

REPORT TO CABINET

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|--|-------------------------------------|---|-------------------------------|-------------------------------------|
| Open | | Would any decisions proposed : | | |
| Any especially affected Wards | Mandatory/ | Be entirely within Cabinet's powers to decide | NO | |
| | Discretionary / | Need to be recommendations to Council | YES | |
| | Operational | Is it a Key Decision | NO | |
| Lead Member: Cllr Nick Daubney E-mail: cllr.nick.daubney@west-norfolk.gov.uk | | Other Cabinet Members consulted: | | |
| | | Other Members consulted: | | |
| Lead Officer: Ray Harding E-mail: ray.harding@west-norfolk.gov.uk Direct Dial:01553 616245 | | Other Officers consulted: Debbie Gates, Sam Winter, Ian Burbidge, Becky Box | | |
| Financial Implications NO | Policy/Personnel Implications NO | Statutory Implications NO | Equal Impact Assessment NO | Risk Management Implications YES |

Date of meeting: 10 June 2015

REVIEW OF OVERVIEW AND SCRUTINY

Summary

In 2014 a Corporate Peer Challenge was undertaken at the Borough Council. One of the issues which emerged quite strongly from the review was a fairly widespread concern amongst the Members who participated that the current Overview on Scrutiny arrangements were not particularly effective. An in depth review of the Council's overview and scrutiny function was subsequently commissioned from the Centre for Public Scrutiny (CfPS). This report summarises the main findings and recommendations arising from the review and recommends a way forward to seek to enhance the effectiveness of the Overview and Scrutiny arrangements.

Recommendation

Cabinet and Council are recommended to:-

1. Receive and comment on the findings of the CfPS review.
2. Instruct officers to arrange a workshop for Members with the CfPS to consider in more depth their report and examples of good practice from similar authorities.
3. To establish a 9 Member Council Task Group to consider the CfPS report and the outcome of the Member workshop and make recommendations to Cabinet.
4. To bring a further report to Cabinet to finalise revised arrangements for the performance of the overview and scrutiny process within the Borough Council.

Reason for Decision

To respond to issues raised by the LGA Corporate Peer Review Findings Challenge and the subsequent Centre for Public Scrutiny review of the Council's overview and scrutiny arrangements.

1 Background

1.1 In 2014 a Corporate Peer Challenge was undertaken at the Borough Council. One of the issues which emerged quite strongly from the review was a fairly widespread concern amongst the Members who participated that the current Overview on Scrutiny arrangements were not particularly effective. An in depth review of the Council's overview and scrutiny function was subsequently commissioned from the Centre for Public Scrutiny (CfPS).

1.2 The review, conducted by the CfPS concluded that:-

- Overview and Scrutiny arrangements are not working as effectively as they could do in King's Lynn & West Norfolk.
- There are examples of the scrutiny function working well, such as with the development of the Tuesday Market Place Scheme but that these are the 'exception rather than the rule'.
- There was almost universal dissatisfaction with how the Cabinet Scrutiny Committee operates.
- Panel agendas tend to be dominated by Cabinet Reports and often little value is added by their consideration.
- The scrutiny process has been used for party political purposes on occasion.
- There is a positive desire from the Administration and opposition parties to change overview and scrutiny and address these issues.

2 Potential Improvements

2.1 The reviewers have put forward a number of process and structural suggestions designed to enhance the end to end process of overview and scrutiny. These include:-

- Overview and Scrutiny at the Borough Council would benefit from a more strategic approach to the work that it carries out.
- An annual work planning process involving members would be beneficial.
- Reviews should be 'signed', with clear objectives.
- Where appropriate and relevant, the process could benefit by hearing from external witnesses, incorporating site visits and input from service users.
- Consideration should be given to enhancing the feedback on Scrutiny/Panel recommendations by Cabinet.
- The Cabinet Scrutiny Committee arrangements have created a forum which encourages conflict and disputes with little or no opportunity to exert influence or effect change. Consequently, the CfPS recommends that it should be abolished in its current form.
- The establishment of a new Corporate Performance Scrutiny Committee, with a politically proportionate membership is put forward as an alternative model. The role of the new body would include holding Portfolio Holders and Senior Managers to account for policies and performance; scrutinising value for money and delivery of key

projects and programmes; inputting into the budget preparation process.

- Separating the Audit and Risk Panel from the Resources & Performance Panel in line with CIPFA guidance, reconstituting it as a separate, smaller body with a clear and focused remit.

3 Summary of Recommendations

1. There should be an annual process for developing the work programme for the panels, engaging members, officers, partners and other stakeholders to prioritise the topics for review and ensure members' work in scrutiny makes the most effective contribution possible on the most important issues facing Kings Lynn and West Norfolk;
2. The Chairs' 'sifting' meetings should be opened up to other members of the committee or panel and used as an informal member briefing and agenda-planning meeting, to agree lines of enquiry, clarify any questions of fact or interpretation that members may have, and determine the information and attendances required for the formal meetings;
3. Before any sessions with Cabinet members, officers or other witnesses, there should be pre-meetings to plan the questioning strategy and agree the desired outcomes from the session;
4. The Cabinet Scrutiny Committee should be deleted and replaced by a Corporate Performance Scrutiny Committee, chaired by an Opposition member, with an Administration member Vice-Chair, with the functions and responsibilities set out in this report, meeting four times a year;
5. The Policy Review Panels should be retained, with Administration Chairs and Opposition Vice-Chairs, but should meet formally less frequently (around 6 times a year) and should use Task and Finish Groups to carry out reviews of issues, policies and services, according to an agreed work programme;
6. The Audit and Risk Committee should be decoupled from the Resources and Performance Panel, with a smaller membership including at least one independent (non-councillor) member recruited to a defined role profile to bring additional specific skills, clearly defined terms of reference and less frequent (four times a year) meetings;
7. Consideration should be given to the role of Full Council and to how this forum could be used to enable more members to engage in policy debates on issues of particular local interest and contention;
8. There should be no Cabinet reports presented to note at either Panels or the Corporate Scrutiny Committee (with the exception of the presentation of the annual budget report, which you have committed to continue to send in the interests of member assurance) – instead there should be more effective planning and discussion with members to ensure that briefings which are prepared in paper form, and delivered verbally, reflect member priorities and interests, likely issues arising in relation to forthcoming

decisions, and likely areas of member need arising from the scrutiny work programme;

9. The induction and member development programme planned to be rolled out after the elections in 2015 should benefit from the insight of individual members to refine the content of sessions on overview and scrutiny, with a view in particular to gather members' views on content, format and timings, and covering questioning skills, understanding risk and financial analysis.

4 Discussion

4.1 The most radical/fundamental proposal put forward is the abolition of the Cabinet Scrutiny Committee and its replacement with a new Corporate Performance Scrutiny Committee. If adopted this would require some consequential changes to the Terms of Reference for the Resources & Performance and Regeneration, Environment and Community Panels, which might incorporate a rebalancing of the workloads between the two Panels.

4.2 The proposal to decouple the Audit & Risk Committee from the new Resources & Performance Panel has a clearer and stronger rationale in this context.

4.3 In terms of methodology of working, the most significant recommendation is perhaps recommendation 8, which seeks to move the Panels from the current practice of primarily focused on pre-Cabinet Scrutiny of Cabinet Reports conducted a week or so prior to the Cabinet meeting itself, towards a more self-generated, developmental, work programme. This proposed approach would incorporate some of the positive aspects of the old 'Committee' regime whereby the Panels would be involved in the development of policy and initiatives rather than merely commenting upon fully developed reports a few days before each Cabinet.

4.4 A number of proposals are included in the report itself about the distribution of the chairing of meetings, and the role of full Council. These may be considered as 'second order' recommendations which members may wish to consider/reconsider once the major proposals have been dealt with.

5 Options Considered

5.1 Whilst it would be an option to present these recommendations straight to Cabinet and Council for determination, given their significance in terms of the role of members, in particular in relation to policy formation included in these proposals, it was felt to be more appropriate to take a more measured and individual approach to their consideration.

6 Policy Implications

6.1 There are no direct policy implications arising from this report; however, they are significant in terms of the policy formation and development process.

7 Financial Implications

7.1 There are no financial implications.

8 Personnel Implications

8.1 There are no personnel implications as the overall number of meetings held would not be significantly greater than under the current system.

9 Statutory Considerations

9.1 Where a Council is operating Executive arrangements the Constitution must include provision for the appointment of one or more overview and scrutiny committees to review and scrutinise decisions and actions and make reports and recommendations to the Council or the Cabinet.

10 Risk Management Implications

10.1 There are no risk management implications.

11 Declarations of Interest / Dispensations Granted

11.1 None

Background Papers

- Centre for Public Scrutiny Report
- Peer Challenge Report