S to consider a request from Cabinet to consider certain topics.

The Panel were also in agreement that the Portfolio Holders should also be questioned by the relevant Standing Panel about policy but not specific questions solely about a member's wards etc.

Councillor Stallan noted that although Cabinet did sometimes ask O&S to look at some upcoming topics, there was rarely anything coming forward from O&S to the Cabinet. The Chairman commented that this should be about having good two way communication. At present O&S tended to be reactive rather than proactive. He agreed that the Portfolio Holders should go to their respective Standing Panels.

Councillor Waller pointed that there were about three Portfolio Holders that did not have corresponding Standing Panels (Leisure and Wellbeing; Support Services and Asset Management and Economic Development). Councillor Stallan also pointed out that the Constitution Standing Panel did not have a corresponding Portfolio Holder.

It was suggested that where there was no obvious Standing Panel, the Portfolio Holder should attend the O&S Committee with the Leader meeting.

AGREED:

- 1) That the Leader should be called to the Overview and Scrutiny Committee, twice a year at the most; firstly at the start of the year to present their Forward Plan and secondly after 6 months to update the Committee; These meetings to be opened to all members.
- 2) That at the start of the year the Leader shall indicate, if appropriate, that O&S look at any work that the Cabinet thinks needed to be investigated.
- 3) That individual Portfolio Holders to attend the appropriate Standing Panel once a year; this meeting to be opened out to all members.

(b) Pre-Scrutiny

The Panel looked at the Cabinet's Forward Plan and the use of pre-scrutiny. With the O&S Committee and the Cabinet meeting being only one week apart, it was felt that there was not enough time for members to consider the Cabinet agenda. It was noted that the timing depended on when the Cabinet Agenda was published and it was difficult to manage this.

It was thought that the Forward Plan was not detailed enough and it also just contained key decisions and not all Cabinet work constituted key decisions. It maybe that the key decision list should be extended to list the more general decisions.

It was noted that a lot of background work on Cabinet reports are done in the Standing Panels, asking questions of the particular Portfolio Holders on their reports.

It was also questioned why members of the main O&S Committee should have to go through O&S to ask questions on the Cabinet agenda when they could go themselves to the meeting and ask their questions there.

Councillor Stallan said it would be useful to Portfolio Holders if O&S gave them an indication of what they thought of upcoming reports and with this advanced warning the Portfolio Holders could ask officers to review the report before their next meeting if necessary.

Councillor Sartin asked that this agenda item be placed earlier on the agenda and not as the last item. Councillor Angold-Stephens agreed and said it should be the first item on the agenda after any presentations.

AGREED:

- i) That the Forward Plan include other decisions other than just Key decisions;
- ii) That the Cabinet Review agenda item be placed earlier on O&S Agenda;
- iii) That members raise any items of business for future Cabinet meetings as raised in the Forward Plan; and
- iv) Members have the opportunity to ask Portfolio Holders questions on matters of concern.

(c) PICK Forms

Finally the Panel looked at the use of the PICK Forms. It was noted that members should put forward a case for new work for O&S to review on one of the PICK Forms. Some people tended to put forward a case using all the boxes and some did not include enough information to enable a proper consideration of how relevant the process is. Both forms tended to be agreed, none are refused or sent back for more information to be included. This form was designed to require members to think more carefully of what they wanted looked at. A more rigorous use of the PICK form should be enforced.

Councillor Whitehouse thought that the outcomes of these reviews should be revisited some time after the end of the review process and any outcomes achieved noted. Councillor Angold-Stephens added that to some extent this was picked up in the annual report, but maybe there should be an annual review at the end of each year.

Mr Willett commented that we should look at best practice elsewhere. It may also be that we could enhance the annual report in future years.

AGREED:

- 1) That a rigorous use of the PICK work request form should be enforced, preferably through better training and/or by returning the form to members asking for more details;
- 2) That a further report be submitted on Scrutiny follow up processes.

11. SCRUTINY PANELS

Mr Willett noted that the Panel would be receiving a separate report concerning the Finance and Performance Management Standing Panel.

Concerns were raised on the pro-rata membership of the Standing Panels. This tended to result in members on Panels being there just to make up the numbers without a real interest in the subject. Members of Task and Finish Panels were more likely to be members because they wanted to be involved and had an interest in the subject.

Councillor Waller commented that his group did not have any problems in filling the places allocated to them. Councillor Angold-Stephens said that his group did not have any problems in allocating member places on the various Panels except for the Finance Standing Panel. He thought that if a group could not fill a place on a Panel, they should be allowed to opt out. The Panel would be prepared to relax the rules on this and indicating that a group which did not want to put anyone on a particular Panel could leave the place vacant. This would allow the question to be asked whether an interested member but of a different Party could be a suitable substitute.

It was noted that concerns were raised that Chairmen of the Panels were not attending the O&S Committee to give an update on their work programme. However, it had improved recently after the Chairman of the O&S Committee had asked all Panel Chairmen to attend the OSC.

AGREED: The Panel agreed that the Constitution should be strengthened to say that Panel Chairmen are expected to attend the main O&S Committee to give progress reports on their Panel's work.

The Panel noted that the public only engaged with Standing Panels when there was something contentious on the agenda. A further report on the public profile on O&S would be submitted to a later meeting.

12. FUTURE MEETINGS

The Panel noted the date of their next meeting to be held on 14 February 2013.