

Report to the Overview and Scrutiny Committee

Date of meeting: 16 April 2019



Subject: Overview & Scrutiny Select Committee Framework – Report of Task & Finish Panel

Chairman of the Task & Finish Panel: Councillor P. Bolton

Officer contact for further information: S. Tautz (01992 564180)

Democratic Services Officer: R. Perrin (01992 564532)

Recommendations/Decisions Required

- (1) That a new overview and scrutiny select committee framework, based on a structure of three select committees, be established with effect from the commencement of the 2019/20 municipal year;
- (2) That the titles and responsibilities of each select committee, based on the themes of the Corporate Plan for 2018-2023, be agreed as follows:
 - (a) Stronger Communities Select Committee
 - customer excellence;
 - partnership working;
 - behavioural insights;
 - (b) Stronger Council Select Committee
 - accommodation;
 - people;
 - digital enablement;
 - medium-term financial strategy;
 - Corporate Plan and Key Performance Indicator monitoring;
 - (c) Stronger Place Select Committee
 - St. John's Road redevelopment;
 - North Weald (masterplanning and re-location of council services);
 - local plan;
 - growth, skills and employment; and
 - Council housebuilding.
- (3) That the consideration of quarterly performance monitoring information in respect of the Corporate Plan and the Council's adopted suite of Key Performance Indicators be undertaken by the proposed Stronger Council Select Committee, subject to the implementation of the exception-based reporting arrangements set out in this report;
- (4) That the draft terms of reference for each of the new select committees for 2019/20 be agreed;

- (5) That the draft work programme for each of the new select committees for 2019/20 be agreed;**
- (6) That focused and achievable work programmes be developed for each new select committee for each year, drawing on Portfolio Holder and service delivery aims and objectives, and relevant community priorities;**
- (7) That the scrutiny of business as usual activities be allocated to the ongoing work programme of each new select committee on the basis of the respective programme and project environment within the Corporate Plan for 2018-2023;**
- (8) That the Cabinet be requested to ensure that relevant pre-scrutiny activity is built in to the development of all key decisions to reduce the need for call-in, and to pro-actively utilise the overview and scrutiny framework for policy development activity wherever appropriate;**
- (9) That arrangements for meetings of the new select committees to be held on a quarterly basis during 2019/20, be agreed as set out in this report;**
- (10) That the Service Director (Customer Services) arrange for the routine webcasting of meetings of the new select committees;**
- (11) That the current training arrangements for members in respect of the Council's overview and scrutiny function be reviewed as appropriate, in light of the operation of the proposed new select committee framework;**
- (12) That the operation of the proposed new select committee framework be reviewed after twelve months operation, or a sooner period if considered necessary;**
- (13) That the Constitution Working Group be asked to review the current application of requirements for members to make reports to ordinary meetings of the Council with regard to the business of external organisations subject of member representation; and**
- (14) That, subject to the agreement of the above recommendations, the Chairman formally advise the Council of the arrangements for the new select committee framework at its meeting on 25 April 2019, in view of the likely wider member interest in the establishment of the new framework.**

Report

This report will be presented by Councillor P. Bolton, Chairman of the Task and Finish Panel.

Introduction

1. The Task and Finish Panel was established by the Overview and Scrutiny Committee in December 2018, to undertake a review of the Council's existing overview and scrutiny select committee framework, in light of the adoption of a revised executive portfolio structure that complements the new senior management structure of the authority.
2. It should be noted that constitutional issues relating to overview and scrutiny and the operation of the Overview and Scrutiny Committee, were not included within the terms of reference of our review. The review of overview and scrutiny matters pertaining to the Constitution is the responsibility of the Council, usually on the recommendation of the Constitution Working Group. We therefore make no recommendations with regard to any such matters.
3. As the Committee will be aware, an overview and scrutiny framework based on a structure of four 'select committees' was established from the 2015/16 municipal year.

In accordance with Article 6 of the Council's Constitution, the select committees are established on an annual basis by the Overview and Scrutiny Committee. At its first meeting in each municipal year, the Committee is required to consider whether the existing select committees should continue for a further year and to determine the terms of reference and work programme for each committee for the year ahead.

4. At its meeting on 4 June 2018, the Committee agreed the re-establishment of the following select committees for the 2018/19 municipal year:

Communities Select Committee;
Governance Select Committee;
Neighbourhoods Select Committee; and
Resources Select Committee;

5. Members will be aware that the implementation of the Council's People Strategy has progressed as far as the appointment of new Service Directors and Service Managers. The Council's new senior management structure is set out at Appendix 1 to this report and comprises seven new service directorates covering the operations of the authority. The Leader of the Council has realigned the responsibilities of the Cabinet during the current municipal year, in order to reflect the new senior management structure and we therefore consider that it is appropriate to also review the alignment of the select committee framework going forward.

Select Committee Framework

6. The Local Government Act 2000 introduced a new political management system for local councils in England and Wales, requiring them to have a separate 'executive' in the form of a leader, or elected mayor, and cabinet. To provide a counterweight for this, the Act also introduced the concept of 'overview and scrutiny', whereby every council with an executive management structure was required to have an overview and scrutiny committee. This requirement is fulfilled by the annual establishment of the Overview and Scrutiny Committee. The ongoing business of the Council's scrutiny activity is also carried out by the select committees and 'task and finish' panels established to gather evidence and make recommendations on specific subjects.
7. At that time of the establishment of the select committees in 2015/16, select committee status was intended to be restricted to activities of a recurring or cyclical character which required longer-term involvement by members. At that time, the responsibilities of the select committees broadly reflected the management structure of the Council, save for the creation of a standalone 'Housing Select Committee' and the incorporation of the Community Services and Safety responsibilities of the Communities Directorate within the 'Neighbourhoods and Community Services Select Committee'. However, during 2016/17 these arrangements were reviewed further, resulting in the adoption of the current select committee framework that was fully aligned to the then current management structure of the Council, to ensure that all services had a reporting route for overview and scrutiny activity.
8. The Panel considers that it is important that the future select committee framework should continue to reflect the management structure of the Council and cover the whole range of its business, whilst also achieving efficiencies and maintaining the effectiveness of the Council's scrutiny activity. At present, we understand that about one third of members are not formally involved in overview and scrutiny through membership of the Overview and Scrutiny Committee or a select committee.
9. From the viewpoint of our review, it seemed that different approaches to work programme development were taken by the existing select committees and that a uniformity of approach in this respect might be more appropriate, in order that scrutiny activity results in positive change or improved outcomes. Additionally, it appeared that scrutiny activity wasn't always necessarily directed towards key issues of concern to

local residents.

Approach to the review

10. We considered a variety of evidence and submissions as part of our review. The changes to the directorate structure give the Panel an opportunity to consider the workload balance and the terms of reference of the existing select committees, to ensure that the structure provided efficient scrutiny activity aligned with the directorate structure and relevant communication and process channels.
11. The Panel met for the first time on 21 January 2019, to consider the scope of the review exercise. At that time, we expressed disappointment at the level of attendance at the meeting from amongst members that had expressed concern to the Overview and Scrutiny Committee in relation to the initial proposals for the restructure of the select committee framework that were considered in October 2018. We therefore sought to encourage all members to participate in the review process.

Framework Options

(a) Current Select Committee Structure

12. During the course of our review, the following issues have been expressed with regard to the operation of the current select committee framework:
 - although some select committees work well, others lack a focused work programme;
 - some select committees seem to have a less intensive work programme than others;
 - not much changes as a result of scrutiny activity;
 - there is lack of consistency of approach between the select committees;
 - the structure currently absorbs a significant amount of officer time;
 - there is a lack of public awareness and engagement with the select committees; and
 - the structure can result in duplication and blurring of responsibilities.
13. Although we consider that the current select committee framework allows new and current members to become engaged in scrutiny matters and to develop skills such as chairmanship, the framework seems to have led to a situation where not all of the Council's services are subject to consistent scrutiny and do not necessarily always deliver impact in terms of outcomes. In view of the reservations expressed with regard to the current framework, we do not recommend that this option be continued going forward.

(b) Directorate-Aligned Structure

14. At its meeting on 29 October 2018, the Committee considered a proposal of the Acting Chief Executive for the establishment of two select committees as follows:

Communities & Neighbourhoods Select Committee

To cover the following service areas:

- Housing and Property Services;
- Community and Partnership Services;
- Contract and Technical Services; and
- Planning Services.

Governance & Resources Select Committee

To cover the following service areas:

- Governance and Member Services (subsequently removed from the Council's management structure);
 - Business Support Services;
 - Customer Services; and
 - Commercial and Regulatory Services.
15. In reviewing this proposal for the select committee framework, the committee identified a number of areas of concern arising from a reduction in the current number of select committees, including:
- a potential increase in workload for each committee;
 - a perceived lack of balance in the workload of each committee;
 - a likely reduction in member involvement if no increase is made in the number of members appointed to each select committee; and
 - the likelihood of reduced opportunities for member development in terms of chairmanship skills and experience.
16. Although the Panel considered that some of these concerns could be addressed through the development of achievable work programmes for each select committee, we were mindful of the heavy workload that might accrue to each select committee as a result of this arrangement.
17. In view of the reservations expressed on this framework proposal, we do not recommend that this option be pursued.

(c) Corporate Plan Structure

18. The Panel has also considered a further option for the establishment of a cross-cutting select committee framework, based on the current Corporate Plan themes of 'Stronger Council', 'Stronger Place' and 'Stronger Community'.
19. We have received an illustration of the scope of the various programmes within each theme of the Corporate Plan and the potential opportunities for scrutiny activity in respect of specific projects and business as usual activities, alongside the development of the 'overview' aspect of the role of each of the select committees, to provide policy development capacity through enhanced pre-scrutiny.
20. Our attention has been drawn to the distinction between the Council's 'Overview' (policy development) and 'Scrutiny' (decision-making) responsibilities and the need to ensure that adequate resources are directed towards overview activities and the influencing of policy development through appropriate pre-scrutiny where necessary, which may not have routinely been the case in the past. The recent decision of the Cabinet with regard to the Accommodation Strategy and the possible relocation of services to North Weald, which had been subject to call-in, has been highlighted to the Panel as an example of an issue that might have benefitted from increased overview arrangements, although we would take this opportunity to remind the Committee that it has an opportunity at each meeting to review the Cabinet's forward plan of key decisions, to identify areas for appropriate pre-scrutiny activity.
21. The Panel considers that there is a need for active engagement between the Cabinet and overview and scrutiny on identified matters of concern. We therefore suggest that the Cabinet should be encouraged to utilise the overview and scrutiny framework for policy development and pre-decision scrutiny wherever necessary. The consideration of proposed policy and decisions before they are made provides an important means to influence such matters and to challenge assumptions that may have been made as the policy or decision is developed. Scrutiny can bring a different perspective to the policy and decision-making process and looking at a decision before it is made can be a more

effective means of scrutiny than looking at a decision after it is made (through the call-in process), when the opportunity to influence and change the decision was limited. We also considered that the Overview and Scrutiny Committee should be encouraged to utilise its existing opportunity for the review of the Cabinet's forward plan of key decisions at each meeting, to proactively review specific executive decisions to be taken over the period of the forward plan.

22. We also consider that this option would present a clear scope for the activities of each select committee and that the proposed framework would generate efficiencies through a reduction in the number of select committees. The proposed select committee framework would also continue to provide for relevant scrutiny activity to also occur by way of the establishment of task and finish panels (as necessary) by the Overview and Scrutiny Committee, to support the delivery of work programme activity. We consider that it is also beneficial for task and finish panels to be managed, where appropriate' along the lines of the working groups previously established by the Council.
23. The Panel is not proposing that the new select committees be strictly aligned to the Council's service structure, as has been the case with previous iterations of the framework, as it is our intention that the select committees should have cross-cutting responsibilities. We propose that the review of performance against 'key' customer satisfaction measures be a function of the new Stronger Communities Select Committee. This will also include member satisfaction with services provided by the Council and we have also highlighted the importance of the consideration of service performance in relation to business as usual activity, particularly where performance measures or other intelligence indicates reduced levels of customer satisfaction. We understand that work is being undertaken to define relevant customer satisfaction performance targets and measures, as part of the ongoing development of the Council's Customer Service Strategy.
24. However, we consider that it is important to ensure that all services have a 'reporting' route for overview and scrutiny and arrangements will remain available for members to propose subjects for consideration or review by the new select committees, either through the Overview and Scrutiny Committee, the chairman of the select committee or the relevant lead officer for each committee. Although we understand that the designation of lead officers for the select committees and the identification of resources for each committee has yet to be agreed, we have asked the Chief Executive to consider appropriate arrangements for the chairmen and vice-chairmen of the new select committees (when appointed) to be involved in agenda planning processes for the committees.
25. That Panel has established that the Council's arrangements for securing Value for Money in its services, are subject to regular review by the Audit and Governance Committee, notwithstanding that such matters have previously been included within the work programmes of the existing select committees. The assessment of the Council's provision of Value for Money is undertaken by Internal Audit as a cross-cutting theme, incorporating how the Council makes the best use of its resources and assets, the balance of cost and performance and how the needs of residents are met, whilst also providing challenge on whether services could be done differently. We therefore consider that scrutiny of the Council's Value for Money arrangements should remain with the Audit and Governance Committee. The review of the select committee framework did not encompass the role of the Audit and Governance Committee, which is required be independent of both the Council's executive and scrutiny functions.
26. Although this approach might result in an overall reduction in the number of members appointed to select committees, we would emphasise that the Constitution allows any member to attend meetings of the committees. The Panel accept that a reduction in the number of select committees would provide reduced opportunities for member development in terms of chairmanship skills and experience, but wishes to encourage the use of existing opportunities for the establishment of task and finish panels to

support the delivery of work programme activity.

27. This option seeks to address the disadvantages highlighted with regard to the existing select committee framework and is the Panel's preferred option for the future overview and scrutiny framework.
28. However, we consider that, subject to the agreement of our recommendations, the operation of the proposed new select committee framework should be reviewed after twelve months operation, or a sooner period if considered necessary.

Performance Reporting

29. The Panel considers that the consideration of performance monitoring information (Corporate Plan and Key Performance Indicators) would be most effectively undertaken by a single select committee as part of our proposed framework arrangement. The consideration of performance monitoring information would sit most logically within the responsibilities of the proposed Stronger Council Select Committee.
30. We believe that this approach would best address the concerns of some members that reports be made as soon after the end of the relevant quarter as possible, to assist members in scrutinising performance against appropriate targets. The Panel has been advised that service directors are undertaking a review of the existing suite of performance indicators for continued relevance and to ensure that appropriate indicators are developed to bring visibility to key issues not currently subject to appropriate reporting measures.
31. We are also recommending that, in future, performance reporting against relevant objectives and indicators be made on an exception basis ('amber' and 'red' indicators) only. To further improve the timeliness of the consideration of performance monitoring information, we understand that the Chief Executive intends to progress arrangements for live system reporting to the proposed Stronger Council Select Committee, involving the presentation of live data to each meeting and removing the requirement for performance reports to be circulated with agenda packs.
32. This approach will enable the select committee to be issued with less-lengthy working agenda. Lengthy supporting documents will be published as background papers and be available online, through the committee management system.

Terms of Reference

33. The Panel has reviewed the terms of reference of the existing select committees, to ensure that these remain fit for purpose for application to our proposed new select committee framework.
34. In accordance with Article 6 of the Constitution, the terms of reference for the select committees for each municipal year are required to be agreed by the Overview and Scrutiny Committee. The draft terms of reference for the proposed new select committees are therefore attached as Appendix 2 to this report and seek to illustrate how key projects, programmes and 'business as usual' activity can be accommodated within the proposed framework of three select committees going forward.

Work Programmes

35. The development of annual work programmes for each select committee, will be a key feature of the new select committee framework that we are proposing. The Panel considers that it is important that work programmes ensure flexibility in terms of unforeseen issues, the continued use of task and finish panels and appropriate methods of scrutiny activity. However, we do not believe that items for information should be included in the work programmes of the select committees as is currently the

case in some instances, as such matters can be more appropriately delivered by way of member briefings etc.

36. The Panel also considers that reports should not be made to the proposed select committees with regard to the business of external organisations subject of member representation, as such matters may have unnecessarily congested the work programmes of the select committees in the past. Arrangements already exist for members to make reports to ordinary meetings of the Council with regard to the business of external organisations on which they have been appointed as the Council's representative and we are recommending that the Constitution Working Group be requested to consider the operation of this arrangement.
37. In accordance with Article 6 of the Constitution, the work programmes for the select committees for each municipal year are required to be agreed by the Overview and Scrutiny Committee. The draft work programmes for the proposed new select committees are attached as Appendix 3 to this report.
38. The Panel considers that items for information should not generally be included in the work programmes of the select committees going forward, as it believes that such matters could be more appropriately delivered by way of specific member briefings or through the Council Bulletin etc. The Panel also suggests that the Constitution Working Group be asked to consider the application of requirements for members to make reports to ordinary meetings of the Council with regard to the business of external organisations subject of member representation, in order that such matters also do not unnecessarily congest the work programmes of the new select committees.

Membership

39. The membership requirements for select committees, particularly in terms of pro-rata requirements and the inclusion of members that are not affiliated to a political group, are specified in the Constitution (Article 6 (Overview and Scrutiny)) and are not matters that formed part of the terms of reference of the Panel.
40. We therefore make no recommendations with regard to the membership of the new select committees, which will be determined by the Overview and Scrutiny Committee at its first meeting in the new municipal year.

Meeting Arrangements

41. We propose that meetings of the new select committees be held on a quarterly basis going forward. The calendar of meetings for the 2019/20 municipal year has recently been adopted by the Council. In agreeing the calendar, arrangements for meetings of the select committees in the next year were based on the existing framework of four committees, pending the completion of the review of the framework by the Task and Finish Panel.
42. For expediency, we propose, subject to the agreement of our recommendations concerning the adoption of a new framework of three new select committees, that meetings of the new select committees be scheduled on dates already agreed by the Council, as follows:

(a) Stronger Communities Select Committee

2 July 2019;
1 October 2019;
21 January 2020; and
21 April 2020.

(b) Stronger Council Select Committee

9 July 2019;
8 October 2019;
14 January 2020; and
14 April 2020.

(c) Stronger Place Select Committee

25 June 2019;
17 September 2019;
10 December 2019; and
24 March 2020.

43. The Panel recognises that this approach will also generate efficiencies through a reduction in the number of meetings of the select committees held each year.

Webcasting

44. To improve the perceived lack of public awareness and engagement with the current select committees, we have asked the Service Director (Customer Services) should investigate opportunities for the routine webcasting of meetings of the new select committees. The Democratic Services Manager has advised us that, wherever possible, meetings of the new select committees will be held in the Council Chamber.

Member Training

45. The Panel has been advised that the development of the member training programme 2019/20 has recently been finalised. As part of the programme, a development session for members of the Overview and Scrutiny Committee and the Select Committees will be held on 24 June 2019, focusing on skills that members need to carry out overview and scrutiny activity to best effect, including techniques, questioning skills, the assessment of evidence, making effective recommendations and monitoring outcomes.
46. We understand that further on-going training could be provided later in the year, in light of requirements arising from the operation of the proposed new select committee framework.
47. The Panel understands that the Government is preparing new statutory guidance on overview and scrutiny in local government to reflect the changing role of scrutiny over recent years. We have been advised that this guidance was expected to be published in December 2018, but is currently subject to indefinite delay. When issued, the guidance will be subject of a future report to the Committee.

Recommendations

48. We recommend as set out at the commencement of this report. The Committee is requested to consider the recommendations of our report and to specifically agree a structure proposal for the select committee framework, for implementation with effect from the commencement of the new municipal year.
49. The adoption of the proposed new overview and scrutiny framework is not a matter reserved to the Council. However, the Task and Finish Panel recommends that, subject to the agreement of its recommendations, the Council formally be advised of the future overview and scrutiny structure in view of the likely wider member interest in the establishment of the new framework.
50. This report concludes the work of the Task and Finish Panel, which does not therefore require re-appointment for 2019/20. We would like to acknowledge the contribution of the officers involved in our review of the select committee framework.

Members of the Task and Finish Panel

Councillors P. Bolton (Chairman), R. Jennings (Vice-Chairman), N. Bedford, H. Brady, G. Chambers, D. Dorrell, A. Patel, M. Sartin, H Whitbread and J.H. Whitehouse

Meetings of the Task and Finish Panel were also attended by Councillors A. Lion and G. Mohindra.