



LEICESTERSHIRE COUNTY COUNCIL

SCRUTINY COMMISSION – 26TH JUNE 2002

ANNUAL REPORT ON BEHALF OF OVERVIEW AND SCRUTINY BODIES

Introduction

1. The Constitution requires that an annual report should be submitted to the full Council by Overview and Scrutiny Committees (or the Scrutiny Commission in a single report on their behalf) on the workings of these Committees. The report may make recommendations relating to future work programmes and changes in working methods.
2. Debate at national level within local government associations and groups has highlighted the difficulties being experienced by all authorities operating the scrutiny process. Most of the problems encountered cannot be dealt with by formal rules as might be found in a Council's Constitution, but through the development of appropriate methods of working, guidance notes or protocols to assist members in undertaking what is a difficult task in the climate of the new constitutional arrangements.
3. This report outlines the work undertaken by the Scrutiny Commission and its Committees during the period June 2001 to May 2002. The report also discusses progress on working methods. A protocol on the 'Exchange of Information between the Executive and Overview and Scrutiny' has been agreed. A 'Practical Guide to Overview and Scrutiny' guidance notes on five member panels, and checklists for challenging reports and service plans are currently the subject of discussion. These documents should be finalised and circulated to members in the near future.

Background

4. The role and functions of overview and scrutiny were set out in the Constitution adopted by the Council in April 2001. This, together with the earlier report to the County Council on 10th January 2001 entitled 'The Future Shape of Scrutiny' approved at that meeting defined the key functions of the scrutiny process (and hence the work programme). These were:-

- considering the Executive's proposals for changes to the Policy Framework;
- considering the Executive's proposals in relation to the Budget;
- scrutinising decisions of the Executive;
- receiving and commenting on the outcome of Best Value reviews;
- commenting on matters referred from the Executive;
- requesting reports on matters identified and of concern to scrutiny members;
- initiating and conducting its own policy reviews;
- providing a forum for members of the public to raise issues of concern (by presenting petitions and asking questions).

Developing the work programme

5. Following the County Council elections in June initial meetings of each of the Scrutiny Committees were arranged. Scrutiny bodies were then advised to consider and develop their work programmes having regard to the Constitution and the report to the Council on 10th January 2001 which made it clear that there should be a priority approach to the allocation of the finite officer and member resources available. A summary of the approach which was agreed is as follows:-
 - a) pre-eminence should be given to the reviews included in the Best Value Review Programme on the basis that these are a statutory requirement on the Authority and there are consequences for the Authority of failing to do them. In addition, the Best Value Review Programme has been compiled jointly between Scrutiny and the Executive and approved by the Council and, as such, should reflect the key priorities for the Council. This was on the understanding that resources must be adequate to allow examination of service areas identified by Scrutiny itself and approved by the Council.
 - b) the second priority should be the review and roll-forward of the Plans forming the Policy Framework. One of the consequences of the Local Government Act 2000 is that, in future, most of the County Council's activity will need to be considered from a Plan-based perspective. One of the major roles of the Council is to approve plans forming the Policy Framework. Detailed scrutiny of such Plans is important because the Plans, once approved, will in effect determine the scope of the Executive powers. (The Plans, when agreed, can be implemented by the Executive without reference to the Council).

- c) Review activity undertaken by Scrutiny should be carefully planned and focussed to ensure that it is achievable in the light of resources available. It should also seek not to duplicate the work of Best Value Review Panels or 'other reviews' in the Cabinet work programme.
6. Committees were also asked to have regard to advice prepared by the Scrutiny Reference Group which had been discussing the operation of Scrutiny. The key conclusions arising from these discussions were:-
- a) Identification of issues for the work programme is a matter for members of the Committee and, in particular, the Chairmen and Spokesmen of the Committees, who are in a position to influence how proactive each Committee should be.
- b) The content and delivery of targets and commitments in the Best Value Performance Plan, Medium Term Corporate Strategy and the outcome of the Comprehensive Performance Assessment should influence the identification of issues to be considered. Members should also have regard to other sources of information that may be relevant to judging the performance of the Authority e. g:
- any available analysis of trends in complaints by service users;
 - concerns/views expressed by service users/public obtained through consultation exercises;
 - information arising from an external examination of the Authority's performance e.g. National Performance Indicators, District Audit Reports/reviews, or inspections carried out by the SSI or OFSTED.
- c) In setting a work programme Committees needed to be aware that they might, from time to time, be asked by the Cabinet to comment on key policies or plans, consider outcomes of Best Value reviews, etc. The view was that this in turn suggests that each Committee should seek to identify no more than two items at any one time in their annual work programme. The Committees were also reminded that under the Constitution the Commission is responsible for oversight and co-ordination of the work of the Overview and Scrutiny Committees and approval of the annual work programmes of all scrutiny bodies.
7. The Reference Group was of the view that Scrutiny Committees should have particular regard to current or planned review activity when considering their work programme. In addition Committees should maintain a focussed approach, at the outset, to their work programme by:

- identifying clearly the scope of the issue to be the subject of scrutiny;
- setting clear objectives for the exercise;
- establishing the method of working (reports to the Committee or establishing a Panel);
- identifying the type of advice and support it would require.

Work undertaken during the year

8. Set out as an Appendix to this report are schedules showing the work undertaken by Scrutiny bodies over the course of the year. The Schedules have been arranged to reflect the different categories of work undertaken.

Lessons Learnt

9. The key lessons learnt during this first year of operating the new scrutiny structure are:-
 - a) Plans in the Policy Framework
10. It is not practical to subject every aspect of every plan to detailed scrutiny. A selective approach is required. Some plans will not require any detailed scrutiny.
11. As far as the timetable allows, the Executive should be encouraged to allow scrutiny bodies sufficient time to carry out their functions having regard to the nature of the particular plan concerned and recognising that often they are lengthy and complex documents.
12. Scrutiny bodies should take time to examine the Plan Roll Forward Timetable and Forward Plan of Key Decisions to identify well in advance whether there are particular issues which they wish to examine in detail over a number of meetings (i.e. in a manner which will not be possible within the 4 week period specified within the Constitution). Reports on the contents and purpose of plans may need to be called for to enable the committee to determine those plans on which they wish to concentrate their efforts. (By way of an example, the Education and Heritage Scrutiny Committee considered reports giving data on school effectiveness and the result of consultations with headteachers to help it identify priorities to be addressed in the Education Development Plan.)
13. It is probably not practical to determine the approach for each plan in advance until more experience of the process has been gained. The issue should be considered again after a reasonable period of operating the new arrangements has elapsed.

14. Recognising that it is not always possible to produce an executive summary of a plan or a list of principal recommendations, officers should be encouraged to do this whenever possible and at the very least to ensure that the intention or purpose of the plan and the main issues covered by it are readily identifiable. The Scrutiny Reference Group has also asked for officers to consider and report back on other methods of presentations such as discussion groups which could be used to convey the key messages in plans within the policy framework.

b) Best Value Reviews

15. The role of scrutiny is to consider the response of the Executive to the conclusions and recommendations of Panels as well as to consider whether the key issues have been addressed in the review. A two stage process has been adopted in relation to Best Value Reviews
- Presentation of the issues considered and the key findings of the Panel to which all members of the Council are invited [in some cases it has not been considered necessary to arrange a presentation; in all cases efforts have been made to arrange early distribution of the Panel report];
 - The relevant Scrutiny Committee to consider and comment on the findings and respond to the Executive.
16. Such an approach has enabled wider dissemination of the findings of review panels and allowed issues to be explored in a more open way without the restrictions of the formal committee process.
17. A number of major reviews have been reported to Scrutiny and have been commented upon. The next stage of the process, to consider and monitor at regular intervals progress of reviews against targets, has yet to be undertaken. This will be a key area for future scrutiny activity.

c) Referrals from the Executive and Chief Officers

18. During the course of the year a number of issues have been referred from the Executive, including a number of consultation papers. Most, if not all, have been considered by the relevant committees. This has kept members informed of key developments being progressed during the year.
19. Practice has shown that there are occasions when such referrals result in lengthy agendas and make it difficult for effective and detailed scrutiny. Committee Chairmen and Spokesmen have therefore been urged to look critically at such referrals, particularly consultation papers, and determine whether detailed scrutiny of the referral is warranted, so that the Committee concerned can focus on key priorities. The practice adopted in some committees of agenda planning meetings has greatly assisted in this process.

d) Matters identified by Scrutiny

20. To be effective, Scrutiny must be a member-led process and members are encouraged to identify issues of concern to them for detailed examination. To assist in this process members, particularly Chairmen and Spokesmen, have been advised to keep in touch with service departments by maintaining contact with the relevant officers, keeping abreast of issues in the Forward Plan and other documents and studying available information on the performance of relevant council departments.
21. This area of scrutiny activity needs to be developed further and the Chairmen and Spokesmen of Committees will have a key role in ensuring its success.

New Methods of Working

a) Five Member Panels

22. The use of Review Panels set up by Scrutiny was envisaged in the report to the Council entitled 'Future Shape of Scrutiny'. Two panels were established, the first to investigate the problems at the Record Office and the second to consider the issue of recruitment and retention of teachers. Both Panels have completed their work and the findings of the Panels have been referred to the Cabinet for consideration. A response from the Cabinet is awaited.
23. The experience of members who served on these Panels has been positive. Members have reported a sense of satisfaction at being able to get to grips with the detail of issues and in being able to draw on the experience and expertise of people not working at County Hall in the centre of the of the Authority or indeed for the Authority at all. Officers who have given advice to the Panels or been questioned by members have also welcomed the opportunity to have a dialogue with members.
24. The Scrutiny Reference Group has been considering the lessons learnt from the conduct of these two review Panels and is developing guidelines for establishing of such Panels and setting out how the results of reviews should be conducted, reported and monitored. The experience of these reviews suggests that the County Council would benefit from making greater use of such Panels in the future.
25. The Commission has considered reports of the Chief Executive on the issue of Partnership working at meetings on 16th January and 17th April, relating to the lessons to be learnt from the investigation into the Early Years Partnership and the work being carried out by officers to review the Authority's involvement in partnerships.

26. The importance of these issues and their technical nature suggests that a five member panel could usefully examine the issue. However, in the light of detailed work being undertaken by officers, the Commission has concluded that it would be premature to set up a panel at this point and has requested that the Chairman and Spokesmen be kept informed of progress.
27. This approach does appear to have merit as a means of dealing with technical issues which are in a process of development at officer level and is being considered as a means of scrutiny of the implementation of the Better Access to Better Services Initiative.

b) Role of Committee Chairmen and Spokesmen

28. Throughout this report there are references to the key role to be played by Scrutiny Committee Chairmen and Spokesmen. This cannot be overemphasised. For scrutiny to succeed it is important that the Chairman and Spokesmen should be proactive and work together to identify issues of concern to members and the wider community and to ensure that scrutiny is indeed a member-led process. To assist in this, following consultations with all members, the Scrutiny Reference Group has agreed a document entitled 'A Practical Guide to Overview and Scrutiny'. The Guide deals with how to obtain information and keep abreast of developments, the planning of scrutiny meetings and the conduct of scrutiny meetings and it is hoped will this assist in improving the effectiveness of the scrutiny process.

c) The new Scrutiny structure and work programme

29. Following the introduction of the new scrutiny structure (approved by the County Council in May 2002) each Committee has been asked to consider its work programme for the forthcoming year. The outcome of their deliberations will be reported to the Commission and, following consultations with the Executive, a work programme will be agreed. Committees have been asked to have regard to the Comprehensive Performance Assessment of the Authority which may identify policies and strategies that will need to be monitored and potential topics/areas for in-depth examination.

Conclusions

30. The difficulties which beset the effective operation of the scrutiny process in Leicestershire appear to be experienced by the vast majority of authorities nationally. Many of the problems, such as encouraging members who are unaccustomed to the role of taking the lead in setting agendas, monitoring performance and conducting inquiries, will not be easily overcome and will require a change in culture over time. Difficulties of 'plan overload' can be overcome. This will require a more rigorous approach by members to scrutiny of plans, together with a

commitment from the Executive and officers to present information so that the purpose of the plan and key changes are clearly identified.

31. The early experience of five member panels has been positive and the future development of this process should offer opportunities for detailed scrutiny of key issues in an effective manner. The guidance and practice notes being produced should assist in providing greater focus to the work of overview and scrutiny committees.
32. There can be no room for complacency and there must be a commitment from all members involved in scrutiny to improve the process. However, recent experience suggests there are grounds to believe that the operation of scrutiny in Leicestershire is improving and providing that the current momentum is maintained that it will continue to do so.

N. J. Brown
Chairman of Scrutiny Commission

PLANS IN THE POLICY FRAMEWORK

PLAN	COMMISSION	EDUCATION & HERITAGE	HEALTH & SOCIAL CARE	PLANNING & ENVIRONMENT	FINANCE
Budget 2002/3 – Revenue and Capital	✓	✓	✓	✓	✓
Medium Term Corporate Strategy	✓	✓	✓	✓	
Best Value Performance Plan 2002/03	✓	✓	✓	✓	
Hinckley and Bosworth Community Strategy – Activ 8	✓				
Education Development Plan		✓			
Adult Learning Plan		✓			
Early Years and Childcare Development Plan		✓			
SEN Development Plan – Review		✓			
School Organisation Plan		✓			
Annual Library Plan		✓			
Youth Justice Plan	✓				
Single Capital Pot/Capital Strategy					✓
Food Standards Enforcement Plan			✓		
Sports Strategy			✓		
Waste Local Plan				✓	
Structure Plan – Modifications	✓			✓	

BEST VALUE REVIEWS

	COMMISSION	EDUCATION & HERITAGE	HEALTH & SOCIAL CARE	PLANNING & ENVIRONMENT	FINANCE
Domiciliary services			✓		
Public Transport	✓*			✓	
Industrial Properties	✓				
Financial and Information Services					✓
Library Services for Education		✓*			
Youth and Community		✓■			

- * Scrutiny consulted on the findings of the Review panel recommendations prior to the Cabinet coming to a view. Scrutiny were then given an opportunity to comment on the Cabinet response to the Review findings.
- Scrutiny consulted on initial findings of the Panel – Panel has yet to come to a final view.

CONSULTATION PAPERS

	COMMISSION	EDUCATION & HERITAGE	HEALTH & SOCIAL CARE	PLANNING & ENVIRONMENT	FINANCE
Valuing People – A new Strategy for Learning disabilities			✓		
Establishment of Primary Care Trusts in Leicestershire			✓		
White Paper – Schools achieving success		✓			
New Code of Practice – SEN Disability Discrimination Act		✓			
Individual Schools Budget – Delegation Target		✓			
Children's Fund	✓				
Planning Green Paper	✓			✓	
Aggregates Levy Fund				✓	
M1 Multi Modal Study				✓	

PERFORMANCE INDICATORS/EXTERNAL REVIEWS/PROGRESS AGAINST PLANS etc

	COMMISSION	EDUCATION & HERITAGE	HEALTH & SOCIAL CARE	PLANNING & ENVIRONMENT	FINANCE
Half Year Review of progress against targets and commitments in the BVPP	✓	✓	✓	✓	
Social Services Performance Assessment Framework			✓		
Annual Review of Social Services Performance			✓		
SSI/Audit – Joint Inspection of Social Services – Progress against the Action Plan			✓		
Analysis of Data on effectiveness of schools		✓			
Progress on the Library Service Review and against the objectives in the Annual Library Plan		✓			

OTHER MATTERS REFERRED FROM THE CABINET (other than Plans/B. V. Reviews, Consultation papers and performance data)

	COMMISSION	EDUCATION & HERITAGE	HEALTH & SOCIAL CARE	PLANNING & ENVIRONMENT	FINANCE
Revised Estimates		✓	✓	✓	✓
Capital Programme Payments					✓
Standards in small primary schools		✓			
Extension of 4+ provision		✓			
Future of Ravenstone and Snibston Primary Schools		✓			
SEN provision in Melton, Thurmaston and Syston		✓			
Changes in the procedure for appointing LEA Governors		✓			
Concessionary travel	✓			✓	
The Carers Plan			✓		
Children's Residential Care - Blaby Community Home			✓		
Proof of Age Scheme			✓		
Overspend on the Museums Budget		✓			
Installation of 'Heritage Street Lighting				✓	
Better Access to Better Services	✓				
Enforcement of Children & Young Persons (Protection from Tobacco) Act and Adoption of new test purchasing arrangements			✓		

ITEMS PLACED ON THE AGENDA BY CHIEF OFFICERS

	COMMISSION	EDUCATION & HERITAGE	HEALTH & SOCIAL CARE	PLANNING & ENVIRONMENT	FINANCE
Leicestershire Healthy Schools Initiative			✓		
Leicestershire Care Online			✓		
Mental Health – National Service Framework			✓		
Treasury Management					✓

ITEMS PLACED ON THE AGENDA AT REQUEST OF SCRUTINY COMMITTEES/MEMBERS

	COMMISSION	EDUCATION & HERITAGE	HEALTH & SOCIAL CARE	PLANNING & ENVIRONMENT	FINANCE
Partnership Working	✓				
Implementation of Key Stage 4 Improvement Strategy		✓			
Income generation in Libraries		✓			
3+ Funding and Indices of Deprivation		✓			
Shire Grants				✓	
Park and Ride – Request by LCFC to use County Hall site				✓	
Corporate Parenting			✓		
Indices of Deprivation and co-ordination of Management Information	✓				
Review of Partnership Working	✓				
Recruitment and Retention of Teachers		✓			
Leicestershire Record Office	✓				
Scrutiny Working Methods -	✓				

PETITIONS

PLANNING AND ENVIRONMENT

Traffic Calming in Desford

HGV's using Wanlip Road, Syston

Residents Parking – Kirby Muxloe

Speed Restriction – A444 Acresford

Traffic Calming in Thurmaston

Speed Limits – Grantham Road, Bottesford

Right hand turn ban – B582 Whetstone

Pedestrian Crossing/Refuge – B676 Burton on the Wolds

Traffic Calming – Linkfield Road, Mountsorrel

Pedestrian Crossing – Melton Road, Queniborough

Traffic Calming – Epinal Way – Loughborough

Traffic Calming/Management in Elmesthorpe

Traffic Calming in Dunton Bassett

Speed Restrictions – A607 – Croxton Kerrial

Earl Shilton Bypass

Parking facilities – Sacred Heart School, Loughborough

Withdrawal of Access Bus Services – Loughborough

Disposal of Playing Fields – Tilton on the Hill

Speed Limiting Measures – Asfordby Road, Melton

A6004 Epinal Way, Loughborough, - Safety Measures

Elgin Drive Junction, Melton Mowbray – Narrowing of Junction

Groby Road, Main Street, Markfield and Danemill – Ratby – Traffic Calming

Bus Services between Kibworth and Fleckney

EDUCATION

Behaviour on school buses

3+ - Allocation of Grant

Best Value Review – Youth and Community Education