

REPORT TO CABINET

Open		Would any decisions proposed :		
Any especially affected Wards	Operational	Be entirely within Cabinet's powers to decide	NO	
		Need to be recommendations to Council	YES	
		Is it a Key Decision	NO	
Lead Member: Cllr Long E-mail: <i>cllr.brian.long@west-norfolk.gov.uk</i>		Other Cabinet Members consulted: Cllr I Devereux		
		Other Members consulted: Scrutiny Structures Task Group		
Lead Officer: Ray Harding E-mail: <i>ray.harding@west-norfolk.gov.uk</i> Direct Dial:01553 616245		Other Officers consulted: Exec Dir – D Gates, Dem Services Manager.		
Financial Implications NO	Policy/Personnel Implications NO	Statutory Implications YES	Equal Impact Assessment NO	Risk Management Implications NO

Date of meeting: 9 January 2018

REPORT OF SCRUTINY STRUCTURES AND POLICY DEVELOPMENT TASK GROUP

Summary

This report presents the conclusions of the Scrutiny Structures Task Group over a year on from the re-structure which had taken place in 2016.

The report sets out the Task Group's response to the questionnaire on Scrutiny structures generally which had been issued to all Councillors, and elicited 31 responses. The proposals to change any of the current arrangements are included as recommendations to Cabinet and Council which seek to implement those changes for the 2017/18 Municipal year.

Recommendation

Cabinet is invited to recommend to Council the following:-

- 1) **That all the current arrangements continue with the exception of those items listed below**

That the recommendations below be considered:

- 2) **That the attendance of Audit Members for Audit training should be obligatory as it is for Planning and Licensing initial training.**
- 3) **That Panels be encouraged use the powers available to them and therefore make clear recommendations on items coming before them so they can be incorporated into reports in the progress of being prepared, or taken into account at the Cabinet meeting.**

- 4) That Panels should consider their own performance indicators and they be encouraged to monitor the progress in line with the Corporate Objectives through that route.
- 5) That the number of post implementation reviews undertaken be monitored by the Joint Chairs meetings.
- 6) That in working on policy development and reviews and project programme work, Panels be encouraged to have discussions with portfolio holders :
 - For example – Cabinet Members could attend a Panel meeting at the beginning of the year to discuss their plans for the year in order to incorporate potential items into work plans in accordance with the Business Plan.
- 7) That the Leader nominate the Panel/Committee Chairs for agreement at Council with the Vice-Chairs to be appointed by the Panels/Committee.
- 8) That terms of reference be approved for Chairs of Scrutiny bodies (set out as an appendix). (NB they include the points raised in question 15 set out in the report)
- 9) That the appraisal of Chairs be investigated.
- 10) That the amended arrangements be reviewed after a further 12 months of operation.

Reason for Decision

To seek to make the roles and functions of the Council's policy development and scrutiny panels more effective and thereby enhance the good governance of the Borough Council.

1. Background

- 1.1 Following the review of the Council's scrutiny function by the Centre for Public Scrutiny in 2015, the cross party Scrutiny Structures and Policy Development Task Group made recommendations to Panels, Cabinet and Council on the structure of the Scrutiny and Policy Development Structure. Those recommendations were implemented and have been in operation for over a year.
- 1.2 The aims of the restructure and review were as follows:

Aims

The following had been considered the primary aims of the changes to the arrangements, whilst also bearing in mind the reductions in the Council's budget and staffing capacity over the previous years and into the future:-

- achieve more effective scrutiny as opposed to 'more' scrutiny;
- secure a wider member influence on policy, practice and decisions made by the executive;
- carry out more effective, in depth work rather than 'more' work;
- enhance the skills of members involved in policy review and scrutiny;
- focus time and energy where it can have most impact, on strategic policy development and new project developments of significance;
- introduce rigorous post implementation reviews of major projects and initiatives and review progress in the implementation of the Corporate Business Plan;
- add value to the decision making process.

- 1.3 Following over a year of operation with the new arrangements the Task Group reconvened to review the operation and structures. A questionnaire based on the aims of the restructure and focusing on the changes which had been made was agreed upon and distributed to all Councillors. 31 responses were received.

2 Questionnaire

- 2.1 The Task Group considered those responses and comments made and agreed recommendations as follows:

2.2 Cabinet Scrutiny and Scrutiny Liaison Questions 1, 2 & 3

The Task Group agreed, in line with the majority of comments received that the abolition of the Cabinet Scrutiny Committee to the Corporate Performance Panel (CPP) had not impacted on the ability of Members to scrutinise. It was also noted that the abolition of the Scrutiny and Overview Liaison Committee had not impacted on the management of the Panels. **It was agreed that no change should be made to the current arrangements.**

2.3 Audit

Questions 4, & 5

The Task Group agreed with the clear majority of comments made that the splitting of the 2 bodies - Audit Committee and Resources and Performance Panel had been of benefit to the direction of travel for the Audit process. The majority also agreed that the smaller number on the Committee helped its operation. **It was agreed that no change should be made to the current arrangements.**

2.4 Question 6

The majority of Members who responded had agreed that attendance by Audit Members at Audit training should be compulsory. The Task Group noted that being an Audit member did not necessarily require a finance background, and the training provided gave a good overview of the processes, challenging questioning and the spotting of trends. **It was agreed that the attendance of Audit Members for Audit training should be obligatory as it was for Planning and Licensing initial training.**

2.5 Corporate Performance Panel Question 7

The question relating to the monitoring of the Medium Term Financial Plan gave a majority response that it should remain with CPP, rather than Audit. The Council's s151 Officer had indicated that it was better carried out under CPP as the Audit Committee would carry out the audit process further down the line. **It was agreed that no change should be made to the current arrangements.**

2.5 Question 8

The role of the CPP to carry out post implementation reviews was discussed as the majority of respondents had indicated they did not feel sufficient reviews were being undertaken. Suggestions were made as to potential types of reviews which could be carried out to learn lessons from projects completed for future projects. It was also noted that this matter was already being addressed by the CPP. **The position should be monitored.**

2.6 Question 9

The responses to the question on whether call in powers were being used effectively were mixed, as no call ins had been made. The Task Group acknowledged that although Call Ins weren't being made, Panels comments and recommendations to Cabinet on matters were generally acknowledged and incorporated into recommendations. **That Panels be encouraged use the powers available to them and make clear recommendations on items coming before them so they can be incorporated into reports in the progress of being prepared, or taken into account at the Cabinet meeting.**

2.7 Corporate Objectives Question 10

Members had indicated the opinion that they agreed that focus on progress with the Council's Corporate Objectives by the panels should be increased.

The clear majority of respondents had indicated that Panels should carry out the monitoring of their own PIs. **The Task Group agreed to make this recommendation and that Panels be encouraged to monitor the progress in line with the Corporate Objectives.**

- 2.8 Development of Policies initiative and projects
Question 11
The views expressed were split on whether the Panels were effectively engaging in Policy and Project Programme Development work. **The view was taken that it would be useful for the Panels to have discussions with portfolio holders on forthcoming potential policy reviews and project programme work in order to inform their work programmes.**
- 2.9 Logistical
Question 12
12a The majority of respondents had indicated that the change to 6 weekly meetings was either working well or hadn't made any real difference. The frequency of the Audit Committee meetings was in accordance with the timetable of issues for it to consider. **It was agreed that no change to the current arrangements be made.**
- 12b The feedback on the process whereby Panels appoint their own Chairs and Vice Chairs was very mixed with a slight majority showing it had not worked well. **It was agreed that the Leader should nominate Chairs for Council approval, and the Panel/Committee should appoint the Vice-Chairs at their first meeting.**
- 12c The clear majority of Members indicated that they were content with the revised minutes format. **It was agreed that no change to the current arrangements be made.**
- 2.10 Legislative updates
Question 13
A clear majority of respondents had indicated that they were happy with the delegation to Portfolio Holders as it relates to direct implementation of government legislation. **It was agreed that no change to the current arrangements be made.**
- 2.11 Opposition rights
Question 14
A clear majority of respondents indicated that the right for opposition members to place items on an agenda worked effectively. The Task Group acknowledged that although the process had not been greatly used, it was important to have the ability in place. **It was agreed that no change to the current arrangements be made.**
- 2.12 Panel Chairs
Question 15
The question related to the role and duties of Panel Chairs, high numbers of respondents had supported the attendance at Cabinet to present any recommendations from the Panel; Meeting regularly as Chairs of Panels; Proactively manage Panel agendas with the support of lead officers. Slightly fewer had supported the further scrutiny of public services delivered by other bodies. The Task Group discussed the issues and by majority supported the points made and encouraged further scrutiny of public bodies, particularly when members sat on

them as outside bodies. **It was agreed that terms of reference for Chairs of Scrutiny bodies be proposed (attached as an appendix). (including the points in the question, would be useful to aid the awareness of members particularly if they were asked to come forward as a new Chair).**

2.13 Various

Question 16

The question invited respondents to indicate their support for the following points:

Cabinet members rather than officers to present reports to Panels; 1 - Closer Working with Cabinet members on Policy Development; 2 - Panel Chairs to be chosen by all members (not just the Panel); 3- Panel Chairs to be selected by the Leader and 4 - the introduction of performance review/appraisal of Chairs/Vice-Chairs. The highest responses were for the second and fourth suggestions, with slightly less support for 1, 3 and 4. The Task Group debated the issue of Cabinet Members presenting reports when it was noted that the line of accountability had to be clear, as Cabinet members were the directing minds for cabinet reports coming through and were the decision takers. It was agreed that where there was a strong political content Cabinet Members should present, whereas if technical, officers should also be on hand to answer technical questions.

That research into the potential for appraisals of Chairs and Vice-Chairs be undertaken.

4. Options Considered

- 4.1 The Task Group considered options as set out in the questionnaire and made recommendations in accordance with the majority view expressed.

5. Policy Implications

- 5.1 The proposals contained within this report seek to enhance the effectiveness of the Council's policy making process but do not seek to alter existing policies.

6. Financial Implications

- 6.1 The proposals contained within this report will continue to contribute to the Council's need to reduce costs by the continued reduction of the number and frequency of meetings.

7. Personnel Implications

As regards personnel implications there will be no adverse impact on staff currently in post.

8. Statutory Considerations

It is a statutory function to have a Scrutiny function.

9. Equality Impact Assessment (EIA)

(Pre-screening report template attached)

- 9.1 An outline EIA is attached. There are no equalities implications arising from this report.

10. Risk Management Implications

- 10.1 The changes proposed within this report are designed to enhance the Council's policy and decision making process and therefore should help to reduce risk attached to the introduction of new policies or major projects by achieving an earlier more in depth and effective scrutiny of proposals.

11. Declarations of Interest / Dispensations Granted

None

12. Background Papers

- previous cabinet report 5 April 2016
- Minutes of Task Group
- Questionnaire



**Pre-Screening Equality Impact
Assessment**

Name of policy/service/function	Scrutiny Review				
Is this a new or existing policy/ service/function?	Existing				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	Governance of the Borough Council policy making, project and programme approval.				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			/	
	Disability			/	
	Gender			/	
	Gender Re-assignment			/	
	Marriage/civil partnership			/	
	Pregnancy & maternity			/	
	Race			/	
	Religion or belief			/	
	Sexual orientation			/	
	Other (eg low income)			/	
Question	Answer	Comments			
2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?	No				
3. Could this policy/service be perceived as impacting on communities differently?	No				
4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?	No				
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions? If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	N/A	Actions:			
		Actions agreed by EWG member:			
Assessment completed by: Name Ray Harding					
Job title Chief Executive	Date				