

SCRUTINY REFERENCE GROUP

IMPROVING SCRUTINY PRACTICE

BRIEFING NOTE OF THE CHIEF EXECUTIVE

Introduction

1. With the advent of a new Council, it is appropriate to consider how the operation of the Scrutiny function can be improved, building upon developments over the last two to three years. Since the County Council elections, officers have had discussions with a number of key members serving on Scrutiny and what follows is a summary of those discussions.

General Principles

2. The recently issued Guide to Overview and Scrutiny of County Council Functions in Leicestershire states:

“As with all County Council resources the scrutiny process needs to focus on things that matter to local people. This will involve, amongst other things, an appropriate dialogue with the Executive to ensure that duplication is avoided and the Council’s resources are put to effective use. All arms of the County Council are expected to work together for the benefit of the Authority as a whole.”

The issues that have been highlighted in recent discussions may be summarised as:-

- (a) Scrutiny will only be effective if members are engaged in the process of selecting and examining in detail issues of interest to them. This has implications for the operation of committees and 5-member panels or task groups which are explored further below.
- (b) Scrutiny committees should identify issues for detailed investigation that are of long-term and/or strategic relevance to the authority and should consider, wherever possible, cross-cutting themes which may involve the work of more than one County Council department or of the County Council and its partners.
- (c) The development through 5-member panels of the practice of obtaining the views of service users, external experts and information relating to good practice elsewhere should be further encouraged.
- (d) Whilst recognising that it is not always easy to identify issues of broad public concern which are amenable to detailed scrutiny, members are in a good position, following local elections, to be able to identify matters of public concern.
- (e) As ever, there are issues relating to the management of the Scrutiny process in the light of the Cabinet’s programme of policy development; in addition, scrutiny committees will need to be aware of the development of

the programme of local area agreements (new round of public service agreements).

5-Member Panels/Task Groups

3. Panels are generally seen as the most effective means of engaging members in focused and detailed scrutiny and provide an appropriate opportunity for involving individuals and bodies from outside the County Council in the process. It is important that panels remain focused and should aim to complete their work within a limited time period. The system of panels reporting to the relevant scrutiny committee should be retained to ensure that the issues are considered in some detail by a wider group of members and because the committee allows for an opportunity for debate in public. In accordance with existing practice, the Scrutiny Reference Group would retain responsibility for overseeing the operation and practice of the different panels. If a programme of panels working on a time limited basis can be developed, it should be possible to engage a substantial number of members in that process (it is considered important that membership of the panels should not in practice be limited to more or less the same group of members on every occasion).
4. A practical application of these principles would lead to a process broadly as follows:-
 - (a) Members identify an area for more detailed scrutiny. The Chairman and Spokesmen of the committees are in a good position, following discussion with officers, to facilitate this process. Officers will then prepare a report to the committee and the committee will decide whether or not to set up a panel and, at least in broad terms, its terms of reference.
 - (b) It would be sensible then to allow a period of, say, a month from the committee decision to the formal start of the panel's deliberations to enable officers to carry out preparatory work and, importantly, for members to take steps to familiarise themselves with issues relevant to the work of the panel. During this period, consideration should also be given to identifying sources of information outside the officer corps of the authority.
 - (c) The Panel should aim to complete its work within three months and, wherever possible, two months, concluding with a report to the committee.
5. The above process is reflected in the Guide to Overview and Scrutiny; Appendix E thereof is attached. Perhaps the most significant change in terms of process is to introduce time limits. These proposals do, however, amount to a shift of emphasis towards more detailed scrutiny through panels, with a view to each committee setting up a number of panels in a year. It is unrealistic to expect all the scrutiny committees to operate on exactly the same basis. The extent to which the committees decide to set up five member panels will vary according to their areas of responsibility and the changing national and local agenda. The Scrutiny Reference Group has a role in overseeing and managing scrutiny activity and identifying whether appropriate support is available. The resources available to the scrutiny process will, of course, need to be considered within the overall budget and other pressures facing the Council.

Scrutiny Committees

6. Views have been expressed to the effect that there is a risk that scrutiny committees are dealing with too many reports to which they are unable to add real value and that the problem of adopting a selective approach to scrutiny of plans has not yet been resolved. Given the proposals for greater use of 5-member panels and the consequent resource implications, it may very well be appropriate to consider reducing the number of scrutiny committee meetings and focusing on the following principal areas of work:-

- commenting on policy proposals emanating from the Cabinet
- receiving reports from 5-member panels
- contributing to the budget process
- contributing to the process of developing other plans and strategies within the County Council Plan Framework
- holding the Cabinet to account for decisions on specific issues.

This would mean that Committees should avoid asking for reports from officers on general issues which, although they may be of interest to members of the Committee, do not facilitate these processes. There are other means of disseminating information to members.

7. With regard to the Plan Framework, the debate continues as to how effectively to engage members. Whilst it is appropriate to adopt a selective approach, it has to be recognised that these plans are key policy documents and that debate on their contents remains an important part of the democratic process of the County Council.

Planning Scrutiny Meetings : The role of Chairman and Spokesmen

8. Current thinking on this issue is set out in the Guide for Members; the relevant extract is attached. If the broad principles set out above are agreed, then meetings involving the Chairman and Spokesman should concentrate on:-
- Proactive management of committee agendas to ensure that meetings are focused
 - Receiving information about the progress of 5-member panels and facilitating the identification of areas meriting detailed examination
 - Considering how best to deal with large documents such as plans
 - A scrutiny agenda that is manageable in regard to member and officer resources

Conclusions

9. This paper has been presented as a briefing note to facilitate discussion about the role and practice of scrutiny. In the light of the outcome of those discussions it will be appropriate to engage the chairmen of scrutiny committees, the executive and chief officers, in discussion on new ways of working.

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