

CONSTITUTION COMMITTEE – 29 JUNE 2009

REVIEW OF THE CONSTITUTION

MAX HUNT 27th June 2009

Introduction

As the report says, proposed changes to the structure of Overview and Scrutiny bodies should only be approved by the full County Council after consideration of the proposal by the Chief Executive and the Constitution Committee.

The proposals emerge from a short paragraph in the Conservative Manifesto: *Conservatives will reform the way we work at County Hall to make the Scrutiny function of the Council more streamlined and effective.* This is, no doubt, widely accepted.

Proposals should be:

- Timely and conclusive.
- Reference successful models in other county authorities where appropriate.
- Accommodate latest requirements on local authorities, including those which came into force on 1st April 2009.
- Encourage a critical friend approach to the executive and add value to the work of the authority.
- Have the support of non-executive and executive members alike.
- Connect non-executive members with the functioning of the authority.

Scrutiny Today

The well-respected Centre for Public Scrutiny defines scrutiny as:

'Public scrutiny is an essential part of ensuring that government remains effective and accountable. Public scrutiny can be defined as the activity by one elected or appointed organisation or office examining and monitoring all or part of the activity of a public sector body with the aim of improving the quality of public services. Scrutiny ensures that executives are held accountable for their decisions, that their decision-making process is clear and accessible to the public and that there are opportunities for the public and their representatives to influence and improve public policy.'

Public scrutiny is now moving into another era with community-led scrutiny of local decisions. This is where the public's involvement in challenging local authorities and public service providers on public service improvement and delivery is actively sought by elected representatives.'

Our experience with Scrutiny

Leicestershire employs a themed committee based scrutiny system where committees shadow the work that they used to control prior to the introduction of the cabinet system. This has the advantage of bringing officers, lead members and scrutiny members closer together and allows a team approach to develop in policy areas.

Statutory responsibilities indicate that some of these committees will be retained, come what may.

Other authorities have since moved to a more flexible “Panel” approach, or a hybrid, which enables members to go more deeply into a topic, requiring greater support from officers, along with tight management of time and resources.

There were at least three reviews of Scrutiny functions during the last administration:

- *Structure of Scrutiny*, report accepted by Council in May 2006
- *A Scrutiny Panel on Scrutiny support*; a recent CfPS survey showed that 75% of Shire Counties had a dedicated scrutiny support; and
- A major review of the functioning of *Scrutiny* led by external consultants which reported in 2008; their focus was on process, behaviours and skills, rather than on structure.

Any further review of the Structure of Scrutiny needs to reference these and ensure that any relevant recommendations from these are reviewed or implemented within a new structure.

In addition it is imperative that any new structure accommodates the requirements of the new Act, including those measures that came into force on 1st April 2009.

The Constitution Committee has previously called for job descriptions and targets to be set for scrutiny post-holders, as with the Executive and it follows that Job Descriptions should certainly be part of any new structure.

Working with the public

From 1 April 2009 a new duty will be placed on all local authorities to ‘inform, consult and involve’ local people so that everyone is provided with the opportunity to get involved in the work of the council.

Further reforms to the scrutiny committee system could or should provide greater public access to the County Council.

Working with the LAA and MAA

The Act also now requires local authorities to scrutinise local improvement targets (LAA and MAA targets). It requires information from partner organisations signed up to these targets to be released and it requires these organisations to have regard to scrutiny recommendations which relate to a relevant Area Agreement target.

Some suggestions

1. **Job Descriptions:** Clear job descriptions and target or performance setting procedures should accompany any new structure.
2. **Member engagement:** The role of non-executive Group spokespersons and their links with their wider membership should continue to be recognised, as the previous Structural Review of Scrutiny agreed. This currently facilitates officer briefing as well as helping all members to engage more widely.
3. **Panels:** These should normally meet on open session, except where confidentiality is demanded. Records of Scrutiny Panels should also be open and accessible.
4. **Call-in:** It is right that Call in should be used only by rare exception. However the record suggests that conditions at Leicestershire are such that the exceptions are so rare that they may not act as a sufficient check on the Executive.
5. **Calls for Action:** The "Call for Action" scheme, within the new Act needs to be fully introduced into the County Council's systems of accountability (see Best Practice Paper below).
6. **Public Questions:** The public must be able to put questions without being required to physically visit Glenfield and sit in front of a particular Committee. The public might be enabled to put questions in writing and still receive an answer on the record. Getting to County Hall on a working day must not be a barrier to putting public questions. The Executive should also be able to be questioned by the public. A more flexible arrangement for public questions should be considered.
7. **Area Forums:** We should explore better links between Scrutiny and Area Forums.
8. **Petitions:** The earlier Review made recommendations on Petitions. This should include properly authenticated electronic petitions.
9. **Councillors' Attendance:** The requirements on Councillors to actually attend Council meetings are very limited. Under present rules a County Councillor does not actually have to attend County Council meetings. This cannot be right and the public may well be surprised. Councillors are obviously exempt during periods of serious illness.
10. **Electronic media:** We are often referred to as a rural county. Video transmission to all meetings of public interest should be considered, as currently only for Full Council. This would go some way to connect people across our county with important events at County Hall. There are also opportunities for two way video links and innovative internet access to councillors and the cabinet.

Background Papers

[The Constitution of Leicestershire County Council.](#)

[Conservative Manifesto 2009](#)

[Councillors Call for Action: Best Practice Guide](#)

[Centre for Public Scrutiny](#)

[Scrutiny Green Paper](#): Scrutiny Commission, 1/3/06

[Report of Constitution Committee in Structure of Scrutiny](#), Full Council, May 2006

[Report of Scrutiny Panel on Scrutiny Support](#), Scrutiny Commission, 14/12/06

[Scrutiny Commission Report on Review of Scrutiny](#) September 2008

[Review of Scrutiny](#), May 2008, Crowe and Nicklen

Appendix Scrutiny arrangements in other 4 star English County Councils

Buckinghamshire	Five themed Overview and Scrutiny Committees plus Area Forums.
Derbyshire	Four themed Improvement and Scrutiny Committees
Devon	Devon has four themed Overview/Scrutiny Committees, involving a total of 45 County Councillors and 14 co-opted members.
East Sussex	Six themed Scrutiny Committees
Hampshire	<p>Themed Select Committees</p> <p>a) review and scrutinise decisions made, or actions taken, in connection with performing any of the Council's functions</p> <p>b) make reports or recommendations to the full Council, the Executive, or any Policy or Joint Committee, in connection with performing any function</p> <p>c) consider any matter affecting the area or its citizens</p> <p>d) exercise the right to call in, for reconsideration, decisions made but not yet implemented by the Executive or any Select or Joint Committee.</p> <p>Area Committees.</p>
Kent	Themed Overview and Scrutiny Committees appointing task and finish panels. Local Area Boards
Norfolk	Themed Overview and Scrutiny Panels. Cabinet Public Question Time
North Yorkshire	Scrutiny Board co-ordinating eight themed Overview and scrutiny committees
Northumberland	Scrutiny Management Board plus themed overview and scrutiny committees, plus Area Committees.
Somerset	A Scrutiny Committee comprises twelve elected members, and its primary purpose is to review actions or decisions taken by the Authority in the course of its business and to assist the Executive Board with the review and development of policy. There are Sub-Committees.
Worcestershire	A committee which commissions work to be done by task and finish panels.
Nottinghamshire	<p>An Overview and Scrutiny Committee, plans the scrutiny work programme and sets up topic select committees</p> <p>“There will be three new 'standing' scrutiny committees which will allow members to develop expertise and knowledge of services in a particular area, with scrutiny reviews carried out in smaller groups.</p> <p>The new statutory Councillor Call for Action means that any member of the County Council will be able to put forward a topic for scrutiny to the overview and scrutiny committee.”</p>