

REPORT TO CABINET

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: <i>cllr.nick.daubney@west-norfolk.gov.uk</i>		Other Cabinet Members consulted: Cllr Alistair Beales		
		Other Members consulted: Task Group		
Lead Officer: Ray Harding E-mail: <i>ray.harding@west-norfolk.gov.uk</i> Direct Dial:01553 616245		Other Officers consulted: Sam Winter / Debbie Gates		
Financial Implications YES	Policy/Personnel Implications YES	Statutory Implications YES/NO Yes	Equal Impact Assessment YES	Risk Management Implications YES

Date of meeting: 5 April 2016

REPORT OF SCRUTINY STRUCTURES AND POLICY DEVELOPMENT TASK GROUP

Summary

This report presents the interim conclusions of the Scrutiny Structures and Policy Development Task Group in response to the report of the Centre for Public Scrutiny (CfPS) report and the feedback from the member workshop held on 8th October 2015.

It also makes a number of recommendations to Cabinet and Council which seek to implement the principle recommendation of the CfPS report with effect from the beginning of the municipal year 2016/17.

Recommendation

Cabinet is invited to recommend to Council the following:-

1. That the Cabinet Scrutiny Committee and the Scrutiny and Overview Liaison Committee are abolished.
2. That the Audit Committee be 'decoupled' from the Resources & Performance Panel, and reduced in size to nine members with a meeting schedule linked to key audit events.
3. That the Resources & Performance Panel be renamed as the Corporate Performance Panel and it's terms of reference be extended to provide for the Panel to consider the following:-
 - call-ins of Cabinet decisions;
 - post implementation reviews of both major projects and significant

- policy changes/introduction of new policies;
- Monitoring of the Medium Term Financial Plan.
4. That the Terms of Reference for all Panels be amended to explicitly place a greater emphasis on 'policy development' of proposed policy changes and new projects/initiatives, incorporating, where appropriate, clear recommendations for Cabinet and Council to consider.
 5. That Council, Cabinet and Panels move to a six-weekly cycle of meetings and that the programme of meetings attached at Appendix 1 be adopted for 2016/17.
 6. That in future years Panels elect their own Chairman and Vice Chairman.
 7. That the recording of meetings be changed to provide for a more succinct summary of discussion, decisions taken/recommendations made and the principle rationale for the decisions taken.
 8. That additional member scrutiny and policy development training be arranged to coincide with the introduction of the above changes.
 9. That the scheme of delegation be amended, delegating authority to Portfolio Holders to authorise the implementation of policy changes required as a consequence of the introduction of primary or secondary legislation by government. Noting that Portfolio Holder delegated decisions are open to scrutiny and the call-in process in the same way as Cabinet decisions are.
 10. That the Democratic Services Manager and Legal Services Manager be instructed to draft the consequential changes to the Council's constitution to give effect to the proposals outlined above.
 11. That the Task Group be invited to undertake a subsequent review of the Council's constitution and the effectiveness of the changes made, ... results following the implementation of the changes..
 12. That Cabinet and Council consider the minority proposal as to whether the position of Vice Chairman of the Audit Committee and the Corporate Performance Panel be reserved to members of the opposition parties, or alternatively that each member on a Panel be entitled to place at least one item as of right their choosing on each Panel agenda.

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 a Corporate Peer Challenge in 2014 which highlighted the potential to considerably improve the Council's Scrutiny and Overview functions the Centre for Public Scrutiny was invited to undertake a review of the Council's scrutiny function.
- 1.2 This review was undertaken in the early part of 2015 and a report (Appendix 2) with a series of wide ranging recommendations was prepared for consideration by Cabinet and Council.
- 1.3 Cabinet, upon consideration of the report in 10th June 2015, subsequently agreed to invite the CfPS to hold a member workshop with councillors and senior officers to consider the report and the recommendations contained therein. Cabinet also agreed to establish a cross party Scrutiny Structures and Policy Development Task Group to consider both the CfPS report and the deliberations of the scrutiny workshop. The workshop was held on 8th October 2015, the notes of which are to be found at Appendix 3.
- 1.4 The Task Group has subsequently met on three occasions to date. At the first meeting the Task Group considered the context for any proposed changes and in particular the anticipated reduction in the Council's budget and the consequent reduction in officer capacity within democratic services, senior management and service areas. In light of the scale of the reductions, it should be anticipated that there will, in the remaining period of this administration, be a significant reduction in the organisation's capacity to undertake new initiatives, and hence the workload of both Panels and the Executive.

2. Aims

- 2.1 The Task Group considered the primary aims of any proposed changes to the current arrangements were to:-
 - 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.

3. Discussion

- 3.1 The Task Group went on to consider ways in which Panels might most effectively be involved at an early stage to support good policy development. Case studies in relation to the Tuesday Market Place enhancement scheme and the development of the Major Housing Schemes were presented to assist this process.
- 3.2 The Task Group also reflected on the importance of the Panels developing their own annual work programmes drawing on the Corporate Business Plan and associated Directorate and Service Plans including reviewing major projects and initiatives. This would contrast with the current position where the agendas of the following weeks Cabinet meeting largely drive those of the Panels.
- 3.3 The role of Panels in working as a 'critical friend' to Cabinet and Portfolio Holders was also considered to be important.
- 3.4 The Task Group reflected upon the merits of extending the meeting cycle, providing longer periods between meetings in light of the probability of reducing work programmes. The proposal that Cabinet and Council be invited to declutter agendas by extending the authority delegated to Portfolio Holders in respect of legislative driven changes would also make a longer meeting cycle more tenable.
- 3.5 The Task Group concluded that it should recommend to Cabinet that the meeting cycle be extended and considered the merits of both an eight week cycle and a six week cycle before on balance coming down in favour of the latter. No changes were considered to the arrangements for regulatory committees which were out with the scope of the Panels' Terms of Reference.
- 3.6 The Task Group, at an early stage, supported the CfPS recommendation that the Cabinet Scrutiny Committee in its current form be abolished in light of the widespread member feedback that the current arrangements did not work at all effectively.
- 3.7 The focus of the Task Group's consideration then turned to how best to give effect to the aims set out above. Ultimately it was felt that the proposals set out in recommendations together with 1. to 4. and recommendation 8. best deliver greater member involvement in decision making, together with more constructive and insightful pre and post implementation scrutiny.
- 3.8 Taking into account the impact of the local government finance settlement for district councils, the Task Group considered that recommendations 5 and 7 would appropriately respond to the organisation's reducing capacity and the consequent need to reduce the costs of democracy (alongside the reductions required in all other aspects of the Council's operations).

- 3.9 Recommendation 6. relates to the significance attached to securing a greater level of independence of the policy development and scrutiny function from the executive by ceasing the practice whereby the Leader of the controlling group directly appoints the Chairman and Vice Chairman of the Panels.
- 3.10 Recommendation 10. relates to the need to update the Council's constitution to reflect the changes proposed and a need to subsequently undertake a more comprehensive review of the constitution.
- 3.11 This recommendation reflects the need to review the success of the changes proposed, and to review the revised Constitution in the ...
- 3.12 Recommendation 12. reflects the view expressed by some members of the Task Group that political groups outside of the ruling administration should have a voice when scrutiny and policy development agendas are set. It is therefore proposed that each Panel Member be entitled to place at least one item on each Panel agenda.

4. Options Considered

- 4.1 A wide range of options were considered by the Task Group as outlined in the original CfPS report.

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

6. Financial Implications

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

7. Personnel Implications

8. Statutory Considerations

- 8.1 Councils which operate "executive arrangements" (those who have a leader and cabinet, or an executive mayor) must have at least one overview and scrutiny function. It is considered that the proposed arrangements meet the statutory requirements.

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

12. Background Papers

- Calendar of Meetings 2016/17
- Peer Review
- Scrutiny Workshop Notes of 8th October 2015
- Post Cabinet Report
- Minutes of Task Group

Appendix 1



Calendar of Meetings
2016 17.pdf

Appendix 2



CfPS Review.pdf

Appendix 3



Scrutiny Workshop
Notes 08 10 15.pdf



**Pre-Screening Equality Impact
Assessment**

Name of policy/service/function	Democratic Services				
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				

Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.