

25 February 2019

### JOINT OVERVIEW AND SCRUTINY COMMITTEE - 5 MARCH 2019

A joint meeting of Brooke Overview and Scrutiny Committee and Whittle Overview and Scrutiny Committee will be held at 6pm on Tuesday 5 March 2019 in the Seminar Room at the Town Hall, Rugby.

Adam Norburn Executive Director

#### A G E N D A PART 1 – PUBLIC BUSINESS

- 1. Apologies to receive apologies for absence from the meeting.
- 2. Declarations of Interest.

To receive declarations of – (a) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;

(b) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and

(c) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

Note: Members are reminded that they should declare the existence and nature of their non-pecuniary interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest, the Member must withdraw from the room unless one of the exceptions applies. Membership of a County Council or any Parish Council is classed as a nonpecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

3. Review of Overview and Scrutiny.

### **PART 2 – EXEMPT INFORMATION**

There is no business involving exempt information to be transacted.

#### Membership of Brooke Overview and Scrutiny Committee:

Councillors Claire Edwards (Committee Chair), Mrs A'Barrow, Keeling, McQueen, Mrs New, Pacey-Day, Picker, Srivastava and Mrs Timms

#### Membership of Whittle Overview and Scrutiny Committee:

Councillors Sandison (Committee Chair), Bearne, Brader, Douglas, Gillias, Leigh Hunt, Mrs O'Rourke, Roberts and Ms Watson-Merret

If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer (01788 533522) or e-mail linn.ashmore@rugby.gov.uk). Any specific queries concerning reports should be directed to the listed contact officer.

*If you wish to attend the meeting and have any special requirements for access please contact the Democratic Services Officer named above.* 

# Agenda No 3

# AGENDA MANAGEMENT SHEET

Name of Meeting	Joint Overview and Scrutiny Committee
Date of Meeting	5 March 2019
Report Title	Review of Overview and Scrutiny
Ward Relevance	None
Contact Officer	Steve Garrison – Support Officer
	Tel: 01788 533518
Summary	The report addresses a proposed review of the Councils Overview and Scrutiny arrangements
Financial Implications	Training costs
Risk Management Implications	There are no risk management implications arising from this report.
Environmental Implications	There are no environmental implications arising from this report.
Legal Implications	There are no legal implications arising from this report.
Equality and Diversity	No new or existing policy or procedure has been

# Public Report to the Joint Overview and Scrutiny Committee

# 5 March 2019

# **Review of Overview and Scrutiny**

### Summary

The report addresses a proposed review of the Councils Overview and Scrutiny arrangements

### 1. REVIEW OF OVERVIEW & SCRUTINY

The Joint Overview & Scrutiny Committee is requested to review the current arrangements of the Council's Overview & Scrutiny function with a view to implementing procedural improvements, increasing effectiveness, reviewing developments and assessing ongoing performance.

With this in mind, the Joint Committee is asked to consider making recommendations to Cabinet and full Council.

Following discussions at Leaders' Steering Group it was felt that the current structure of two Scrutiny Committees should be retained but that consideration should be given to a revised programme of training for members, the Senior Management Team and the Democratic Services Officers involved in Scrutiny.

### 2. CONCLUSION

The Joint Committee is asked to consider the matrix attached at appendix 1 which outlines the key areas of review together with details of the current structure and working practices. It also outlines what appears to work well and contains both officer comments and suggestions together with comments from the Scrutiny chairs.

The Joint Committee may also wish to take into account the results of the questionnaire attached at appendix 2.

Name of Meeting:	Joint Overview and Scrutiny Committee
Date of Meeting:	5 March 2019
Subject Matter:	Review of Overview and Scrutiny

# LIST OF BACKGROUND PAPERS

There are no background papers relating to this item.

Appendix 1

Area of Review	Current Structure and Working Practices	What works well?	Officers Suggestions or Comments	Comments from Scrutiny Committee Chairs
Committee structure and terms of reference	Two committees called Brooke and Whittle that have no set remit. Number of meetings – each committee has five meetings and two joint committee meetings – total of 12 meetings per annum. Membership – each committee has nine members and attendance at meetings is very good. The committee meetings and two joint committee meetings are scheduled as part of the Calendar of Meetings agreed by Council on an annual basis.	There is some flexibility in not having set remits to allow items to be considered by the next available committee so topics are dealt with in a timely fashion. However, there is an informal arrangement in place linked to the portfolio areas. Holding joint committee meetings works and gives the opportunity to involve all scrutiny committee members in wider topics of general interest. Sub-committees are not governed by the	Committees should have a set remit but retain the flexibility to consider items by the next available meeting of either committee. This would ensure items such as NOM's could be considered in a timely fashion and would allow scrutiny to be reactive in dealing with local issues. The committees could be formally aligned to portfolios and perhaps be re-named to better reflect the portfolio areas of responsibility.	NOM's referred to a scrutiny committee should be considered in time for a response to be made to the next meeting of Council on the outcome or how the NOM will be dealt with. A NOM could form part of the evidence base for a similar review topic already in the work programme. Not sure this is necessary. There would need to be a balance of workload and ensure that the committees do not fall into focusing only on internal or external matters.
	Task group reviews are scheduled into an overview and scrutiny work programme by the committee chairs.	Constitution.	Consider having one scrutiny committee with more members with task groups set up to carry out specific pieces of work. If committees wish to set up a sub-committee this should be clearly outlined in the	There would be too much work for one committee. A large committee would become unmanageable and members may feel restricted in the time allotted for questions and feel dissatisfied in their scrutiny role. This could

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	When time constrained, occasionally a committee will set up a sub-committee. Light touch reviews carried out by a committee or sub- committee are a useful way of reducing the need for a formal task group.		Constitution. In practice these are often task groups not sub-committees of the parent committee.	affect the length of meetings and make it difficult to fit the topics for discussion within a two- hour time slot. It was felt the current number of meetings scheduled in the Calendar of Meetings was appropriate. A single committee would mean a return to the overly prescriptive heavily process driven style of an overarching management board would reduce the level of flexibility. The support of technical officers is required, and external and objective research carried out by DSO's would be welcome.
Independent advice and support	The two Democratic Services Officers (DSOs) work within the current protocol. They act as facilitators. Senior managers and Heads of Services are responsible for attending committee	The direct involvement of technical officers is necessary.	The DSOs feel that this approach is rather resource heavy for other council departments and officers. The DSOs could do more to support the process and they have access to the	Agreed. DSO's should guide task group chairs and ensure they remain within the remit of the one-page strategy and set short, medium and long-term

	Structure and Window Win Window Window Windo	Officers Suggestions or Comments	Comments from Scrutiny Committee Chairs
supporting	producing reports, scrutiny reviews cing scrutiny orts.	research information, reports and minutes. DSOs to draft scrutiny review reports and take a stronger lead on directing task groups at meetings. Past experience suggests that the member-led approach is not working as well as it could and stronger guidance is needed to maintain the focus of the review. The DSOs to be proactive and liaise between the scrutiny committee chairs and the senior officers on issues arising and save officer time. A better working relationship is needed between scrutiny and Cabinet and DSOs could lead on this and keep Portfolio Holders briefed on review work and outcomes. This would maintain the relationship between scrutiny and the Executive	recommendations. Giving portfolio holders and Cabinet clear priority order was necessary. Issuing good practice guidance to task group chairs alongside the one- page strategy would be helpful. The joint chairs meeting with SMT has been productive and has helped to agree the forward work programme. Working with portfolio holders as reviews progress allows for a better understanding of the recommendations. Overview and scrutiny is not a Cabinet working party but reserves the right to be a critical friend and highlight where performance or outcomes fail to meet acceptable standards or does not deliver the corporate

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Questioning the Executive and pre- decision scrutiny	Two joint committees are held when members question the portfolio holders and the Leader and Executive Director on performance. Call-in provides a mechanism for councillors to intervene when they feel that a decision being made by the executive needs to be revisited (or possibly changed).	Not particularly effective. Few members submit questions in advance of the meetings. There is little pre-decision scrutiny.	and support more favourable review work outcomes. This should be a mechanism for challenge to monitor decision making, tackle poor service provision and ensure value for money is delivered. The Forward Plan should be a standing item on committee work programmes. Scrutiny would be more effective if reports could be submitted to committees in advance of decisions being made by Cabinet. Scrutiny committees should be seen as a mechanism for improving services and be engaged at an early stage in the decision-making process.	Chairsobjectives in a timely manner.The current format of the Forward Plan is limited in scope and if improved this would be more worthwhile. Each scrutiny committee agenda includes a standing item on the work programme which consists of a rolling annual programme.Sufficient time would need to be factored into both the workload and reporting processes.Through SMT, portfolio holders could make suggestions where scrutiny would be welcome or
				appropriate.

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				Overview and scrutiny is at a disadvantage because of poor data collection. The level of detail available on RPMS is inadequate which makes challenge more difficult. There is little done across all council departments to measure customer satisfaction or report on survey outcomes – other than through overview and scrutiny.
Skills of scrutiny chairs and members and preparing for meetings	There is no specific scrutiny related training scheduled and a lack of appetite from members for this. Committees do not hold pre- meetings.		To support the effectiveness of committees it is important that members are prepared for meetings.	A LG peer review would allow members to be part and parcel of leading improvement and would be preferable to holding static teaching style training.
	The chair's agenda meeting is an opportunity for the chair and vice-chair to read draft reports and guide and prepare officers on what is required by the committee.		Training could include: Questioning skills/asking relevant questions. Listening skills. Chairing skills – the role of the chair should make sure the committee works as a team, understands the issues being discussed and reaches a consensus. The	Pre-meetings before committee meetings with officers would be overkill but might be appropriate when dealing with external bodies or partners that we fund, in full or part, to help shape questions.

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			chair should lead and direct the discussion and manage disagreement.	
			Holding committee pre- meetings would give members the opportunity to prepare questions in advance, particularly when external witnesses have been invited to attend. Committee vice-chairs	Agree.
			should be more involved in the agenda preparation process.	Vice-chairs rarely attend pre-meetings with SMT and rarely contribute.
			Committee chairs should be impartial. Topics of personal interest to the Chair should be scrutinised by the other committee. For example, a NOM raised by a committee chair or committee member should not be considered by their own committee.	Agreed, process instigated by current chairs.
Work Programme and Review Topics	The topics for review are selected following an annual workshop held in March. Following this a meeting is held with the committee chairs, Executive Director	The early involvement of the Executive Director and Heads of Service is very useful for planning the forward work programme and eliminate topics due	It is suggested that committee members have a greater say in agreeing committee work programmes rather than relying on the chair.	Committee members have an opportunity to comment on the work programme at each meeting.

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	and Heads of Service to agree which topics are selected for review during the new municipal year. Approximately five planning meetings are held with the committee chairs and vice- chairs to agree the work programmes for each committee and schedule in the scrutiny review topics. The work programme is prepared on a rolling basis. Currently, committee members are given the opportunity to comment on the work programme at each meeting and make suggestions for review topics.	to resource issues or duplication of work by individual departments. The annual workshop is not well attended.	The approach taken to gathering suggestions for review topics should be reviewed. Wider social media coverage is needed. Note – changes are already being put in place for the 2019/20 municipal year based on greater communication through social media and public listening post events. There are examples in other authorities that review suggestions are welcomed on an ongoing basis and these are put to committees or members for consideration as and when they are received. This allows scrutiny to be more reactive in there is an urgent issue, or topics could be added to the following year's work programme.	Do not disagree.
Committee reports	The committee chairs are responsible for ensuring officers are aware of the content required in reports.	The experience of each committee varies. There are instances where the chair's meeting could be more useful for officers.	Have clearly defined objectives - reports should be clear and detailed and officers should be clear on what the committee is being	Report content is provided by heads of service or technical officers.

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		This is possibly due to lack of training in chairing skills.	asked to do. This would allow for clear outcomes.	Most reports do not include recommendations.
			Chairs should be effective in managing the agenda.	Recommendations are usually arrived at by consensus with the
			Officers should be briefed in advance on what content is required for their reports, which needs to be evidence- led. At the committee meeting officers should give short presentations on key information to allow more time for analysis and questioning. See separate comments regarding training.	committee in consultation with the lead officer. It is rare that reports are unsatisfactory. The chair's pre-meeting ensures viable documents.
Engagement and involvement of the public in scrutiny	All committee meetings are held in public. The annual Overview and Scrutiny Workshop is publicised and members of the public are invited to submit review topic suggestions and/or attend the workshop.		More could be done to engage with the public. There is a current task group review which may result in recommendations for this.	
	Members take part in 'Listening Post' exercises during the year.			

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Progress and overview of reviews	Committees receive reports on task group action plans from information obtained on RPMS.	Not working well. Few actions are being uploaded onto RPMS and this does not provide committees with any feedback on progress of reviews.	DSO's could become more involved in preparing review action plans and monitoring the implementation of actions.	Agree.
		Reports giving the committee an update on progress are sometimes included in committee work programmes but little work on the outcomes of the implementations of the review recommendations takes place.		Performance management was currently a council- wide issue.
Scrutiny reviews	Reviews are scheduled into the forward work programme by committee chairs (not aligned to portfolios). The links to corporate priorities is usually	Review topics are selected on the basis that they need to add value and concentrate on issues that the council can have an influence on.	See above. Engagement with portfolio holders at an early stage would be of benefit to review outcomes.	Scrutiny chairs and portfolio holders are all very busy so adding another layer of meetings would need to be effective to be worthwhile. Happy to refine again.
	discussed at a joint meeting with SMT prior to the review topics and work programme for the forthcoming year being finalised.		topics are linked to corporate priorities. Re-enforcing the selection criteria would help ensure the right topics were selected for review and	It is important that review topics are linked to corporate priorities.

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	A one -page strategy is agreed by the parent committee prior to task group membership being sought. The parent committee monitors progress of reviews and agrees the draft findings and recommendations prior to the submission of the final report to Cabinet/Council		worthwhile scrutiny took place.	
Officer support	DSO's contact relevant officers requesting reports.	Needs improvement	Communication and support from managers and senior officers could be improved. DSO's are working towards a more open working relationship with managers.	Training in overview and scrutiny for all tiers of officers is key to this.
Role of DSOs			Role to include: Prepare draft annual scrutiny report. Having a good working relationship with committee chairs and senior officers. Prepare draft committee reports as required. Write draft review reports. Draft action plans following review recommendations being endorsed by Cabinet	A new organisation plan setting out who does what would assist scrutiny chairs in ensuring the right officers were engaging in overview and scrutiny.

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			<ul> <li>and ensure these are uploaded onto RPMS.</li> <li>Maintain an overview of progress of review action plans and report to committees.</li> <li>Arrange and attend pre- meetings with officers to discuss the scoping of reviews.</li> <li>Assist with the scoping of reviews.</li> <li>Take a more active role at task groups meetings.</li> <li>Carry out research into topics under scrutiny.</li> </ul>	

The questionnaire was circulated to all members.

Sixteen non-executive councillors completed and returned the questionnaire. The columns record the number of members that selected each option.

Some members selected more than one option and this is indicated by an \*

<b>Question 1 How</b>	Question 1 How well do you think scrutiny is operating at the moment?						
	Very Effective	Effective	Less than effective Poor	No response			
Members	2	8	6 Comment – too few members participate				
Senior Management Team			$\checkmark$				

Question 2 ls th	e Cabinet being effectiv	ely held to account?			
	Effectively held to account	Held to account but could be improved	Rarely held to account	No or don't know	No response
Members	4	8 Comment – depends on the topic	4		
Senior Management Team			$\checkmark$		

Question 3 Is scrutiny contributing to the development of new policy/strategy?						
	Yes	No	Partially	Not sure	No response	
Members	7	3	6			
Senior			✓			
Management Team						

#### Appendix 2

	Yes	No	Partially	Not sure	No response
Members	*7 Comment – when review recommendations are implemented	3	*7 Comment – depends on recommendations being implemented		
Senior Management Team			$\checkmark$		

	Yes	No	Partially	Not sure	No response
Members	11 Comment – dependent on subject		5		
Senior Management Team			$\checkmark$		
Senior Management Team's view of members			$\checkmark$		

Question 6 What areas of scrutiny need the most review?						
	Governance, size and structure	Agenda and reports	Training	Officer support	No response	
Members	*9	*5	*6	*5	1	
Senior Management Team	$\checkmark$		$\checkmark$	$\checkmark$		

	Forward Plan	Chairs in consultation with the Executive Director	Combination	Other	No response
Members	*1	*3	10 Comment - include members	*3 Comment – mix of subjects	1
Senior Management Team			$\checkmark$		

	One in-depth topic	Several smaller topics	Combination	Other	No response
Members	*1	*6 Comment - depends on topics but smaller quick result reviews are beneficial	*11		
Senior Management Team	$\checkmark$				

	Very effective	Effective but could be improved	Less than effective	Poor	No response
Members (one member two options)	*4	*11	1		1
Senior Management Team			$\checkmark$		

	Maintain current structure	Current with more task groups	One overarching committee and task and finish groups	Ad hoc approach with committees for specific topics	No response
Members	2	7 Comment – would be a capacity problem – rely on volunteers.	*5 Comment - reinventing OSMB. Too top heavy.	*2 Comment - too random	1 Member did not feel qualified to comment
Senior Management Team			$\checkmark$		

	More than adequate	Adequate	Not adequate	Don't know	No response
Members	1	*8 Comment - much reduced since loss of 2 scrutiny officers democratic services doing their very best but without adequate resources	*6 Comment - senior officers could do better seem undertrained	1	1
Senior Management Team		$\checkmark$			

	Financial	Questioning	Team working	Other	No response
Members		*14	*4	1 Comment - analysis and evaluation of data and facts to draw logical and reasoned conclusions	
Senior Management Team		$\checkmark$			

	Very well	engage with residents and external partners?           Could be improved         Poor		Don't know	No response
Members	1	10 Comment - take up to invites and questionnaires have been poor in my experience. Depends again on topic. Comment – try but can't force public to respond Comment – difficult to know how. There is general apathy until an issue arises.	3	1	1
Senior Management Team		$\checkmark$			

Question 14 Does scrutiny support improvements to council services?						
	Yes	No	Partially	Not sure	No response	
Members	5	2	8			
SMT			$\checkmark$			

Question 15 Would pre-decision scrutiny facilitate more effective decision making?						
	Yes	No	Partially	Not sure	No response	
Members	9	4 Comment - would become budget not member or resident led. O and S belongs to Council not Cabinet .	1		1 1 Member included their response in the comments section	
Senior Management Team			$\checkmark$			

### Question 16 Is there any single aspect or change that you feel would improve the scrutiny process?

- 1. There is still confusion over the two-committee structure. One committee would be preferable with task and finish groups. The meeting of Brooke in early December was poorly attended and only just quorate.
- 2. Good balance of members at a size of task group that can work.
- 3. Minute taking to include names of individuals (councillors and officers) who comment would make them more accountable to what they say.
- 4. The Homes and Communities Member conversations used to give all members (or at least those who attended) the opportunity to learn more about proposals, to share their own experiences from their wards, and to influence policy long before reports were written. These should be reinstated and extended to other portfolios. A case in point is the recent consultation on the Housing Strategy. Members should have been given the opportunity to learn more about this and to discuss ahead of the formal consultation. The quality and quantity of responses would have been greater and members could have felt properly engaged. This is not a criticism, just an observation that an electronic consultation over Xmas is not good for such an important and complex topic.
- 5. Members should be aware of meeting times when they agree to stand for election. However, a change of meeting time might enable more members to be involved. Meetings starting at 5.30pm are not inclusive of members whose work patterns do not allow them to participate at this time.
- 6. Should the party groups allocate their members to the task and review groups to ensure that all members are participating in the scrutiny process?
- 7. Members need to feel that they are making a difference, pre scrutiny can achieve this, also subject areas need to involve more outward facing work, for example we are relying more and more on volunteers. How can RBC support these groups?
- 8. Less coasting by 50 percent of the Council with greater member engagement in the process.
- 9. Cabinet demonstrating their recommendations have been actioned, or if not, should be subject to review.
- 10. These questions are slightly loaded we need more resources and for officers to see scrutiny as a value tool, not another burden on an already (for some) busy work programme.
- 11. We have a work programme on scrutiny but it bears little resemblance to the corporate plan or the forward plan If the three showed some alignment it would help.
- 12. More task groups.
- 13. Needs to be one committee, as too much confusion as to which committee does which topics.

### COMMENTS FROM SENIOR MANAGEMENT TEAM:

- 14. Members using the call-in procedure more often and more effectively.
- 15. Better use of cross-party working groups to develop policy/recommend policy changes .

Members were invited to submit views regarding the current scrutiny arrangements and any suggestions for the way forward and future operation. Comments from members included:

- 1. Too few members are involved in Scrutiny, the task groups are the same people who often have their own agendas that they are able to promote.
- 2. The two groups of scrutiny work but the agenda is too busy. Meetings should not last longer than two hours. Task and Finish groups are worthwhile but taking homelessness very few members volunteered 1 Lab, 1 Con, 3 LD.
- 3. The current two committees still need another year to embed and learn rather than change again.
- 4. Keep the two we have, more focus on performance of portfolio as an agenda item, pre scrutiny using the Forward Plan more effectively, keep the scrutiny workshop and scoring for Task and Finish which could report to Council with the Chairs of the groups presenting.
- 5. One single committee I am unclear as to what the benefits would be apart from reducing workload, members do not fully engage now with Task and Finish so why would this change it? A more focused agenda that is making recognising recommendations to Cabinet would add value.
- 6. The volume of task groups and reviews clearly demonstrate the need for two committees, be they Brooke or Whittle, CORP or CUSP, Mickey or Minnie. To revert to the slow moving cumbersome top-down management type board would be regressive and inefficient.
- 7. Scrutiny would be improved if all members were required to engage in the process.
- 8. Better utilisation of our networks to encourage involvement from outside bodies low hit rate on the council web site.
- 9. Good that parishes are invited to submit scrutiny topics and the general public, although often knocked back as the suggestions are not relevant.
- 10. Essential that Cabinet, heads of service and councillors are asked to submit scrutiny topics.
- 11. Members should be encouraged to attend the scrutiny workshops, and to put forward ideas. Only in very exceptional circumstances should additional items be added into the programme, otherwise it will quickly become unwieldy and unmanageable.
- 12. There needs to be more public engagement in the scrutiny process and sessions questioning the Cabinet and Leader should be publicised.
- 13. Specific training for scrutiny should be arranged for councillors at a suitable time that people can attend such as the 'Call In' process.
- 14. More outside bodies should be involved in scrutiny officers could recommend relevant organisations based on the agenda.
- 15. Training needs to be provided for Chairs on how to chair a meeting.
- 16. Should the chairs of the main Overview and Scrutiny groups be chairs of Task and Finish groups? This does not help transparency and also does not encourage newer members to participate and stand as chairs of the Task and Finish groups which would be good experience.
- 17. In joint-scrutiny sessions to Cabinet and Leader, many councillors take time to research and raise questions from work carried out with residents but are not given credit in the agenda or minutes for doing so. By publicly stating who has submitted questions, councillors will become more accountable.
- 18. An annual audit of recommendations put forward from Scrutiny and the number acted upon by the Cabinet and Executive should be produced and made public.
- 19. Now we have a corporate plan then scrutiny should be able to look at it once the action plan is agreed so that should be the basis of scrutiny for 2018/19.
- 20. The calling for scrutiny items and scoring workshop is good and gives a fixed date to work with. Officer support is needed to help support the scrutiny function.

- 21. If the Leader wishes to reduce the costs of local democracy in line with previous budget proposals then I suggest he go back to the boundary commission with some sensible proposals and then we can revisit governance, constitution and scrutiny roles.
- 22. Consider communication to residents.
- 23. Works well, need more task groups and additional officer support.
- 24. Should consider range of issues for scrutiny but often lack expertise among members to ask pertinent questions, and therefore get further depth.
- 25. More task and finish groups to look at subjects in depth, reporting back to scrutiny committee.