



Scrutiny review – March 2019

1 Why are we reviewing scrutiny?

- 1.1 The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the Council and, if done well, amongst other public service providers too. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failures.
- 1.2 The Peer Challenge in June 2018 identified the need to ensure effective and transparent challenge by reviewing the structure and impact of the Council's scrutiny arrangements. It recommended members should be equipped with the necessary skills and tools and that the review should reinforce and support good effective governance.
- 1.3 While scrutiny has matured in Gloucestershire over the years, it still faces challenges. One of these challenges is keeping members informed of what is happening at the Council and providing information at the right time. Members have also signalled that they want to lead their own development.
- 1.4 The Communities and Local Government Select Committee undertook an inquiry into the effectiveness of scrutiny in local government in 2017. The select committee's report identifies a number of areas for improvement. The Government will shortly be producing some national scrutiny guidance in an effort to address some of those concerns. The guidance will not affect the current legislative provisions around scrutiny but it will cover some key areas including culture and mindset, resourcing, selecting committee members, powers to access information, work planning and evidence gathering.

2 Review process

- 2.1 At the Overview and Scrutiny Management Committee held on 28 September 2018, members considered the current scrutiny arrangements and agreed that two workshops should be held. Subsequently workshops were held on 25 October 2018 and 14 November 2018 with members from across the Council

in attendance, including Cabinet Members. Ann Reeder facilitated both sessions with support from Paul Dean, former Statutory Scrutiny Officer at East Sussex County Council, and John Cade, Institute of Local Government Studies (INLOGOV) and former Director of Scrutiny at Birmingham City Council. All three are or have been consultants with the Centre for Public Scrutiny which promotes good scrutiny practice in local government and related sectors.

- 2.2 The outcome of the workshops was considered at the Overview and Scrutiny Management Committee meeting on 30 November 2018. Lead members of the Overview and Scrutiny Management Committee met on 4 January 2019 to bring together the key issues emerging from the review and to identify the next steps.
- 2.3 At the Overview and Scrutiny Management Committee held on 23 January 2019, the discussion focused around a number of questions to shape the future scrutiny arrangements at the Council.
- 2.4 A further workshop, facilitated by Ann Reeder and John Cade, took place on 25 February 2019. Members from across the Council attended the session and, although there was not a common view on all areas, a majority view began to emerge on the shape of a new scrutiny structure.

3 Scrutiny culture

Throughout the review, a number of key principles have been identified:

- a) There should be 'parity of esteem' between executive and scrutiny members. The executive should be open to scrutiny, recognising that this relies on effective working relationships and trust on both sides.
- b) Scrutiny committees should be non-political and constructively challenge the 'issues' and outcomes, rather than act as a mechanism for scoring political points.
- c) Effective scrutiny does not act as a rubber stamp but rather needs to set its own agenda. This means that scrutiny should not be directed by the Cabinet or full Council. It may be that full Council asks for an issue to be examined but such requests should not dominate scrutiny agendas and it is up to individual scrutiny committees to determine how and when reviews are undertaken. Referrals from Council should be considered at the start of scrutiny meetings as part of the work planning process and take into account available capacity.

- d) Members have a personal responsibility to ensure that they are adequately prepared for meetings. Where necessary, this includes undertaking background research.
- e) Members should ask probing questions and not abandon issues in the face of vague answers. They should ask follow-up questions seeking more information, including timelines.
- f) There needs to be wider awareness of national issues. For example, considering the impact of the Government's Fairer Funding Review for Local Government and the imminent Adult Social Care Green Paper.

4 Scrutiny working practices

Through the Overview and Scrutiny Management Committee and the workshops, members have reached a consensus of opinion on the following:

- a) It is recognised that full Council and Cabinet are the most appropriate forum for public questions but there should be an opportunity for representations at the start of each scrutiny committee. In the first instance, it is proposed that this is subject to a six month trial for the Health Overview and Scrutiny Committee. In line with the procedure for questions at Cabinet, a member of the public should give notice of their intention to make a representation three clear working days before the meeting. The same opportunity should be afforded to county councillors who are not members of the committee. The trial should be limited to 2 minutes per representation with a maximum period of 20 minutes allocated for both public and member representations. All representations should strictly relate to matters covered on the agenda.
- b) In an effort to raise the profile of scrutiny, better use should be made of social media (#GCCScrutiny) to encourage public engagement ahead of meetings and whenever possible meetings should be webcast. Where appropriate, meetings could be held away from Shire Hall if there are topics under discussion that relate to a particular part of the county, service or organisation.
- c) Scrutiny task groups and workshops should be used on a more regular basis. Task groups allow members to work together more cohesively without party politics in undertaking 'narrow and deep' reviews into particular issues.
- d) Scrutiny should take ownership of Member Development through a small group of members drawn from across the Council. This will ensure that members get the support they need when they join the Council and have access to ongoing advice and support in their role as a County Councillor.

- e) In line with best practice advocated by the Centre for Public Scrutiny, committee agendas should be stripped back to ensure that they are not too lengthy and focused on one or two key issues.
- f) Effective work programming is integral to ensuring that scrutiny is effective. More responsibility could be taken by each committee rather than through Overview and Scrutiny Management Committee. A good work programme is more likely to result in effective and timely work that affects local people and adds value. The list of forthcoming executive decisions, formerly the 'cabinet forward plan' is a key source of information for scrutiny members. The Council needs to use its resources wisely and recognise that it is not possible to scrutinise everything – 'it is more dangerous to dabble than to leave an issue completely alone'. Each committee should follow a consistent approach to work planning with the involvement of lead members. The work programme should be at the top of each agenda, to allow a short discussion (time limited to 10 minutes) at the start of each meeting.
- g) Greater clarity is needed on the role of officers at meetings. It is recognised that officers support all 53 county councillors but some members raised concern around a potential conflict of interest for Directors who support the Executive and provide advice to Scrutiny Committees. The Directors fulfill a critical role in providing information on their service areas but it is important that non-executive members, particularly committee chairs and vice-chairs, take the lead at meetings. It is the responsibility of the Statutory Scrutiny Officer to ensure that each committee receives an adequate level of support through Democratic Services and other officers. In undertaking their role, the Statutory Scrutiny Officer should work closely with the Chief Executive, Monitoring Officer and Section 151 Chief Finance Officer in ensuring that an appropriate level of resources is provided to support the scrutiny function.
- h) The quality of officer reports needs to be improved by ensuring that they avoid technical language (use 'Plain English') and follow a standard format including an executive summary. The expectation will be that members will have read reports and if officers need to present them, then their presentation will usually be limited to a maximum of 5 minutes.
- i) The practice of submitting reports for noting should be avoided. Scrutiny should not become a 'talking shop' with no tangible outcomes. There is an important role for the chair, vice-chair and support officer in ensuring that there is an outcome for each item. The question should always be 'Why is this coming to scrutiny and what is its purpose?'. Topics that do not require scrutiny can be covered by member briefing notes or incorporated within the Member Development Programme.

- j) The Statutory Scrutiny Officer in promoting the scrutiny function and acting as a source of independent advice to non-executive members should be formally recognised within the Council's organisational structure. The Communities and Local Government Select Committee's inquiry into the effectiveness of local government scrutiny highlighted the importance of this role in promoting a scrutiny culture which is embraced by both non-executive and executive members. Steps should be taken to document the role including the relationship with Cabinet Members, Corporate Management Team and Statutory Officers (Head of Paid Service, Monitoring Officer and Section 151 Chief Finance Officer).

5 Scrutiny committee structure

- 5.1 The Council's scrutiny structure currently comprises five committees: Overview and Scrutiny Management, Health and Care Scrutiny (with co-opted district members), Children and Families, Environment and Communities, and Economic Growth (with co-opted district members). The Audit and Governance Committee sits in the 'scrutiny family' of committees in the constitution and the Council is the host authority for the Police and Crime Panel, a joint scrutiny committee comprising County Councillors, District Councillors and Independent Members.
- 5.2 A piece of work has been undertaken looking at how the Council compares with the 25 other county councils in England. Although the number of scrutiny committees looks high in comparison with district councils, an analysis of the scrutiny structures in other councils shows that 12 of 25 county councils have five or more scrutiny committees.
- 5.3 Although there is not universal agreement amongst members regarding a new committee structure, a majority view with support from members in each of the political groups is emerging.
- 5.4 There are questions over the role of the Overview and Scrutiny Management Committee. Some members feel that it is struggling to define its role and is duplicating the activities of other scrutiny committees. It is recognised, however, that the chairs and vice-chairs need to come together from time-to-time to coordinate work plans. It was also considered helpful to have a space for significant strategic council-wide matters that would not easily fit under a more service focused structure.
- 5.5 There are concerns around the challenging workload of Health and Care Scrutiny and the wide remit of Environment and Communities Scrutiny. Some members proposed that the Adult Social Care remit be separated from Health and be included with Public Protection (including Fire) and other Community

Services to form a new Adult Social Care and Communities Scrutiny Committee. However, there remain concerns about splitting Health and Adult Social Care at a time when there is a growing national drive towards more integration of the two service areas.

- 5.6 There is no doubt that the Council is vulnerable at present as there is insufficient coverage of Adult Social Care, the biggest area of Council spend at around £140 million. The options are either to ensure scrutiny does happen in its current setting by agreeing more meetings or placing it elsewhere where it will get the attention it needs.
- 5.7 The latest guidance on audit committees from the Chartered Institute of Public Finance and Accountancy (CIPFA) makes clear that audit committees should not undertake other functions such as scrutiny of strategic performance and finance.
- 5.8 The Economic Growth Scrutiny Committee with co-opted members from each of the Districts is a key part of the agreement reached with the District Leaders when the Joint Economic Growth Committee was established in 2015. Removing the scrutiny committee is not a realistic option at present, particularly in light of national criticism around the lack of democratic representation and scrutiny of Local Enterprise Partnerships. It was suggested that the remit of the committee could be widened to include the Environment aspects of the Environment and Communities Scrutiny Committee including infrastructure and highways. It is expected that a Highways Delivery Board will be set up as a Cabinet Advisory Panel to cover detailed issues relating to the new highways contract.

6 Scrutiny chairs and vice-chairs

- 6.1 In selecting committee chairs and vice-chairs, account should be taken of the member's experience, expertise, interests and ability to act impartially. There is strong support amongst members for the appointment of scrutiny vice-chairs drawn from a different political group from the chair.
- 6.2 Some members believe that all scrutiny chairs should be drawn from the opposition groups but this is not a view shared across the Council. A suggestion was made that the Parliamentary Select Committee procedure should be followed whereby scrutiny chairs are appointed on a proportional basis reflecting the political balance of the Council.

7 Full Council recommendations

7.1 Recommendation 1 – Scrutiny culture

To adopt the scrutiny culture principles shown in section 3 of the report.

7.2 Recommendation 2 – Scrutiny working practices

To support the changes to working practices shown in section 4 of the report (including the formation of a Member Development Group).

7.3 Recommendation 3 – Scrutiny committee structure

- a) To disband the Overview and Scrutiny Management Committee and create a Corporate Overview and Scrutiny Committee. The committee will continue to have a co-ordinating role in terms of the management of scrutiny resources and its membership will include the chairs of the other scrutiny committees. It will, however, no longer receive reports on the activities of other scrutiny committees and its call-in powers will be restricted to those areas within its terms of reference. It will promote a scrutiny culture at the Council and have a forward-looking proactive role. Its remit will include cross-cutting issues that are not covered by the other scrutiny committees. It will continue to take the lead on scrutiny of the Council's Budget and will take the lead on scrutiny of financial matters and performance. Vision 2050 is an emerging issue which in the longer term may be a topic of particular interest to this committee.
- b) To create an Adult Social Care and Communities Overview and Scrutiny Committee whose remit will cover Adult Social Care, Public Health, the Health and Wellbeing Board, Fire and Rescue, Libraries and Public Protection (including Trading Standards and collaboration between blue-light services). This will mean that there will be a Health Overview and Scrutiny Committee (HOSC) with district representation that can concentrate on the scrutiny of health issues including the emerging proposals through the Integrated Care Plan. Children's Health Services will fall within the remit of the committee. The close links between Health, Adult Social Care and Children's Services and the national agenda around health and care mean that joint briefings and task groups will be required from time to time involving health professionals.
- c) To rename the Children and Families Overview and Scrutiny Committee the 'Children and Young People Overview and Scrutiny Committee' to reflect the breadth of activities including Early Years and Youth Support services.
- d) To create a new Economy and Environment Overview and Scrutiny Committee which combines the current remit of the Economic

Development Overview and Scrutiny Committee with the Environment elements of the former Environment and Communities Scrutiny Committee. This will be formed on the same basis as the Health Overview and Scrutiny Committee with 9 county councilors and 6 co-opted members from the District Councils. Separate sessions for county councilors will be required when the committee is considering an issue that relates only to a function of the County Council.

7.4 Recommendation 4 – Call-in

Each overview and scrutiny committee will have call-in powers for executive decisions that relate to its terms of reference. Voting on call-ins is restricted to County Council members.

7.5 Recommendation 5 – Scrutiny vice-chairs

Each overview and scrutiny committee will appoint a vice-chair and they will be drawn from a different political group to the chair. The appointments will be made at the same time as the scrutiny chairs (at the Annual Meeting of the Council).

7.6 Recommendation 6 – Changes to the Constitution

To authorise the Monitoring Officer to make the necessary changes to the Council's Constitution to reflect the new committee structure, call-ins, appointment of vice-chairs and working practices (where appropriate).

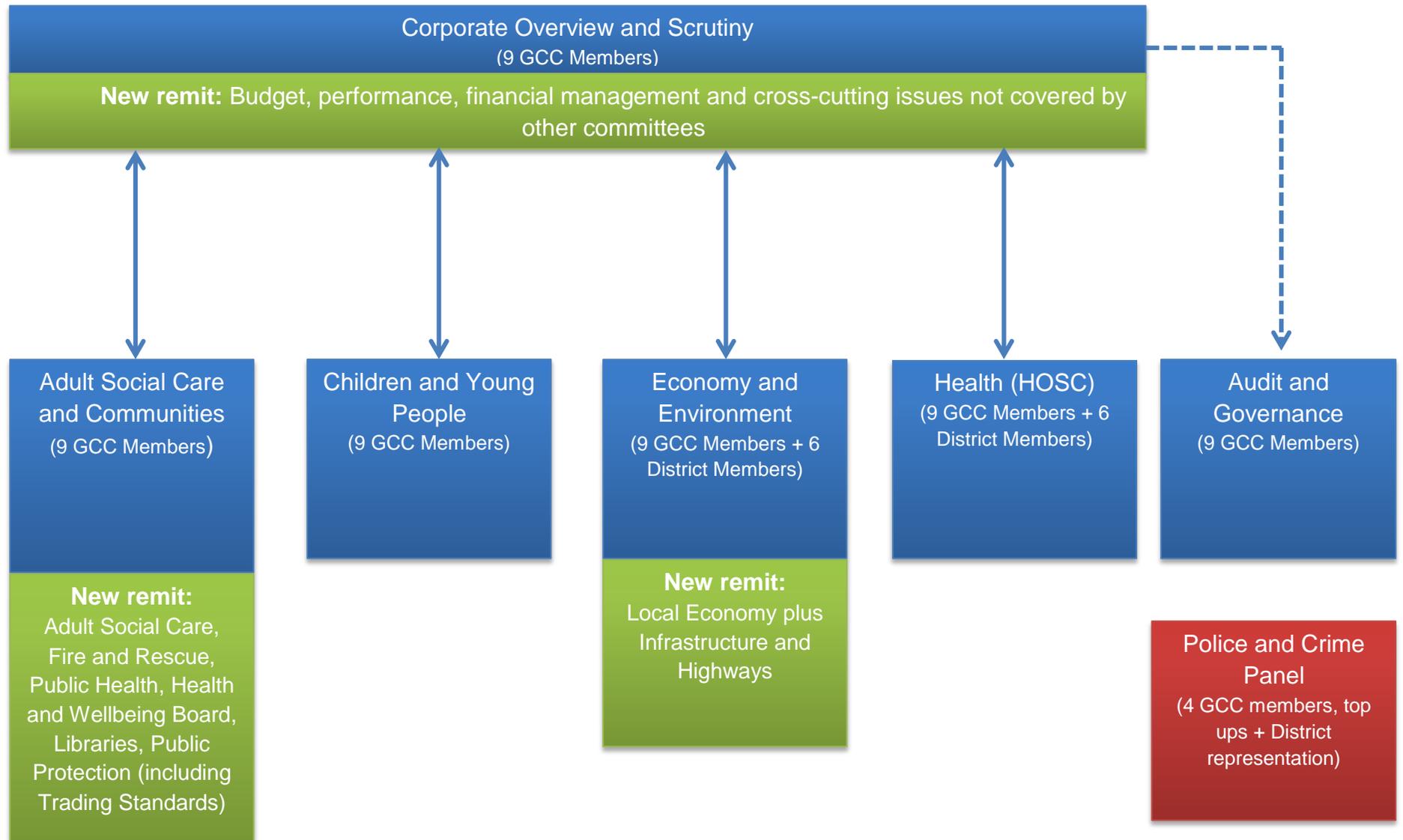
7.7 Recommendation 7 – Review

Once the new structure has embedded, to undertake a review of the new arrangements by 31 March 2020. This should include a review of resources to ensure that an appropriate level of officer support is provided.

Cllr Patrick Molyneux

Chair of the Overview and Scrutiny Management Committee

Proposed Scrutiny Committee structure - May 2019



Current Scrutiny Committee structure

