

Kings Lynn & West Norfolk review of overview & scrutiny

Introduction

Following a Corporate Peer Challenge in 2014, Kings Lynn and West Norfolk identified the need for an in-depth review of overview and scrutiny to tackle weaknesses highlighted by the CPC. CfPS was commissioned to carry out two projects:

Project 1:

- To review how effectively the current structure and arrangements for overview and scrutiny are operating;
- To identify areas of weakness and potential duplication with other elements of council governance and make initial recommendations for improvements to the structure and arrangements that can be implemented in time for the next all-out elections in 2015;
- To engage members in the review through use of focus groups and interviews and to enhance their understanding of overview and scrutiny.

Project 2:

- To engage all members in the findings of the first project to enhance their understanding of overview and scrutiny, provide examples of best practice and learning from elsewhere and generally raise awareness and appreciation of the potential of the function;
- To finalise recommendations for improvements to the structure and arrangements that can be implemented in time for the elections in 2015.

This report represents the conclusion of the first project following fieldwork carried out in Kings Lynn and West Norfolk in November and December 2014 by Jessica Crowe and Ed Hammond of CfPS, and is presented as an interim report for discussion with the council and to use as the basis for a member development session as set out in Project 2. We would like to thank the council for their assistance in arranging the interviews and focus groups and to thank all those to whom we spoke for their openness and willingness to contribute their views. The content of the report is as follows:

1. Summary of recommendations
2. Overall findings and impact of Overview and Scrutiny
3. Ways of working
4. Structural issues
5. Relationships between Overview and Scrutiny and other member functions
6. Next steps

1. 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.

2. Findings and overall impact of Overview and Scrutiny

- 2.1. Overview and Scrutiny is not working as effectively as it could do in Kings Lynn and West Norfolk. Some examples of valuable and valued input from scrutiny were shared with us, such as the development of the Tuesday Market Place, where members were felt to have been able to influence and shape the direction of the project following proposals being taken to the Panel at an early stage for debate and input. In the past scrutiny is felt to have had more impact, with examples of where Cabinet plans were changed as a result of valid points being raised by scrutiny members, for example resource allocation was changed as a result of scrutiny raising concerns based on statistical evidence about quality of life in the more deprived wards, and alternative recommendations were made and accepted around proposals for taxi regulation.
- 2.2. However, there was universal dissatisfaction with how the Cabinet Scrutiny Committee is operating now (from the Administration, Opposition and officers alike), and a feeling that the Policy Review Panels were not fulfilling their intended purpose of enabling members to influence policy at an early stage.
- 2.3. We observed and were told about ways of working that would be considered poor scrutiny practice, including agendas dominated by copies of Cabinet reports for noting, lengthy officer presentations and unplanned and poorly-focused questioning on matters of operational detail, which missed opportunities to challenge officers on financial and other risks. Opposition members expressed frustration about access to information and it is acknowledged that pressures around workloads mean that sometimes the timescale for decisions does not enable sufficient member input. Equally there was concern expressed that some members use the scrutiny process for overtly party political purposes and that frustration on all sides is exacerbating political tensions and contributing to poor relationships and behaviours.
- 2.4. However, there is a positive desire from both the Administration and members of the Opposition to change overview and scrutiny and address these issues, a willingness to learn from others' experiences and good practice, and a wish for more members to be able to contribute to policy review and development. Members were also pleased that an external review was being carried out and that the recommendations of the LGA Peer Challenge were being acted upon.

3. Ways of working

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- 3.1. Overview and Scrutiny in Kings Lynn and West Norfolk needs a more strategic and considered approach to the work that it carries out. Currently there is a lack of transparency about how and why items are placed on agendas, which drives suspicion about motives and means that scrutiny may not be focusing on the most important issues. There is a need to balance the desire for members to have an input with the resources available and hence a need to prioritise and support members to focus on the most important issues for the council.
- 3.2. We recommend that there should be an annual work planning process, involving an informal workshop with members, officers and other stakeholders and partners, to identify the issues that will be important during the coming year and agree the opportunities for overview and scrutiny to review performance, comment on proposals and shape policy direction at the earliest possible stage. This should lead to the creation of an annual work programme for overview and scrutiny, including those issues which will be considered in more depth using task and finish groups overseen by the Panels. Task groups are felt to have worked well in the past in Kings Lynn and West Norfolk but there needs to be common agreement about their scope, purpose and timescale and also the resources required to support them effectively to deliver their objectives.
- 3.3. The current Chairs' 'sifting' meetings are felt to have worked well in the past as a means to shape the agendas and plan objectives for the formal meetings. We recommend that these should be open to all members of the Committee or Panel, with an expectation that the Chair, Vice-Chair and other party leads will attend to develop a shared and collectively owned approach to how the Committee or Panel is going to work. These meetings should focus not solely on the agenda items but also on agreeing lines of enquiry, clarifying any questions of fact or interpretation that members may have, and determining the information and attendances required for the formal meetings. They should be properly supported by senior officers who can ensure the required actions are taken.
- 3.4. Task groups similarly need to plan their evidence-gathering and lines of enquiry effectively in advance. Reviews need to be scoped, with clear objectives and active consideration given to hearing from external witnesses and going out of the town hall on site visits and to meet service-users and members of the public. We understand that in the past Panels and task groups have sometimes had external people in to talk to them, and that this has been felt to be positive, for example in the review of taxi regulation and as part of developing a Heritage Lottery Fund bid. This needs to become more of the norm of how overview and scrutiny works in Kings Lynn and West Norfolk. Otherwise scrutiny is simply duplicating the officer reports and views provided to Cabinet and is not adding value by considering and bringing in other perspectives.

3.5. We further recommend that before any evidence-gathering or witness-questioning session, the task group needs to meet informally to agree on the questions to be asked, how the session is going to be run, and what the information is that the group needs to get out of it. These kinds of pre-meetings have been found in other councils to enable members to get more value out of their meetings and to feel that they have been able to achieve what they wanted to from their scrutiny reviews.

3.6. Finally, there does not appear to be a robust mechanism for requiring Cabinet to respond formally to scrutiny recommendations or for scrutiny to receive feedback on progress with implementation of recommendations that have been accepted. The currently vague and brief reference to Cabinet providing feedback on their consideration of items referred to it by overview and scrutiny in the Scrutiny and Overview Protocol should be tightened up to include a requirement to respond setting out proposed actions in response to recommendations and giving reasons where recommendations are not accepted, and a default 6 monthly report back on action to implement recommendations unless a different period is agreed with scrutiny.

4. Structural issues

4.1. We do not feel that the Cabinet Scrutiny Committee as currently set up serves a useful purpose, in fact quite the opposite: meeting to consider reports where the decision has just been taken by Cabinet seems to have created a forum which encourages conflict and dispute without the opportunity to influence or effect change. Everyone to whom we spoke is highly frustrated by it and we recommend that it should be abolished. However, it is acknowledged that there must be an effective alternative means to challenge and scrutinise the performance of the Administration members and senior officers. The Scrutiny and Overview Liaison Committee also seems not to be working as intended, with infrequent meetings and a lack of clear business. We recommend that this body is also deleted.

4.2. We recommend instead the creation of a new Corporate Performance Scrutiny Committee, chaired by the Opposition, with an Administration Vice-Chair and politically proportionate membership, including the Chairs of the Policy Review Panels. This body should have the following functions and responsibilities:

- To hold Cabinet members and directors to account for policies and performance, through themed challenge sessions based around issues identified from corporate performance reports;
- To scrutinise value for money and delivery of key projects and programmes;
- To shadow the development of the budget, drawing on its other responsibilities in bringing ongoing and constructive scrutiny to bear on the budget-building process in-year;

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- To consider benchmarking, complaints and compliments and other feedback data alongside officer reports to provide members with an evidence-based approach to challenge and scrutiny;
 - To act as a coordinating and oversight body for the Panels, to keep track of the work programme in consultation with Panel chairs and to adjudicate where there are different views about which Panel should carry out a particular piece of work.

4.3. The creation of this new body will necessitate changes to the terms of reference of the Panels being retained. We will draw together some examples of authorities who operate similar arrangements for the purposes of comparison. For instance, in relation to call-in, we would recommend that the scrutiny of decisions made but not implemented rest with the Council's existing Review Panels. This ensures that the committee with most relevant knowledge and expertise takes the lead in considering a key decisions which has been called in.

4.4. Our recommendations for the chairing of this new body are that it should be chaired by an opposition party member, with a vice-chair from the administration's party. This reflects the current arrangements for Cabinet Scrutiny. It is an arrangement which, with appropriate support, can work well. This recommendation reflects both concerns expressed to us by Opposition members about the availability to them of formal roles, and the fact that administration members have no desire to take on this role, insofar as they have talked to us about it.

4.5. The Policy Review Panels are felt by most to work better and to have provided useful opportunities for members to act as a sounding board for the early development of proposals and to get involved in developing new policies. However, over time some of the Panel meetings seem to have become over-focused on simply receiving Cabinet reports in the cycle before they go to Cabinet for decision, which is too late in the process to enable members to have a real impact or influence on the direction of policies. Their remit as set out in the constitutional briefing notes is somewhat restrictive and overly focused on the Cabinet forward work plan and decisions and could be broadened to match the statutory right for overview and scrutiny to consider any matter that affects the local authority area or its citizens.

4.6. We recommend retaining the two Panels with their current focus in terms of areas covered and with Administration Chairs. However, to improve relations and enable Opposition members to feel more engaged with the process, we recommend that Vice-Chair positions should be given to members from Opposition parties. There should be clear role profiles for Chairs and Vice-Chairs so that they are clear about their responsibilities to lead and direct overview and scrutiny effectively and deliver its objectives and they should provide an Annual Report to a meeting of Full Council to enable all members to hold them to account for fulfilling this function.

4.7. The constitution and operation of the Audit and Risk Panel does not meet accepted good practice in terms of Audit Committees, notably the CIPFA guidance that it should be independent of scrutiny as well as Cabinet. Research (see for example, Mirror Mirror: reflecting improvement through review and challenge, CfPS 2012) suggests that Audit Committees work best when they have a clear and relatively narrow remit, focused on assurance and good governance, as well as the statutory responsibility to receive and review the Accounts and Annual Governance Statement.

4.8. We recommend that the Audit and Risk Panel is reconstituted as a separate, smaller body with a clear and focused remit, meeting around four times a year. We recommend that the Council considers recruiting an independent (non-councillor) Chair, against a defined role profile, to bring in external expertise, particularly around financial matters. While audit should be independent of overview and scrutiny, there is value in coordinating work programmes, and the Audit Panel Chair should be invited to the annual work planning workshop and to attend some Corporate Performance Committee meetings to provide an update on their work.

Relationship between scrutiny and other member functions

4.9. We have not looked in detail at how Full Council works. However, it seems to us, given the concerns expressed to us about the large numbers of councillors on Kings Lynn and West Norfolk Council and the feeling of disengagement that some seem to feel, that Full Council could be better integrated with the work of the Panels, providing further opportunities for those not formally involved in one of the O&S bodies to get involved in influencing policy. We recognise that significant time is set aside at meetings for public questions, and for questions to Cabinet Members (more than in other authorities, and practice to be commended). However, a proactive approach to agenda management for Full Council could enable major policies to be debated by more members as they are under development, at the time when such wide-ranging member insight would be valuable. Such debates could be informed by discussions at the Panels. The Chair and Vice-Chair of the Corporate Performance Scrutiny Committee should be invited to council agenda planning sessions to identify opportunities for discussions on scrutiny review topics and to enable Panels to report and present their findings to Full Council for debate. We recognise that such an approach will be appropriate for a certain number of topics. It may be that it provides a useful tool for the council to use prior to agreeing its budget and policy framework; it may also afford an opportunity for the authority to secure political assurance well in advance of major or contentious policy decisions, preventing delay later.

4.10. We observed and were told about scrutiny meetings being used by members to find out information that they feel entitled to but unable to access through other means. Member did acknowledge however that information was available on the intranet and

that this had improved recently, and we are aware that it is usual practice to offer briefings to members prior to virtually every Full Council meeting on a wide range of topics. We are also aware that frequent member bulletins are distributed to councillors as well. However, given councillors' concerns, and the need to ensure that overview and scrutiny does not operate as a supplementary information sharing function, we recommend that steps are taken to refine the approach that the council takes towards briefing members, with members being consulted on the topics they want to see covered at such briefings, and using the Forward Plan to identify topics in a timely fashion. We consider that this might serve to reduce the amount of information that is shared with councillors, allowing a focus more on areas of identified councillor need, which itself will serve to manage demand for more information.

- 4.11. If as a result of briefings, members identify a concern that requires further investigation, they can request it be referred to overview and scrutiny. However, it is important that there are checks and balances so that overview and scrutiny's work programme is not pushed off course by ad hoc items. Members should be encouraged to identify in such requests the purpose of an item being scrutinised, what outcomes they want to see and whether there is a genuine opportunity to influence a policy or service through a scrutiny review. The Gloucestershire "Scrutiny on one page" approach can help determine whether an issue is suitable for a scrutiny inquiry (see Appendix 1) and could be adopted here.
- 4.12. With a more focused and refined system of member briefings, and a work programme for the Policy Review Panels which enables scrutiny members to influence policies and proposals at an early stage before they have reached the point of becoming a Cabinet report for decision, there should be no Cabinet reports on scrutiny committee or panel agendas "for note" or "for information" unless it is as background information to inform a specific review. The agenda planning 'sifting' meetings should give officers a clear steer about the information required by members to be presented at future meetings and the emphasis should be on presenting information in a concise and accessible format, for example through presentations or briefing notes, rather than a formal committee-style report.
- 4.13. Finally it was acknowledged by a number of interviewees that at the present point in the electoral cycle, there was a degree of ill-feeling and disengagement amongst the member body. We feel that the forthcoming all-out elections in May 2015 offer a great opportunity for a fresh start for overview and scrutiny. We note the plans for member induction post-election, of which overview and scrutiny training is a part. We recommend that this training be used as an opportunity for a common understanding of the role and purpose of overview and scrutiny to be created amongst all members. In order to achieve this end, it may be necessary to arrange more than one session, with smaller groups of councillors, depending on their respective levels of skill, experience and

knowledge, before bringing them together in a larger group. The programme should draw on views of current elected members (“things I wish I’d known when I was first elected”) and should also include a basic introduction to core scrutiny practices and skills such as questioning skills, risk analysis and financial scrutiny. The momentum from these development sessions will need to be harnessed to deliver meaningful change.

5. Next Steps

5.1. This report is presented for discussion with the Chief Executive in the first instance as the commissioner of the review, with a view to then being circulated as a draft interim report to all members as the basis for an all-member development and discussion session.

5.2. We look forward to continuing to work with you to help improve overview and scrutiny in Kings Lynn and West Norfolk. Although this report has identified a large number of weaknesses, we believe that the elections do offer a good opportunity for a fresh start and, more importantly, that there is a genuine desire to improve overview and scrutiny from all parties on the Council. We hope that this report can be used as a positive step towards this improvement and it is presented in that light; the Council is to be commended for its openness and willingness to be challenged in order to improve.

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Appendix 1

Gloucestershire: Scrutiny on one page principles

When a member requests that an item goes to scrutiny or a task group should be constituted to investigate a particular issue, they are asked to complete a single page document setting out the purpose of their request for scrutiny and demonstrating how their request meets the following four principles:

- setting up a task group only when a clear public demand for one gives you a powerful mandate with which to carry out an inquiry;
- applying scrutiny only to issues and organisations that you have a legitimate opportunity to engage with and influence;
- understanding when a 'narrow and deep' method of scrutiny is of greater value than one that is 'broad and shallow'; and
- being flexible in how you conduct scrutiny to tailor it to the different demands of each situation.

(source: The state of accountability 2013 (CfPS 2013): essay by Cllr Rob Garnham, Gloucestershire County Council)