

HOLDING THE EXECUTIVE TO ACCOUNT

1. Members do not have sufficient time to read and digest fully the implications of major policy reports.

The Chairman and Spokesmen have a key role to play in planning the Committee's work programme and agenda planning. They should:-

- question why items are being put forward by officers and ask if these are issues of concern to members;
- be clear why the item is on the agenda. e.g. is it something on which a 'decision' is required or is before members for information. The agenda should be structured so that those issues requiring action or decisions and issues raised by members appear at the beginning, with information items being clearly marked and appearing as such later on on the agenda. Whilst this is currently being done there is scope for further improvement and for greater rigour to the process.
- have fewer items on the agenda and consider the possibility of single item agendas or considering a major issue over several meetings;
- consider alternative means of dealing with the issue – e.g. would there be merit in holding a workshop to go through with officers the key priorities in the Medium Term Delivery Plan with service officers attending to provide explanations for their service area?
- where possible, request that major policy reports are circulated in advance of the Committee agenda, thereby giving members more time to study these and to raise issues and concerns ahead of the meeting so that detailed responses can be given at the meeting.

Action

Guidance note to be produced in line with the above commentary for Scrutiny Chairmen and Deputy Chairmen as a reminder at the agenda planning meeting

2. Lead Member Attendance at meetings

Practice varies across different committees. Lead Members should only attend scrutiny meetings by invitation.

The invitation should specify the items for which the Lead Member is invited.

If scrutiny acts as a 'critical friend' it is more likely to get a positive response from the Lead Member if a non-adversarial approach is taken. To that end, consideration should be given to providing the Lead Member with notice of the broad outline of the issues likely to be raised in relation to the item s/he has been invited for so that s/he may prepare. This is also likely to result in fuller responses. Such an approach does not preclude members of the Committee asking supplementary questions.

Action

Scrutiny Chairmen and Deputy Chairmen to be reminded at the agenda planning meeting to consider the attendance of Cabinet Lead Members and the purpose of their attendance

3. The Leader and Cabinet Lead Members to attend annually to report on their achievements/performance

Such an approach was adopted on one occasion in relation to the Leader. Again the approach adopted will be crucial in making the process effective. It is the view of the Commissioners that prior notice should be given of the 'key issues' to be raised at such a meeting so that the Leader may prepare for the meeting. To that end, it will be important for all scrutiny members to meet and agree 'the key issues'. The Leader should also be offered the opportunity to make a statement which in turn may be the subject of questions.

The Commissioners will hold discussions with the Leader about his Cabinet colleagues' involvement in any such arrangement, given that it is the Leader that appoints Cabinet Members and therefore is responsible for judging their performance.

Action

- a) Scrutiny Commissioners to consider the timing and process of inviting the Leader to report annually on achievements and performance;**
- b) The Chairman of the Scrutiny Commission to discuss with the Leader his attendance at a meeting of the Commission and the possibility of Cabinet Lead Members attending the relevant**

Scrutiny Committee to report annually on achievements and performance.

4. The Call in process is restrictive and therefore rarely used

The Call in process only applies to key decisions. The Call in can be invoked by four members of the Council, two of whom shall be members of the Scrutiny Commission, writing to the Chief Executive with cogent reasons for the call in.

The Call in process has rarely been used for a number of reasons including:-

- Scrutiny bodies are consulted on most if not all key decisions prior to the Cabinet taking a view on the matter;
- Opposition parties find it more useful to make use of the Notice of Motion procedure at County Council meetings.

The Commissioners are not aware of any instances where a particular Group had wished to submit a call in and were unable to do so because of being unable to muster the required number of signatories.

Action

No action to be taken

SCRUTINY CHALLENGING PERFORMANCE

5. Lack of Co-ordination between the Budget and Performance Panel and Committees

Previously, reports on performance were considered by the Commission but, given the volume of business to be transacted at Commission meetings, it was decided that the establishment of a Standing Panel on Budget and Performance would be more appropriate.

The Panel only started work in October 2009 and, given the changes in the way performance information is now collated and presented along-side financial performance data, is only just coming to terms with its brief. The Panel has recognised that it needs to consider how the performance and financial information it receives is assessed and needs to be proactive in identifying areas of concern for further investigation by itself or by the appropriate scrutiny committee.

Action

Quarterly performance reports and financial statements be circulated by email to all members of the Commission and Overview and Scrutiny Committees at the same time as it is sent to the Panel and the members offered the opportunity to submit comments to the Panel for its consideration.

6. Reporting on Risk

There are two aspects to this.

The first relates to performance management. Currently the quarterly performance data (particularly Q1 and Q2) is based on a risk analysis in that progress against targets in the LAA and MTDP is assessed against the profile and where performance is below the profile a risk assessment is undertaken. Such an assessment will consider reasons for poor performance and whether action plans in place are robust enough to bring performance back into line. The outcome is reported in the form of RED, AMBER and GREEN flags.

The second relates to major policies and initiatives by the Council. Officers are required to carry out risk assessments on such policies and initiatives and the advice is that, where appropriate, any threats to the achievement of the objective, including any financial risk, should be highlighted in the section of the report entitled 'Relevant Impact Assessments'.

Members should also be aware that the Corporate Governance Committee is responsible for the oversight of the Corporate Risk Management Framework and reviews the Corporate Risk Register on a quarterly basis.

Action

Officers to be reminded of the requirements to include information on risk assessments together with possible mitigating action to minimise risk.

SCRUTINY PROCESS OWNED AND LED BY MEMBERS ON BEHALF OF THE PUBLIC

7. Involvement of all political groups in agenda planning

The process agreed in September 2009 put the onus on the Chairman and Deputy Chairman to 'manage' the agenda for their Committees. However, recognising that such an arrangement excluded the Spokesmen of the principal opposition particularly on CYPs Scrutiny, arrangements were made for this involvement. There is, however, an issue about the involvement of the Labour Group and to date this has been done by ensuring that the Labour Spokespersons have sight of the Work Programme and inviting their views.

Action

The Chairman of the Scrutiny Commission to discuss this issue further with the Leader.

8. Publicity and Promoting Scrutiny

Work is in hand to enhance the public facing Democratic web pages on the Council's website.

There is a Media Protocol in place which suggests that Chairmen of Committees and Panels should consider whether there is merit in issuing a press release on particular issues. This should be raised as part of the agenda planning process and at different stages of a review.

Regarding webcasting of meetings, at present it is only the Council Chamber that is equipped. Given the capital and ongoing revenue cost (additional staffing costs) it is unlikely that it would be possible to upgrade and equip any of the Committee rooms at this stage.

Panels, in particular, can consider making greater use of the 'Have your Say' section of the Council's website. However, any proposals for consulting the public should be clearly thought through to ensure such consultations are necessary and focussed. Care should also be taken to avoid the pitfalls of consultation overload.

Action

Improve and enhance the Scrutiny web pages including a facility for members of the public to put forward suggestions for scrutiny investigation

9. Meetings away from County Hall

This has been attempted in the previous Council and the CYPS Overview and Scrutiny Committee will be holding one of its meetings in a school. Whilst this is a matter for the Chairman and individual Committees, thought needs to be given to the nature of business to be transacted and whether there is a specific geographical issue which would attract local residents. Holding any such meetings away from County Hall should be accompanied by appropriate publicity. The accessibility of outside venues is an important consideration.

Meetings of Review Panels held in locations other than County Hall is something that has happened and could be explored further, particularly, when gathering evidence. Again this needs to be thought through carefully and publicised if it is to have any benefit.

Action to be taken

- (a) Chairmen and Scrutiny Committees to give careful consideration during the agenda planning process to holding meetings away from County Hall where there is a specific geographical issue that would attract local residents;**
- (b) Review Panels to consider holding meetings away from County Hall as part of evidence gathering;**
- (c) Officers to ensure that meetings held away from County Hall are publicised appropriately.**

ENGAGING WITH EXTERNAL ORGANISATIONS

10. Scrutiny of External Organisations

11. Involvement of External organisations as witnesses

Good progress has been made with scrutiny of both provider and commissioning health bodies and Leicestershire has established a good reputation locally and nationally (the Review Panel on Practice Based Commissioning featured in the CfPS Commissioning of Health Services Guide and an invitation has been received from the Local Government Chronicle for its findings and process to be reported on at a national conference).

To date all external agencies who have been invited have attended Scrutiny Committee meetings and meetings of Review Panels. Some examples of external bodies reporting include:-

Committees

Severn Trent; Highways Agency; Prospect Leicestershire; EoN

Panels

Tarmac; Environment Agency; Severn Trent, Bus Companies (First, Arriva and Kinch);

We already have in place a Witness Protocol which asks Scrutiny Chairmen and Spokesmen and Scrutiny Review Panels to be clear as to reasons for inviting witnesses and what is expected of them. They should also ensure sufficient time is allowed for witnesses to prepare themselves.

To date we have had very good co-operation from local partners and others in providing evidence to Panels and attending meetings of Committees. This has been achieved by engaging positively with them and reassuring them that the process is not an attempt to embarrass them but rather one which seeks to understand the issue from their perspective and find solutions.

Scrutiny Commissioners examining the work of Panels have been keen to check that the Panels have engaged with appropriate external bodies.

Action

No further action to be taken

12. Working with District Councils

A start has been made with the involvement of two District Council representatives on the Budget and Performance Monitoring Panel when it meets to consider reports on the Local Area Agreement. District Councils have also agreed to work with the Scrutiny Review Panel on Winter Maintenance and District Council Treasurers were involved in the Concessionary Travel Review Panel.

Given the financial climate and the roll out of Total Place pilots the Commissioners would seek to encourage joint scrutiny where this is appropriate, as this has the potential for delivering improved services and efficiencies and for constructive engagement with District Councils. Joint Scrutiny will only deliver results if both the County Council and District Council adopt an open approach with improving outcomes for the people of Leicestershire as the core objective.

Action

Scrutiny Commissioners to consider when scoping reviews or other work the potential for involving district councils.

SHAPING AND INFLUENCING POLICY (particularly role of Panels)

13. Scoping of Panels and Support to Chairman of Panels

Much progress has been made in improving the scoping of Review Panels so that the purpose for establishing Panels and the expectations/potential outcomes are clear at the outset. Commissioners will wish to be satisfied that there are potential outcomes of benefit to the County Council before agreeing to the establishment of a Panel.

A process is being put in place whereby members nominated to chair particular panels would meet with the Scrutiny Commissioners so that there was a clear understanding of the brief. There would also be a briefing involving the Chairman and officers prior to the commencement of the Panel so the expectations on both sides are clear.

The need for training of Scrutiny Members not only in chairing skills but also in project management skills should be explored. All Scrutiny Chairman will also have a nominated Committee Officer to support them during the review and in most cases there will be a lead officer from the relevant department.

Action to be taken

- (a) Chairmen of Panels to meet with the Scrutiny Commissioners to scope the Review;**
- (b) Committee and Departmental Officers to meet Chairmen of Panels to discuss the scope and objectives before the review starts;**
- (c) Member Learning and Development Working Party to be advised of the need for Scrutiny Members to have training in chairing skills and project management skills.**

14. Monitoring Outcomes

Review Panels are required to ensure that their final report addresses arrangements for monitoring the review findings. Since 2008 there has been regular reporting on the progress in relation to the outcomes of Review Panels and Chairmen of Panels could be charged with the responsibility of ensuring such reporting takes place.

A couple of issues that need to be addressed include:-

At what point do we cease to produce monitoring reports? It is suggested that there should be a monitoring report submitted after 12 months and thereafter monitoring reports should only be produced if specifically requested to follow up any outstanding issues as there is a risk that Scrutiny agendas could quite easily become clogged up by regular reporting back on previous reviews.

Why is it that, despite the process of regular reporting being in place, members do not appear to be aware of this?

- Should these reports be circulated to Panel members even if they are no longer on the relevant scrutiny committee;
- Should Panels be reconvened to consider monitoring reports rather than reporting to Committees or is this

unnecessarily time consuming given that Committees could ask for Panels to be re-convened if appropriate eg Waste Treatment?

- Should monitoring reports be considered by the Commissioners who in turn will provide assurance to members?

Action to be taken

- (a) Panels to be reminded that their recommendations should, as far as possible, be measurable and that the final report should contain recommendations for monitoring;**
- (b) The Chairmen of the Panel to be responsible for liaising with the relevant Cabinet Lead member and Chief Officer to ensure that the findings of the Panel are acted upon and to report as appropriate to the Scrutiny Commissioners and/or Scrutiny Commission.**

STRUCTURE AND CONSTITUTIONAL ISSUES

15. Remit of the Adult Social Care and Health Scrutiny Committee

This issue revolves around concerns expressed by the Chairman and Spokespersons of the ASCH Committee about extending its remit to now include Museums and Libraries which they consider will add to an already heavy workload.

The Commissioners share this concern but are of the view that, given 'cultural' services are soon to be the subject of external review by the MLA, no action be taken for the time being. In addition, there is an argument that it is important to maintain a link between a Committee and the Department.

Action

No action be taken until the outcome of the MLA review is known.

16. Question Time

Comment was made that the process of submitting questions to scrutiny bodies should be looked at to see if it could be made easier and if greater context given to replies. The case cited was the questions submitted to the Commission regarding the Measham Youth Club where members were not aware of the background and the replies raised a number of issues.

Members need to be aware that the Questions procedure (for both members and the public) require the question to be submitted 5 clear days before the meeting (Clear days includes weekends and bank holidays). In the case of the Commission, which meets on a Wednesday the deadline for submitting a question is 5.00pm on Thursday the week before ie the day after the papers have been published. This effectively allows officers two working days to prepare an answer and a day in which to clear the response with the Chairman. It is not always possible to provide detailed responses within such a tight timescale. It should also be noted that Standing Orders provide that there should be no discussion and all that can be moved is that the matter be considered at the next meeting.

Submitting questions is not the only means of getting a matter considered. Members should consider the option of raising issues or questions informally with the Department or, in the case of the Measham Youth Club, it may have been more appropriate for the Club to approach their local members with a view to seeking to raise issues and concerns directly with the relevant officers or, failing which, getting an item on the agenda and requesting a detailed report.

It should also be noted that Section 21 (8) (a) of the Local Government Act 2000 provides for a member of an overview and scrutiny committee to ensure that any matter which is relevant to the function of the committee is included on the agenda. Section 119 of the Local Government and Public Involvement in Health Act enables any member of the Council to refer a matter affecting their ward, subject to certain restriction, to a scrutiny committee (Councillor Call for Action)

The view of the Commissioners is that although there are difficulties with the process it is of crucial importance that members of the public have the opportunity to raise questions in a public venue with Councillors. If there is limited time to construct an appropriate response, officers will discuss other options for resolving the issues.

Action

No further action required.