

Report to: Constitution and Members Services Panel

Date of meeting: 6 April 2009

Subject: Overview and Scrutiny – Operational Review 2009

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Committee Secretary: Mark Jenkins



Recommendation:

- (1) That the Panel consider and comment upon the issues raised by members and officers as part of the operational review for 2009 and make recommendations to Overview and Scrutiny Committee;**
- (2) That, subject to the agreement of the Cabinet members, the scheduled Cabinet and Scrutiny Finance and Performance Management meetings in January 2010 and subsequent years, be combined to consider the draft budget for 2010/11 and onwards; and**
- (3) That the Panel comment on the Training programme for 2009/10.**

Report:

1. (Senior Democratic This year, as part of the Overview and Scrutiny Review, we have sought comments from members and officers about issues that should be covered in the review of operational arrangements. The Constitution contains a set of Operational rules which are attached as background.

Issues Raised by Members and Officers

Joint Finance meeting in 2010

2. Over time the Council has developed an effective process for budget setting. This process starts during the autumn and culminates with setting of the precepts in mid-February. Officers believe there is scope to bring together meetings of the Finance and Performance Management Cabinet and Overview and Scrutiny Panel in January 2010 to enable joint consideration of the final draft budget. This would have the benefit for scrutiny in being able to question the Executive on their budget in a Panel setting and from the executive side, will enable Portfolio Holders to deal with queries before formal Cabinet and Council stages.

3. The Cabinet would need to agree to this proposal and should therefore be consulted on this matter.

Dealing with Consultation Documents

Views Expressed

4. The scoping exercise for the review of Overview and Scrutiny expressed a view that, overall, the balance of items put forward to the Overview and Scrutiny Committee and Panels is skewed, with too much time taken up by responses to Government consultation papers and presentations from external bodies and not enough time on scrutiny of the Council's performance and that of its partners.

Response

5. The Overview and Scrutiny procedure rules in the Constitution refer to Government consultation documents in the following terms:

“Review of implications of Government consultation documents where requested by members”.

6. In practice, although many consultation documents have been listed in the Council Bulletin, it has very rarely been the case that consultation document consideration has been requested by members themselves. More often the relevant Service Director has determined that the subject matter of a consultation document might be of interest to members and has therefore referred it to the appropriate scrutiny body. It has to be said that the majority of these references have been to the Constitution and Member Services Standing Scrutiny Panel. In the past year consultation documents have been reviewed on subjects such as reducing the voting age, changing the date of the 2009 elections, the Local Authority Publicity Code, etc. Others have been referred to the Standards Committee, namely those relating to the ethical framework.

7. The Constitution refers to “a review of implications” of Government consultation documents. This seems to imply something different than simply responding to the Government on the terms of those documents. It implies a forward look to examine what the implications of Government proposals might be if adopted in the future. This aspect has not been addressed.

8. There are thus two issues which could be addressed as part of the current review:

- (a) How should consultation documents be identified so as to bring them forward for detailed consideration and a response to be made to the Government?
- (b) How are the future implications of Government proposals as set out in consultation documents actually to be carried out?

9. On point (a), this role could be performed by an officer from Democratic Services (eg Assistant to the Chief Executive or Policy Officer) or a designated member. Whichever procedure is preferred, this could be covered by a listing of all such consultation documents received in the Bulletin coupled with an invitation to members to indicate which ones they would like to be given formal consideration. Bearing in mind the comments made in the scoping review, some consultation documents have provoked extensive discussion in Scrutiny Panels, often accompanied by further discussion at the Overview and Scrutiny Committee.

10. In one case (Local Authority Code of Publicity), there was an initial discussion at the Overview and Scrutiny Committee, a reference back to the Constitution Panel and then a reference to the Cabinet, with the result that two sets of observations were submitted to the Government, one from the Cabinet and one from the Overview and Scrutiny Committee. When the Overview and Scrutiny rules were last reviewed, there was a conscious decision taken to concentrate reviews of consultation documents with Overview and Scrutiny, thereby allowing the Cabinet to proceed with the management of executive functions. The feeling was at the time that if the Cabinet and Overview and Scrutiny both consider consultation documents, this would only result in duplication of effort. In relation to the Publicity Code, this appears to have happened.

11. On point (b) above, it is suggested that if Overview and Scrutiny receives a consultation document which seems to have implications in the future for the Council or the Cabinet then it may be that they need to consider whether or not a more in depth review of the implications should be added to the annual work programme. Such a process is not covered in the Overview and Scrutiny rules at present.

Points to Consider

12. To review the terms of reference of the Overview and Scrutiny Committee in relation to Government consultation documents as follows:

(a) method of deciding on which consultation documents are worthy of detailed responses to the Government;

(b) responsibility for referring documents should be brought forward detailed consideration;

and

(c) linking the implications of consultation documents to the annual work programme of Overview and Scrutiny.

Outside speakers

Views Expressed:

13. Some presentations can be helpful, but where they take place they would generally benefit from clearer objectives, pre-discussion of the topic by the committee / panel, and post-presentation follow-up (has anything been done about the issues raised?)

14. OSC is having lots of presentations from organisations that want to update councillors on what they are doing - questions are asked but this is not scrutiny. I think these presentations should be elsewhere.

15. Paper on Questioning Techniques page 79 says this is 'to fully utilise the presence of a witness giving evidence or officer being held to account'. Most of the presentations we get don't fall into this category.

16. We should not preclude the possibility of outside speakers being invited to a special meeting dedicated to that subject if we feel that would be worthwhile or that we feel they cannot be accommodated in a routine meeting. The rules do not need changing to permit this as far as I know. Where outside speakers do an annual presentation e.g LUL, then the previous promised actions can be followed up annually by reference to the minutes of the previous presentation (if the Members does his/her homework) but if the presentation is a one-off then the committee is entitled to ask that the interviewee responds on any of the agreed action points once they have been implemented or if there are any changed circumstances. Follow-up could be part of the O & S action plan.

17. Following the training that some of us had on scrutiny chairing and questioning, members of the then OSC did frequently meet before the main committee to decide the questions we wanted to ask. This works when the members have asked for a specific speaker because there are issues the members want to raise.

18. A reminder in the Bulletin of important items coming up in the next O & S meeting would be a good idea and also a reminder that the meeting is open to all Members who can submit their questions to the Chairman in advance or attend themselves and put their questions personally (normally after Members of the committee have had their say).

19. Where external speakers are coming to do a presentation and answer questions it is a good idea to have a pre-discussion either at the previous meeting about the scope of the questioning or a pre-meeting for this purpose, not seeking to limit discussion but more to deal with areas of concern in a logical way.

Response

20. It has traditionally been the role of the main Overview and Scrutiny Committee to decide which organisations are asked to its meetings to make presentations. These have been quite wide ranging from the PCT, Police, ECC, CYSYP, LSP, Fire Service, LUL and other service providers. The aim of these presentations has been to give members an opportunity of questioning partners on their work and additionally taking up matters of concern that members may have from their local area.

21. The process for ensuring that members were in a position to question visitors to their meeting was based upon a pre-meeting at 7.00 p.m. prior to the main meeting. This worked for a time but over time these briefing sessions were poorly attended. Officers are currently trialling having a formal item on the meeting preceding the presentation to agree its scope and aims.

22. The OSC Work Programme could be developed to show required responses or action review at say, three month after the presentation as a routine or alternatively as part of the six monthly reviews of actions that already takes place.

Points to consider:

23. Are the presentations Overview and Scrutiny Committee receive are the ones that are needed or wanted by members? How could members address this issue as part of the work programme process?

24. Could the emphasis for presentations be changed away from the main Committee?

Internal presentations

Views Expressed:

25. All members should try to familiarise themselves with all areas of the Council's work and there may be some benefit in having presentations about them and/or visits to the appropriate areas. Getting to know the staff and the work they do is always beneficial but I am not sure this is a scrutiny issue unless there were perceived issues that have arisen in a particular service area that need to be addressed. A tour of the main building is always arranged by The Chairman for new Members. There is a good argument for repeating this every year as a familiarisation session for all Members as well as including external premises, however I believe attendance in the past has not been very high partly because it has to be done during the day; however it should still be offered.

Response:

26. During the induction period after their election we do attempt to address the problem of getting to know staff and directorate responsibilities. However, in such a large organisation it takes time to understand the various responsibilities. It is proposed to continue the Civic Office tour on 14 May as part of the annual members training offer which will include a talk with the Service Directors. In addition a tour of the district is to be organised in July 2009.

27. Internal presentations from staff would be better aimed at those areas subject to a service type review as part of a task and finish panel process. The same issues of relevance as external presentations apply here.

Points to consider:

28. Do the Panel think that the level of input from and visits to directorates is at a correct level or should be reviewed? If so how this could be linked to the work programme?

Member Training - Overview and Scrutiny

Views Expressed:

29. Training on scrutiny chairing and questioning should be given each year.
30. Training in scrutiny and chairing would be valuable for all Members and a course is planned for this year. It may not warrant being a 'mandatory' course but it should come as a 'strongly recommended' course.

Response

31. In the scoping review the view was expressed that there should be training every year on chairing scrutiny meetings and questioning skills. It was considered that training in scrutiny and chairing will be valuable for all members which, although it might not be a mandatory course for all Councillors, it would be strongly recommended for scrutiny chairmen and those engaged in questioning and gathering evidence from internal and external sources.
32. One training course is being held during 2009/10 on chairmanship and questioning and the trainer (EERA) has been briefed to ensure that this focuses on the overview and scrutiny role. If necessary, and subject to the budget, it may be possible to arrange a repeat course if demand warrants this. The 2009/10 training proposal is attached.

Points to consider:

33. Does the 2009/10 training proposal satisfy the scoping comment mentioned above?

Reports by Chairmen of Panels

Views Expressed:

34. T & F and standing committee chairman should always do a brief report to O & S in writing and submitted a week ahead of the meeting so that O & S members have time to consider them and individual members of O & S should be able to request that the chairman attends the committee if they feel a more in depth discussion is required.
35. One of the objectives mentioned in the letter to councillors refers to 'streamlining' the process. It is not clear from the letter which aspects of the system are currently considered inefficient and it would be helpful to have more clarity about this. If streamlining is meant to imply a reduction in the scope of scrutiny, this should be resisted.

Response:

36. The Overview and Scrutiny Committee has previously decided that they do not wish to consider their full work programme at every meeting but have opted for an exception reporting mechanism with a quarterly full report.
37. If members wanted a more formal reporting system, chairman would need to provide their commentary much earlier than one week before the meeting to meet the agenda preparation timetable. The view has been taken that if reports from Panel Chairmen are of a minor nature, e.g. minor changes to terms of reference or updates from recent meetings, that this is done orally at the meeting and reflected in the minutes. Would a more formal process become a bureaucratic burden to members and the committee? All of the Panel agenda and notes are available on the Council's website and members have the right to request that a matter is put on the agenda for the next available meeting to discuss any matter of concern. Progress is also shown on the full Work Programme in note form.
38. In terms of streamlining, the process of this review is to look at our procedures to ensure that they best meet the aspirations and needs of the members, not to attempt to reduce

the scope of scrutiny per se. Officers and member share the aim of having a vibrant scrutiny system and this can only be achieved by having a mix of reviews and monitoring processes.

Points to consider:

39. One issue that members may like to consider is whether the choices of Task and Finish review accurately reflect those issues that meet the current PICK system, whether this needs review or if the system of choosing matters for review could be better focussed on issues that either form part of our current plan statements or are of greater community interest?

Panel Operational Matters

Views Expressed:

40. Some scrutiny panels (e.g. Customer Transformation) have made efforts to get out of the Civic Offices and investigate how issues are addressed elsewhere. This is welcome and the example could usefully be followed by other panels.

41. Members of the Customer Transformation Panel also valued the opportunity to hear from 'frontline' staff - this is something that could be considered by other panels, as is considering opportunities to hear from residents/customers.

42. The conduct of individual committees is up to the Members of that committee. Some are better than others, but there have been some excellent examples of evidence being gathered both from within and outside the organisation.

Response:

43. Panels could be more proactive in visiting and meeting in external locations provided that the subject matter warrants it. There have been some good examples of visits and evidence taking as part of reviews. The involvement of 'frontline' staff again depends on the subject matter of the review. Evidence gathering from junior staff would need careful handling and done in such a way that they feel that they are not being 'held to account'. If more formal questions are needed to be answered during reviews then this should involve Service Directors.

44. Comments indicate that some Panels perform better in evidence gathering than others. Hopefully training in scrutiny chairmanship and questioning might help members in this regard. There is still a tendency within the Panels for officers to do the information gathering rather than the lead coming from members.

Points to consider:

45. Could the process of setting up Task and Finish Panels include, as part of the setting of the terms of reference, greater consideration of whether they need to visit or meet elsewhere than the Civic Offices or set out who they will take evidence from as part of the review.

46. How could members take a more active role in evidence gathering?

Views Expressed:

47. Reports going to scrutiny panels do not always appear to have been fully checked or proof-read (e.g. frequent arithmetical or typographic errors in the monitoring reports received by the Finance and Performance Management Scrutiny Panel).

[There is an] Inconsistent approach to minute-taking between panels (and minute-taking can vary in quality).

48. Where an agenda item is specifically within the remit of a Portfolio Holder then the

Portfolio Holder should make every effort to attend.

49. There appears to be a resourcing issue in terms of servicing some panels (e.g. incomplete reports).

Response:

50. The issue of mistakes in reports is not really a matter for the review but more a management issue for officers to ensure that the annual work programme for Overview and Scrutiny does not over-stretch officer resources.

51. It is the view of officers that the 'notes' (rather than minutes) of Panel have grown over time to become almost a verbatim record of the Panel meetings, which was not envisaged. It is proposed that from the new municipal year Panels meetings are recorded in a bullet point style e.g. the recording of discussion in bullet points and actions arising only.

52. The Overview and Scrutiny Committee has the right to require a Cabinet member to attend any of their meetings and indeed this extends to Panel meeting as well. This can be for purpose of gathering information, asking questions or holding them to account. A large proportion of the business of Overview and Scrutiny will inevitably concern one or more of the Portfolio Holders, although some matters will not be portfolio based, For example, elections and planning. It is the experience of officers that Cabinet members have been responsive in attending relevant meetings when requested. It is important for effective liaison and evidence gathering, that a clear brief is given to Cabinet members in advance of any meeting they are being required to attend. Additionally, if there were to be an expectation that Cabinet members attend meetings generally, this may pose an unrealistic expectation on Cabinet colleagues.

53. Officer resources have to be carefully managed to ensure that the annual work programme can be delivered. The number of senior officers writing reports for Overview and Scrutiny is smaller and any expansion of the programme puts greater pressure on officers to provide reports. Members could take a role in providing information.

Points to consider:

- (i) Does the Panel think that a bullet point note-taking style is acceptable?
- (ii) Is the Panel happy with the level of attendance by Cabinet Members and do they think that any Panel requiring specific attendance of a portfolio holder should provide a brief to that member?
- (iii) How could members have a greater role in report writing?
- (iv) Is the number, type and mix of Panels correct?

Publicity for OSC

Views Expressed:

54. With regard to paragraph 3, I have several times asked for wider publicity for a speaker, as I did for the Youth issues at the previous meeting, but I've not been aware of any effort to inform the public that an issue they have an interest in is taking place.

Response:

Raising the Media Profile.

55. A number of steps have been taken to give Overview and Scrutiny a distinct identity and voice within and outside the Council. It has its own separate branding, setting it apart from the main Council identity. Information has been developed in leaflets and on the Council

website to explain how Scrutiny works. The annual report of Overview and Scrutiny forms one of the core documents of the e-Annual Report. Scrutiny agenda are issued to the local media in advance of each meeting.

56. However, unlike the Cabinet and Council, the main role of Scrutiny is to investigate and advise. It is not a key decision making body and as such may be perceived as of lesser news value. This disadvantage may become more pronounced as the reduction in local media resources continues.

57. Reporters are tending to cover fewer meetings in general although webcasting is allowing them to view items from their home or office at a later date.

58. The potential to generate a higher media profile exists but is dependent to an extent upon the subject matter Members wish to cover. Viewed from an editors' perspective, controversial issues and heated debates on subjects of wide-spread public interest will gain more local media attention than equally relevant but less newsworthy items. Members of the Committee can aid the profile of the Overview and Scrutiny by contacting local reporters, offering views and quotes on the subjects of investigation and debate.

59. A member of the Public Relations Team covers each Overview and Scrutiny meeting in order to be better placed to answer subsequent media enquiries. Items from O&S are sometimes written up as part of the process or when the Committee reports into Cabinet. These items are generally placed by PR in the news section of the Council Website but may also be issued as press releases. Competing workload issues have made this difficult at times. However, since the recent purchase of a lap-top computer, PR staff are now able to draft such items during the evening meetings themselves without impacting on the following day's workload.

60. Members may wish to consider the expansion of Scrutiny presence on the Council Website as another means of raising the public profile. By removing another feature from the Homepage, it would be possible to create a 'Scrutiny Button'. However, such a presence must be backed up with new and regularly refreshed information. Such information could be uploaded by Democratic Services but would have staff resourcing issues. Forthcoming meetings of Scrutiny could also be publicised on the news section of the Website.

61. Forester remains one of the Council's principle forms of communication with residents and could provide a larger platform for information about Scrutiny. This would need to be balanced against other publicity priorities within Forester. To be most meaningful to residents, Forester would need the freedom to report the most newsworthy items, some of which might be controversial in nature, but which would engage most public interest.

Points to consider:

62. What ideas do the Panel have for raising the profile of Overview and Scrutiny?