

# **OVERVIEW AND SCRUTINY COMMITTEE**

**6th November 2012**

## **OVERVIEW AND SCRUTINY COMMITTEE – SIX MONTH REVIEW OF THE COMMITTEE FUNCTION**

Relevant Portfolio Holder	Councillor Phil Mould, Portfolio Holder for Corporate Management.
Portfolio Holder Consulted	N/A
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	No specific ward relevance.
Non-Key Decision	

### **1. SUMMARY OF PROPOSALS**

This report reviews the operation of the Overview and Scrutiny Committee for the first six months of 2012/13. The report is designed to give members of the committee the opportunity to review and reflect on achievements to date and to consider the direction of the committee for the remainder of the municipal year.

### **2. RECOMMENDATIONS**

**The Committee is asked to RESOLVE that**

- 1) the suggestions detailed within the report be considered and appropriate actions, if any, be identified to develop the Overview and Scrutiny process in Redditch; and**
- 2) the report be noted.**

### **3. KEY ISSUES**

#### Background

- 3.1 All Committees at Redditch Borough Council, including the Overview and Scrutiny Committee, are required to review the operation of the Committee on an annual basis. Traditionally this review has taken place at the end of the municipal year. The timing of the review has not always been suitable for the Overview and Scrutiny Committee as it has tended to coincide with the finalisation of the Committee's Annual Report and therefore has often been regarded as duplication.
- 3.2 However, it is important to review the operation of the Overview and Scrutiny Committee on a regular basis, separately to recording the achievements of the Committee during the year. Regular monitoring of the Committee function can contribute to continuous improvement in Overview and Scrutiny, enables the Committee to make best use of resources and ensures that the work of the Committee reflects the needs and priorities of residents.

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- 3.3 A review of the Overview and Scrutiny Committee is also timely in a context of change at both the local authority and within local government in general. In recent years, the introduction of shared services, with Bromsgrove and other District Councils and service transformation has resulted in significant changes to service delivery. Redditch Borough Council, like many local authorities in the country, also has to make key choices about service delivery and budgetary expenditure at a time when the local government grant has been reduced. An effective Overview and Scrutiny process needs to be able to both respond to these circumstances and help to manage further developments to the benefit of local people.

### **Current Operation**

- 3.4 There are a number of elements in the current operation of the Overview and Scrutiny process in Redditch which reflect best practice including:
- Non-Executive Members in Redditch have traditionally been supportive and enthusiastic champions of Overview and Scrutiny. They have determined which subjects to review as befits a Member-led process.
  - Overview and Scrutiny Members have completed a number of detailed policy reviews in recent years. The quality of this review work was recognised by the Centre for Public Scrutiny (CfPS), the national co-ordinating body for Overview and Scrutiny, in 2010 when Members were awarded a commendation in the national good scrutiny awards for a review of the former Neighbourhood Groups.
  - Policy reviews tend to involve representatives of all political parties on the Council and have traditionally been undertaken in an apolitical manner in accordance with national best practice.
  - The Overview and Scrutiny Committee has developed a constructive working relationship with members of the Executive Committee. In 2011/12 this was reflected in the Executive Committee's response to scrutiny reports when 47 / 54 recommendations were approved.
  - The Council's constitution requires that the Chair and Vice Chair of the Overview and Scrutiny Committee be members of the opposition party, in accordance with national best practice.
  - The Overview and Scrutiny Committee has a positive working relationship with representatives of the local press who regularly attend meetings of the Committee and help to communicate scrutiny work to the public. In 2011/12 31 articles were published in the local press on scrutiny subjects.
  - In accordance with national best practice information about the Overview and Scrutiny process is provided on dedicated web pages on the Council's website.
  - In line with national best practice the Council has emphasised its commitment to Overview and Scrutiny by retaining the support of two Officers with lead

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responsibility for Overview and Scrutiny in the new Democratic shared service.

### **Development Opportunities**

#### **Portfolio Holder Annual Reports**

- 3.5 Each year the Portfolio Holders at the Council attend a meeting of the Overview and Scrutiny Committee to present a Portfolio Holder Annual Report. The Portfolio Holder Annual Report process was introduced in 2007/08 and was intended to enable the Committee to hold individual Portfolio Holders to account. In the first few years the process provided the Committee with an opportunity to learn about the remit of each Portfolio Holder. In recent years the Committee has received a written report outlining the performance of services within the remit of each Portfolio Holder, on the basis of which a number of questions have been asked of the Portfolio Holder.
- 3.6 As with any established practice the Portfolio Holder Annual Report has evolved over the years and now exists in a question and answer format that in many regards is forming the primary focus of each Overview and Scrutiny Committee meeting. Members are asked to consider the elements of the report listed below and the extent to which these are effectively meeting their purpose;
- The written report takes a significant amount of time and resources to complete, including input from relatively senior Officers.
  - The Portfolio Holder Annual Reports most frequently have been received for noting by the Committee rather than resulting in any constructive action.
  - Only 6 recommendations have been made following receipt of Portfolio Holder Annual Reports in the five years that the process has been in operation.
  - Due to the number of questions and the length of responses the Portfolio Holder Annual Report frequently requires up to an hour for consideration during a Committee meeting. This lengthens the duration of Committee meetings significantly.
  - The majority of Portfolio Holders are accompanied by relatively senior Officers when they attend meetings of the Overview and Scrutiny Committee to present their Annual Reports. This involvement of senior Officers in the process could be considered an expensive use of resources.
  - Portfolio Holders in Redditch do not have any decision making powers as decisions are made collectively by the Executive Committee. Consequently, the extent to which this process involves holding executive decision makers to account is debatable.
- 3.7 The Overview and Scrutiny Committee will understandably be keen to hold the Executive Committee to account for decisions that are taken; indeed this was one of the main reasons for the original report process. There are different ways in which the Executive Committee could be held to account including:

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- Portfolio Holders attending specific meetings of the Overview and Scrutiny Committee to help present reports concerning services within their remit as and when appropriate. This is standard practice at a number of other local authorities.
  - Inviting Portfolio Holders to attend meetings of the Overview and Scrutiny Committee to account for any problems identified in service delivery and performance. This would typically occur following a period of detailed scrutiny work into a subject.
  - Engaging the Portfolio Holders in scrutiny of the Council's budget through detailed discussions of budget proposals. This could involve interviewing Portfolio Holders at a special meeting of the Overview and Scrutiny Committee, alongside relevant Officers, prior to the Council's budget being set to ensure that proposals are robust.
  - Interviewing the Portfolio Holders when scrutinising shared services and service transformation. It is likely that Portfolio holders would not be invited to participate in the full exercise but, rather, to submit evidence as a single part of an ongoing review.
  - Involving the Portfolio Holders as expert witnesses in policy review work.
- 3.8 It is unlikely that if changes are made to the process each measure will be adopted at every meeting of the Overview and Scrutiny Committee and, indeed, for many items it may not be appropriate to request evidence from Portfolio Holders. Instead Scrutiny Members will need to assess the most appropriate method to use to hold the Executive Committee and / or Portfolio Holders to account on a case by case basis.
- 3.9 Current procedure rules, outlined in the Council's constitution, would permit the Overview and Scrutiny Committee to utilise the methods listed above, where appropriate. However, these procedures will need to be refined and carefully followed as Portfolio Holders should only be required to get involved in scrutiny work when it is considered to be a reasonable request in relation to the subject of a scrutiny review. In addition, as a responsible body the Overview and Scrutiny Committee needs to ensure that Portfolio Holders are only invited to provide evidence a reasonable number of times, as and when necessary.
- 3.10 In each case consideration should be given as to how to ensure that contributions from Portfolio Holders, as well as accompanying Officers, represent an efficient use of resources. Reasonable notice and a clear explanation of the reasons for inviting the Portfolio Holders and Officers should also be provided.
- 3.11 In this context, Members are asked to consider the value of the Portfolio Holder Annual Reports in line with the current operation of the Council and whether, given the current focus on Shared Services and Transformation, an alternative approach might be considered.

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### Policy Review Work

- 3.12 Policy review work has been a positive element of the Overview and Scrutiny process in Redditch for many years. Currently two reviews are taking place: the Redditch Market review and the Arts and Culture Centre review. There is capacity at member level for additional reviews to be undertaken as twenty non-executive Councillors are available to participate in reviews supported by the Democratic Services Officers.
- 3.13 Any Councillor (including Executive Committee members), Officer or local resident can suggest a subject for a policy review. Overview and Scrutiny reviews can focus on any issue impacting on the local community, including services that are not provided by Redditch Borough Council. This element of Overview and Scrutiny has been promoted by recent legislation and is an important power, given the shifting governance arrangements for many services. To ensure best use of resources the Overview and Scrutiny Committee may want to focus in the long-term on prioritising key strategic purposes. These strategic purposes are currently being considered in a draft form and include:
- Keep my place safe and looking good;
  - Provide good things for me to do, see and visit;
  - Help me to find somewhere to live in my locality;
  - Enable good implementable development;
  - Do sensible things to improve my locality;
  - Help me run a successful business;
  - Help me back to financial independence (including skills and education);
  - Help me live my life independently (including health and activity); and
  - Enable others to work, or do what they need to do, to meet their purpose.

### Pre-Decision Scrutiny:

- 3.14 Pre-decision scrutiny is a standard part of Overview and Scrutiny nationally. Through pre-decision scrutiny Members can make a constructive contribution to the decision making process by:
- using expert scrutiny skills to investigate the subject, and the implications of any proposals for service delivery, in detail;
  - consulting with local residents and / or service users about the subject;
  - gathering evidence from representatives of equivalent service providers in other parts of the country; and
  - providing a fresh perspective on an issue separate from the Officers presenting the report.
- 3.15 The pre-decision scrutiny process has evolved over the past few years, from a relatively minor element of the process to an active component. A key barrier to effective pre-decision scrutiny has been access to reports. The Council's

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constitution does not permit Overview and Scrutiny Members to access reports that are in a draft form prior to a meeting of the Executive. In the early years of the Leader and Cabinet model of local democracy, Overview and Scrutiny Committee meetings took place prior to the finalisation of reports. In these circumstances, the Committee received presentations on the subject, a situation which resulted in some concerns amongst scrutiny Members that they could not make recommendations based on all the evidence available.

- 3.16 To address this concern in recent years Overview and Scrutiny Committee meetings have been scheduled to take place after reports for the Executive have been finalised. However, at the moment meetings take place only one day after the publication of the reports providing Members with only 24 hours to consider the content of the report.
- 3.17 Due to concerns about the relatively limited time available to Members to gather evidence and make considered recommendations the Committee recently launched two short, sharp reviews of items scheduled for the consideration of the Executive Committee. Whilst these reviews managed to gather more information from a greater variety of sources than might otherwise have occurred some concerns have been expressed about these reviews including:
- The review outcomes reflected the conclusions of a minority of Members as only two Members of the main Committee were appointed to each Short, Sharp Review. For practical reasons, non-executive Members who had not been appointed to the Committee were effectively excluded. (This occurred because each review was originally scheduled to have a maximum of one month to complete its work which was not adequate time to co-ordinate a larger review group).
  - Due to the restricted length of the reviews, predicated on the deadlines for the Executive Committee's consideration of the core reports, each review was only able to undertake a limited number of meetings to gather evidence: the Sickness Policy Scrutiny review held seven meetings and interviewed six expert witnesses and the Concessionary Rents review held three reviews and interviewed three expert witnesses.
- 3.18 Pre-decision scrutiny has the potential to develop further in line with best practice in order to address concerns about the Short, Sharp Review process. In particular Members may want to consider selecting items from the Executive Committee Work Programme (which recently replaced the Forward Plan) a number of months in advance of the item's presentation to the Executive Committee. This would enable a larger number of non-executive members to be appointed to participate in the review if appropriate and would also provide a group with the time necessary to undertake all relevant work needed to enhance the value of scrutiny recommendations. The arrangement would also represent a more appropriate use of Officer resources as greater flexibility could be applied with regard to the timing of interviews with expert witnesses.

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- 3.19 However, for this development to occur improvements would need to be made to the Executive Work Programme. Over the past two years items have tended to be added to the Work Programme, formerly the Forward Plan, at relatively short notice. Few items have been listed on the plan for consideration four months or more in advance of the item's presentation before the Executive Committee. This curtails the Overview and Scrutiny Committee's ability to plan pre-decision scrutiny exercises in advance.
- 3.20 It is hoped that by focusing Overview and Scrutiny in this way Members will be able to make best use of the time available at Committee meetings and work to include as many other non scrutiny members as can be accommodated across the Council.

### **Legal Implications**

- 3.21 There are no specific legal implications.

### **Service / Operational Implications**

- 3.22 This review of the Overview and Scrutiny Committee may enable Members to identify actions that could be taken to improve the operation of the process.

### **Customer / Equalities and Diversity Implications**

- 3.23 There are no specific equalities and diversity implications.

## **4. RISK MANAGEMENT**

- 4.1 There is a risk that if the Overview and Scrutiny Committee is not reviewed on a regular basis the work of the Committee will not relate to key strategic changes at the local authority nor meet the changing needs of local residents.
- 4.2 There is a risk that some non-executive Councillors will feel disengaged from Overview and Scrutiny and marginalised in the local democratic process if only limited opportunities are provided to engage in Task Group (policy review) work.

## **5. APPENDICES**

There are no appendices to this report.

## **6. BACKGROUND PAPERS**

How to Kill Overview and Scrutiny, adapted from "An Overview of Scrutiny: A Triumph of Context over Structure, (2004), R Ashworth and S Snape.

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