

**Report to Overview & Scrutiny
Committee
Date of meeting: 17 December 2009**

**Subject: Overview and Scrutiny Review 2009
Officer contact for further information: Simon Hill**

Committee Secretary: A Hendry



Recommendations/Decisions Required:

Councillor Call for Action (CCfA)

- (1) That the introduction of the Councillor Call for Action (CCfA) be noted;**
- (2) That the Overview and Scrutiny Committee include a review of the effect of the CCfA in the work programme with particular reference to the Overview and Scrutiny Procedure Rules, the petition procedure, the compliments and complaints procedure and the delegation of officers/member bodies to deal with the new procedures under the Act.**

Local Democracy, Economic Development and Construction Act and Community Empowerment Bill

- (3) That the Panel request Overview and Scrutiny Committee to make appropriate additions to the work programme of this Panel for 2009/10 to cover:**
 - (i) a review of the Council's petitions procedure and electronic systems;**
 - (ii) further reports on the duty to promote democracy envisaged;**
 - (iii) any consequential changes that might be required to the Operational Rules**

Joint Budget Meetings

- (4) That the Finance and Performance Management Overview and Scrutiny Panel and then Finance and Performance Management Cabinet Committee meet on the same evening but in separate meetings in 2010 and thereafter to facilitate consideration of the budget;**
- (5) That the agenda of the meetings should ensure that the two meetings deal with appropriate Overview and Scrutiny and Executive responsibilities;**
- (6) That the Council be asked to adjust the Calendar of meetings for 2009/10 accordingly;**

Dealing with Consultation Documents

(7) That the Portfolio Holders, Service Directors and Chairs of relevant Scrutiny Panels discuss and decide whether received consultation documents should be subject to formal report consideration by scrutiny;

(8) That received consultation documents be recorded in the Council Bulletin with a summary of their contents;

(9) That consideration be given to the relative importance/need for response when deciding to report to the relevant committee or panel; and

(10) That the Cabinet be consulted on those consultations where the subject matter is an executive function;

Outside Speakers

(11) That speakers at meetings should form part of the Work Programme;

(12) That items involving speakers at forthcoming scrutiny meetings be highlighted at the preceding meeting to allow sufficient preparation;

(13) That the views of the main committee continue to be sought on the desirability of having individual presentations as part of work programme considerations;

Overview and Scrutiny Member Training

(14) That the timings of M10 Awareness Session/Finance GRF/HRA and Budget Process and M17 Chairmanship and Questioning Skills, be rearranged earlier in the 2010/11 Member Training schedule

Reports of Chairmen of Panels – Streamlining Procedures

(15) That a bullet point style be used in all Scrutiny Panel notes;

(16) That Portfolio Holders attending Scrutiny Panel meetings seek to be fully briefed on the subject they are speaking on from relevant officer prior to the Panel meeting;

(17) That the full work programme be presented to each Overview and Scrutiny Committee and that the Chairmen of the Panels attend to provide additional context to their meetings;

Publicising Overview and Scrutiny and Local Authority Websites Review

(18) That for 2009/10, the Annual Scrutiny Report be made more consumable with a case study style approach rather than a complete rehearsal of all issues discussed during the year;

(19) That the following topics be considered for incorporation into the Constitution and members Services Panel work programme for 2010/11:

- (a) How more Community focussed reviews can be undertaken;
- (b) How the public can become more involved in Scrutiny including proposals for allowing the public to suggest topics for consideration, public questioning at meetings; guidance for witnesses and a review of the guide to scrutiny;
- (c) Development of the web pages for scrutiny and homepage presence;
- (d) Whether there is a link from Freedom of Information requests to scrutiny topics;

Call-in Arrangements – 'E'-call-in

- (20) That a report be made to Council outlining consequential amendments required to the Overview and Scrutiny rules to enable members to electronically call-in executive decisions via their Connectivity Token system be activated from the new municipal year;
- (21) That members' be provided with a training session to explain how this functionality works

Civic Events - Chairman of Council's Guidelines

- (22) To note that the Panel have reviewed revised officer guidance for the Chairman of Council relating to the organisation of Civic Events.

Report:

1. (Chairman of the Constitution and Members Services Panel – Councillor M McEwen) Our Panel were charged with undertaking the annual review of Overview and Scrutiny. We have met on four occasions to discuss various aspects of the Review. Some of the issues discussed have been subject to prior report, most notably the proposals, now agreed by Council, to designate the Safer, Cleaner, Greener SSP as the Council's Community Safety Committee.
2. The review, being wide ranging, has brought forward a number of smaller refinements to the operation of scrutiny at the Council together with a number of proposals for further reports in the next year. These proposals fall mainly into two areas, (i) the need to respond to new legislation; and (ii) enhancements to encourage community participation.

Responses to Legislation

(a) Councillor Call for Action (CCfA)

3. The Local Government and Public Involvement in Health Act 2007 has empowered all Councillors to refer issues of concern, related to Council functions, for consideration by the relevant Overview and Scrutiny Committees of their local authorities once they had exhausted all other means of resolving the issue.

4. It was the Panel's view that the current arrangements for members through which they could raise matters of concern were already present within their rules through the call-in procedure, the ability to raise issues at Overview and Scrutiny meeting but that a fuller review of the implications for the rules should be undertaken. We have recommended accordingly

(b) Local Democracy, Economic Development and Construction and Community Empowerment Act 2009

5. The White Paper "Communities in Control: Real People, Real Power," published in July 2008, has set out the Government's proposals for empowering local communities.

6. These proposals had been developed into two pieces of legislation, the Local Democracy, Economic Development and Construction Bill, and the Community Empowerment Bill. The Community Empowerment Bill has yet to be published, but it will encompass other White Paper proposals, including the removal of barriers to directly-elected mayors, empowering parish councils, enabling "remote" voting at Council meetings and the introduction of incentives to encourage voting. We will consider the impact of this Bill at a future meeting.

7. The Local Democracy, Economic Development and Construction Act is intended to promote local democracy and economic development, devolving greater power to local government, communities and ensuring fairness in construction contracts.

8. The Act requires the District Council to make available e-petition facilities on its website, allowing petitions to be submitted electronically. This, together with revised requirements for a formal petitioning procedure will require the re-writing of the Council's procedures. The Work Programme of the Panel should include a reference to bringing forward a further report on petitioning once guidance on the act is published in the new year. The Council has discretion in setting thresholds for petitions with full council assent being required for the final scheme. We are suggesting these issues form part of our future work programme.

9. The Act has also placed a statutory duty on the Council to promote democracy. The duty extends beyond the Council itself and covered what are referred to as "connected authorities" which, for practical purposes includes organisations normally founding the Local Strategic Partnership. The Council has previously given this aspect some consideration and given the Chairman of the Council a lead role for this activity.

10. However, the scope of this duty was still being debated by the Government at the time of the panel's discussion and until guidance is forthcoming, it was difficult to say what resources are affected although it does appear that this duty will not now be funded by the Government. As consequential changes that might be required to the Operational Rules of this Council we are seeking a further report to our Panel.

Joint Budget Meetings

11. We have discussed proposals for the two Finance Groups (the Cabinet Subcommittee and Overview and Scrutiny Standing Panel) to meet jointly during the budget considerations. The Panel are of the view that it is preferable for the two meet on the same evening and that the opportunity is given to Overview and Scrutiny to

discuss the Budget with Cabinet members prior to the Executive's own deliberations. We have recommended accordingly.

Dealing with Consultation Documents

12. 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 was taken up by responses to Government consultation papers and presentations from external bodies and not enough time was spent on scrutiny of the Council's performance and that of its partners.

13. In practice, although many consultation documents had been listed in the Council Bulletin, it was rarely the case that consultation document consideration had been requested by members themselves. Mostly, the relevant Service Director had determined that particular consultation documents were likely to be of interest to members of the relevant scrutiny body. In many cases consultations were referred to the Constitution and Member Services Standing Scrutiny Panel.

14. We are suggesting that Service Directors in conjunction with relevant Portfolio Holders and Chairmen of Scrutiny Panels should decide whether consultation documents are worthy of closer scrutiny and/or a response by the Council. We have also suggested that in-coming consultation documents should be listed in the Bulletin and that the Cabinet are formally consulted on those matters which affect them.

Presentations

15. We have discussed whether formal presentations should form part of the main committees work programme. We are of the view that they allow us the opportunity to informally scrutinise other organisations and this practice should continue but that we should discuss the likely avenue of questioning should be discussed as part of the agenda at the preceding meeting.

Overview and Scrutiny Member Training

16. We have briefly discussed whether any adjustments should be made to member training

17. It was felt that training on scrutiny chairing and questioning should be given annually, as it was valuable for members. A course was planned for the forthcoming year although it was not regarded as mandatory, it was strongly recommended for scrutiny chairmen and those engaged in questioning and gathering evidence from internal and external sources. One training course was being held during 2009/10 on chairmanship and questioning, the trainer (EERA) had been briefed to ensure that this focussed on the Overview and Scrutiny role.

18. We are also suggesting that Finance Awareness and Chairmanship and Questioning skills should be earlier in the new municipal year.

Reports of Chairmen of Panels – Streamlining Procedures

19. We have requested fuller details of forthcoming items at Overview and Scrutiny meetings. Officers advised that this could be done through the Bulletin.

20. The review suggested scrutiny panels extend their pro-activity by visiting and holding meetings at external locations. It was suggested that enquiring of other

councils about their scrutiny processes would assist the District Council. It was felt that Overview and Scrutiny was officer led and needed more Members input.

21. The view had been expressed during the review that officer reports to Panels had mistakes on them and there was an inconsistency in the style of note-taking. Officers have advised that errors on Panel reports were sometimes due to officer workloads and time constraints in preparing reports. We have suggested that, at the Panel level, minuting of actions points rather than a full narrative style should be adopted to speed up the process and lessen workloads after Panel meetings.

22. The Panel, which felt that Portfolio Holders sometimes attended scrutiny without adequate preparation, they should receive better information on the subjects that they were likely to be asked about. We believe it is important that Cabinet members are fully briefed on issues prior to meetings.

23. In terms of our own work programme, we are of the opinion that the main Overview and Scrutiny Committee should receive the full programme at each meeting and that Panel Chairmen attend meetings to add context to the issues that have been discussed.

Publicising Overview and Scrutiny and Local Authority Websites Review

24. Members felt that Overview and Scrutiny needed a distinct identity within and outside the Council because it had proved difficult to generate sufficient interest in its work outside the Council. Although the District Council's Public Relations Team attended OSC meetings it was difficult to generate sufficient media interest. Wider notice could be given of forthcoming speakers although it was acknowledged that the local press might not provide adequate space for publishing OSC business.

25. As part of the process of review members have investigated other scrutiny methods practised by local authorities which have sought to engage with the public more effectively. Our investigations have suggested a number of practises which might encourage better public interest in the work of the Committee. These include:

- Annual Scrutiny reports needed to be more digestible for public consumption;
- Introducing an opportunity for the public to ask questions, to Cabinet and Council meetings;
- Ways of obtaining public suggestions of issues for scrutiny;
- Direct scrutiny of the Cabinet;
- Encouragement of more public involvement in Overview and Scrutiny;
- Public speaking at Standing Panels; and
- Electronic feedback facility for guests/witnesses at meetings

26. Our investigations have revealed that there is no local authority model for scrutiny as local operation varies to meet local circumstances and issues. However there seemed to be a preference for the central management committee with a number of panels or Task and Finish Groups. Some authorities appointed "Commissions" which fulfilled the same function. We are suggesting that a number of the best practice ideas we have seen should form part of a future work programme. These are set out in our recommendations.

Demonstration of E-Call-In System

27. Following a request by Councillor Janet Whitehouse, the Senior Democratic Services Officer, Mr S Hill, gave a presentation to the Panel regarding the operation of an E-Call-In system.

28. The current call-in system for decisions made by the Cabinet or by individual Portfolio Holders required that three members of the Overview and Scrutiny Committee or five members of the Council call-in a decision by means of a form signed and delivered to the proper officer within the call-in period. We were asked whether the Overview and Scrutiny rules could be altered to allow emailed call-in submissions.

29. We understand that within the functionality of the Council's Committee Management system, there is already the facility for members to call in decisions electronically. This is controlled using the Councillor connectivity tokens (VPN system) already issued to members. This system has sufficient checks to give assurance that a call-in couldn't be triggered by anyone other than an appropriate member.

30. We are recommending that this facility be brought in from the next municipal year in addition to the current form based system. This will require alterations to the Overview and Scrutiny Rules which will require the assent of Council.

Civic Events - Chairman of Council's Guidelines

31. The Panel received a report and draft guidelines from Mr S Hill, Senior Democratic Services Officer, regarding the Chairman's Guidance on Civic Events. At our meeting of the Panel in April 2009 concern had been raised that comments at the Chairman's Civic Awards Ceremony had been construed as a criticism of another local council.

32. Members had requested that guidance was established setting out the Chairman's responsibilities for events which would be inserted into the current guidance document provided to the Chairman at the start of each year. We have reviewed this guidance and endorsed its contents.