

Report to: District Council of Easington

Date: 5 April 2007

Report of: Assistant Chief Executive

Subject: Review of Political Management Arrangements – The Scrutiny Function

Ward: All

1.0 Purpose of the Report

1.1 This report details the review of the Council's Scrutiny function undertaken by the Political Management Working Group and their recommendations for change in accordance with the mandate from District Council agreed on 6 April 2006.

2.0 Consultation

2.1 This report is based on learning from a range of activities carried out during the past 18 months involving various Executive and Scrutiny members, senior officers and taking on board best practice from other Councils both nationally and regionally.

2.2 The report has been discussed at Political Management Working Group on 13 September 2006 and 31 January 2007. This group consisting of Executive Members, Scrutiny Chairs and Vice Chairs, is the Council's formally agreed mechanism for developing changes to political governance arrangements, and the Chief Executive, Assistant Chief Executive, Monitoring Officer, Head of Democratic Services and the Scrutiny Support Manager were in attendance. The Political Management Working Group agreed the recommendations to be taken forward in this report.

3.0 Background

3.1 At its meeting held on 6 April 2006, the District Council considered my report which detailed proposals which aimed to improve the Council's political governance arrangements.

3.2 In accepting the report the Council agreed to:-

- reconfigure the Executive portfolios
- remove the Executive role of Scrutiny Liaison
- establish an Audit Committee, independent of the Executive and scrutiny functions
- dis-establish the Audit Scrutiny Committee
- the development of further options around the scrutiny function with a target date of September 2006.

3.3 As a result of the above, the Annual Meeting of the Council retained the three existing Scrutiny Committees to undertake the scrutiny function pending the outcome of the proposed review.

3.4 In ensuring that the Council's Scrutiny function is fit for purpose, the Political Management Working Group agreed that any new structures should ensure that:-

- the four Scrutiny Roles highlighted within section 7 of this report are undertaken
- there are clear opportunities to demonstrate the linkages between the work of the Scrutiny Committee and the Council's agreed corporate priorities and objectives
- there is a balanced and manageable workload between **all** Scrutiny Committees
- there is a demonstrable opportunity to challenge the Executive
- there is an opportunity to realistically engage with members of the public in the work of the Scrutiny Committee(s)
- there is opportunity to develop some specialisation amongst Scrutiny Committee Members in the areas of work which they undertake
- the Scrutiny Committees(s) can deal with cross-cutting issues
- there is a reduction in the overlap between Scrutiny Committee(s) workloads that has been demonstrable on the past
- there is better use of officer support

3.5 The Political Management Working Group considered both the National position in respect of Scrutiny Structures by analysing the Centre for Public Scrutiny's survey into this matter. It also examined the structures currently operating within other County Durham Local Authorities.

3.6 By far the most popular structure identified was the use of multiple Scrutiny Committees.

3.7 In analysing the options available in determining the basis upon which multiple scrutiny committees had been established, it was evident that by far the most consistent approach is for scrutiny committees to mirror Executive portfolios either singularly or in multiples.

3.8 The Political Management Working Group considered a the following options for a revised Scrutiny function namely:-

- a) Multiple Scrutiny Committees
- b) Multiple Scrutiny Committees with a co-ordinating Committee Board
- c) A single Scrutiny Committee with the power to establish "Task and Finish" Groups
- d) Role differentiation Scrutiny Committees.

3.9 Members have been quick to extol the merits of having a co-ordinating body comprising of the Chairs and Vice-Chairs of the scrutiny committees. This would take on increasing importance given the removal of the Scrutiny Liaison function within the Executive and the need to reinvigorate the challenge from Scrutiny to the Executive. External assessment reports have also referenced the value of the co-ordinating Committee as well as the importance of a strong challenge by Scrutiny. Accordingly the role of the Scrutiny Management Board should continue in its current status comprising the Chairs and Vice Chairs of the Scrutiny Management Board.

3.10 The Political Management Working Group agreed that :-

- (i) further options be developed around option (b), Multiple Scrutiny Committees with a co-ordinating Scrutiny Management Board based around Executive Portfolios with a target date of May 2007, and
- (ii) new Terms of Reference for the Scrutiny Committees be drafted with a target date of November 2006.

4.0 Position Statement/Options Appraisal

4.1 The Political Management Working Group agreed that the “best fit” option available to the Council in respect of how the Scrutiny function and structures would be re-invigorated would be the retention of three scrutiny committees with a co-ordinating body.

4.2 Some preliminary work was undertaken and at the last meeting it was suggested that the three Scrutiny Committees could take responsibility for scrutinising the following Executive Portfolios:-

Scrutiny Committee 1 – Regeneration, Liveability and Neighbourhood Engagement and Communications.

Scrutiny Committee 2 – Housing, Health and Social Inclusion and Culture

Scrutiny Committee 3 – Resources, Improvement and Customer Services

4.3 Further development work has been undertaken by the Head of Democratic Services and the Scrutiny Support Manager in consultation with the Management Team on examining which Portfolios would sit best together within each Scrutiny Committee. Having reviewed these linkages it is considered that that the most appropriate Scrutiny Structure would be the following three Scrutiny Committees modelled around Executive Portfolios as follows:-

Community Services Scrutiny Committee – Liveability, Neighbourhood Engagement and Communications and Social Inclusion and Culture

Regeneration Services Scrutiny Committee – Housing, Health and Regeneration

Resources Scrutiny Committee – Resources, Improvement and Customer Services

4.4 In drawing up the proposals detailed in Section 4.3 cognizance has been given to a number of the key issues identified in Section 3.4 of the report particularly in respect of:-

- demonstrating the linkages between the work of the Scrutiny Committee(s) and the Council’s agreed corporate priorities and objectives.
- Ensuring a balanced and manageable workload between all Scrutiny Committees
- Providing a realistic challenge to the Executive

- 4.5 Terms of Reference have been drafted for the revised Scrutiny Committees and these are attached to this report at Appendix A .
- 4.6 Appendix B is a list of the Key Service Areas and Strategies that will fall within the remit of the individual Scrutiny Committees.
- 4.7 Whilst it was hoped that the revised Scrutiny Structures would eliminate any potential overlap between their areas of responsibility, it is inevitable given the issues facing the District that some will cut across Scrutiny Structures, as indeed they do with the Executive Portfolios. However, it is anticipated that duplication will be minimised between the Scrutiny Committees and that the Scrutiny Management Board will undertake a key role in allocating areas of work which may cut across Scrutiny Committees Terms of Reference.
- 4.8 During the consultation process for this report, it has been acknowledged that the existing Scrutiny Committees had developed a number of positive working practices.
- 4.9 The Scrutiny of individual units' service plans established by the Service Delivery Scrutiny Committee brings a consistency of approach to the management of front line service provision which scrutiny members would wish to retain. Appendix C details the Service Position Statements that will be considered by each Committee.
- 4.10 Conversely the external, outward facing approach to scrutinising other organisations particularly those who work in partnership with the Council adopted by the Partnerships Scrutiny Committee should also be retained as an example of best practice.
- 4.11 In agreeing to a proposed structure for the Council's Scrutiny function it is also recommended that the approaches identified in Sections 4.9 and 4.10 above be incorporated as standard Terms of Reference for the Scrutiny Committees.

5.0 **The Local Government White Paper and the Police and Justice Act 2006**

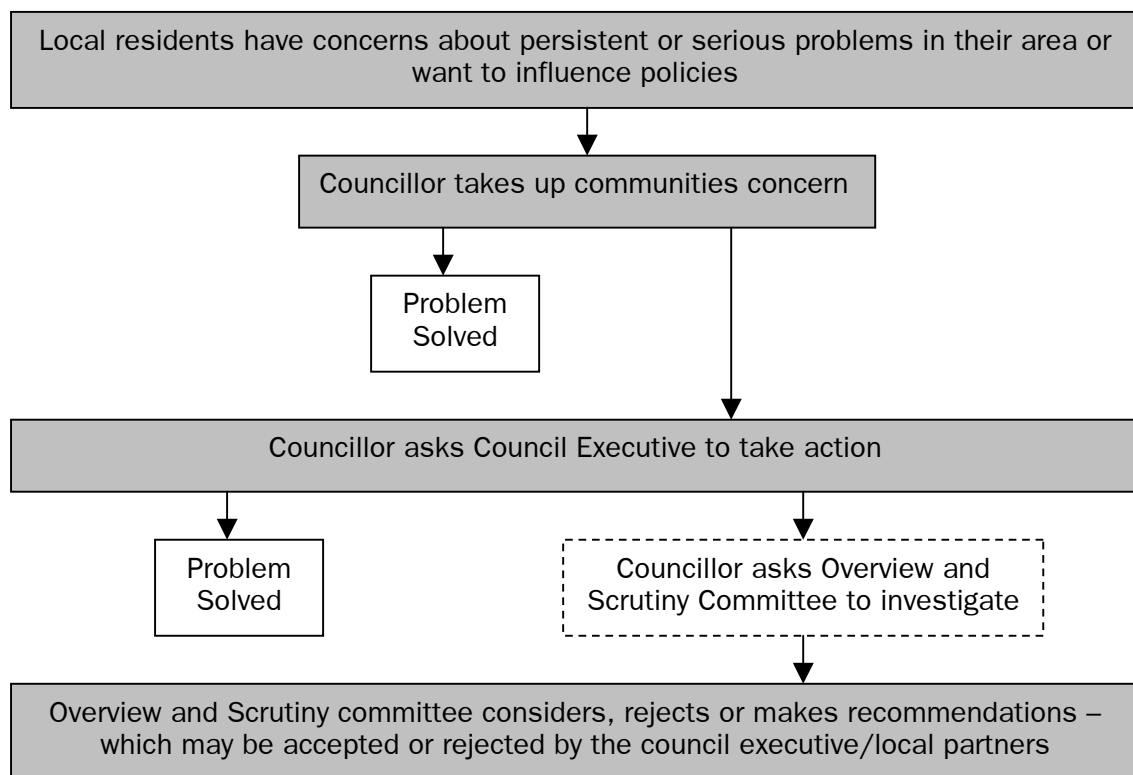
- 5.1 Both the Local Government White Paper and the Police and Justice Act 2006 include within their provisions a new initiative known as a Community Call for Action (CCA). Whilst there are slight differences between the two CCA processes, they both follow the same principle that the public either directly or via a Councillor, can raise particular issues of concern and request that the Council or any of its partner organisations explain what actions it has taken or proposes to take to alleviate the problems.
- 5.2 The Council will develop its own processes for dealing with CCA's which will follow the guidance that will be published in respect of both the Local Government White Paper and the Police and Justice Act 2006.
- 5.3 In practical terms, the CCA introduced in the Local Government White Paper can relate to any matter relating to local government with the exception of Crime and Disorder which must be processed through the Police and Justice Act 2006 CCA.
- 5.4 The White Paper seeks to develop the "Community Call for Action" that has been introduced for crime and disorder issues through the Police and Justice Act 2006. It does so by providing a similar remedy to cover local government

matters more generally, ie those issues that local authorities are responsible for either alone or in partnership with others. (The exceptions to this will be those services that are already subject to a statutory appeal process such as planning, licensing, Council Tax).

- 5.5 Councillors will provide a link between local people, community groups and public service providers through the Community Call for Action. They will have a particularly important role in ensuring vulnerable people and those least able to speak out are given the support to do so via this new mechanism.
- 5.6 Councillors must ensure however that frivolous or vexatious complaints are not taken forward.
- 5.7 Councillors should continue to resolve issues informally either themselves or through discussions with the Council Executive, service providers or others. However, Councillors will know that they can, if necessary, invoke the Community Call for Action which will strengthen their hand in such discussions.
- 5.8 Other than for crime and disorder matters (for which the Police and Justice Bill makes provision) the Community Call for Action will work as follows:-
 - councillors will, from their correspondence and knowledge of their area and its people, identify issues which are of significant concern to the communities they represent. They may decide that the wider community interest justifies a Call for Action on a particular issue;
 - as now, councillors will seek to resolve problems by talking informally to the local authority and service providers. Under CCfAs, Councillors are encouraged to do more than this. When councillors cannot negotiate a satisfactory solution, we would like them to be able to deal with relatively straightforward issues themselves. By using, for example, budgets delegated to them by the local authority; and
 - as for crime and disorder matters, councillors will be able to refer issues to their overview and scrutiny committees. This will be particularly appropriate for the more intractable or strategic issues on which councillors will need to work with colleagues and take a broader view. Committees may choose to make recommendations to the executive and relevant service providers after, if necessary, conducting an investigation of their own. Relevant public bodies will be required to respond to the committee's recommendations; the enhanced powers for overview and scrutiny committees are described in more detail in chapter three. They can respond positively or negatively, but their responses will be publicised.
- 5.9 The White Paper clearly states that "the Community Call for Action should not be seen as a charter for making mischief". Local Authorities and Councillors need to demonstrate leadership in dealing with issues raised under the Community Call for action.
- 5.10 Scrutiny Committees will act as a gatekeeper to ensure that the issues it deals with are of genuine interest to the Community as the overarching aim of the Community Call for Action proposal is to make a real difference.

- 5.11 Where a Community Call for Action reaches a Scrutiny Committee it will require thorough investigation of all issues including, potentially the calling of external agencies to attend hearings and/or provide written evidence to the issues raised.
- 5.12 In dealing with Community Calls for Action, local authorities will establish their own rules in the light of local circumstances to ensure that they concentrate their efforts where they can make a difference.
- 5.13 The Community Calls for Action process should operate as follows:-

Community Calls for Action



- 5.14 The Police and Justice Act CCA introduces a further redress for the public in that where the public are not satisfied with the actions taken by the Councillor or Scrutiny Committee they can refer the matter directly to the Executive.
- 5.15 Given the two CCA scenarios, initial thoughts would be to designate the Scrutiny Committee with the responsibility for overseeing the Executive portfolio which includes community safety as the proper body for dealing with Police and Justice Act CCA's. If the proposals detailed within this report are agreed then this would fall within the remit of the Community Services Scrutiny Committee.
- 5.16 The White Paper CCA's would be considered by the appropriate Scrutiny Committee depending upon the nature of the CCA and the Executive Portfolio to which it relates.
- 5.17 If Members were agreeable to this, the terms of reference for the Scrutiny Committees and the relevant sections of the Council's Constitution would be amended accordingly.

6.0 Conclusions

- 6.1 This report proposes the establishment of three new Scrutiny Committees which mirror the Executive Portfolios as detailed in Section 4.3.
- 6.2 Terms of Reference have also been drawn up for the proposed Scrutiny Committees which allow those issues identified in Section 3.4 to be best addressed and also provides the Scrutiny Committees with the ability to continue to undertake the four key roles of Scrutiny, namely:-
- (i) Calling the Executive to account
 - (ii) Policy Development and Review
 - (iii) Performance Management and Review
 - (iv) External Scrutiny/Partnership working
- 6.3 The Terms of Reference also reflect the proposals with both the Local Government White Paper and the Police and Justice Act 2006 for the introduction of Community Call for Action.
- 6.4 Further work will be undertaken as and when further guidance is received in respect of both the Community Call for Action proposals and the "enhanced role for Scrutiny" referred to within the Local Government White Paper.

7.0 Implications

7.1 Financial Implications

There are no financial implications arising from this report.

7.2 Legal Implications

There are no legal implications arising from this report.

7.3 Policy Implications

This report has implications for those elements of the Council's Constitution relating to Article 6 Scrutiny Committees and Scrutiny Procedure rules.

7.4 Risk Implications

A risk assessment has been undertaken and action taken to mitigate the risks.

7.5 Communications Implications

Any changes resulting from this report will be fully communicated.

8.0 Corporate Implications

8.1 Corporate Plan and Priorities

This report proposes changes to the Council's Decision-making structures in line with the Council's priority of Excellence in the Workplace.

8.2 Service Plans

The changes proposed within the report will impact upon the Democratic Services and Administration service plan and also those Unit's previously not required to submit Service Plan Position Statement reports to Scrutiny.

8.3 Performance Management and Scrutiny

Section 6 of this report deals directly with the Scrutiny function including its performance management role.

8.4 Sustainability Implications

There are no sustainability implications arising from this report.

8.5 Expenditure related to 'well-being' powers

There are no well being implications arising from this report.

8.6 Information Technology Implications

There are no IT implications arising from this report.

8.8 Equality and Diversity Implications

There are no Equality and Diversity Implications arising from this report.

8.9 Crime and Disorder Implications

There are no crime and disorder implications arising from this report.

8.10 Human Rights Implications

There are no human rights implications arising from this report.

8.11 Social Inclusion

There are no social inclusion implications arising from this report.

8.12 Procurement

There are no procurement implications arising from this report.

9.0 Recommendations

9.1 Members are asked to give consideration to the proposals presented within this paper for the review of the Council's Scrutiny arrangements and to agree the following recommendations that:-

- (i) Three Scrutiny Committees be established as detailed in Section 4.3 of this report supported by a co-ordinating Scrutiny Management Board comprising the Chair and Vice Chair of each Committee.
- (ii) The proposed terms of reference for the Scrutiny Committees as detailed in Appendix A be agreed and the necessary changes to the Council's Constitution approved.
- (iii) Appendices B and C listing the Key Service Areas and Strategies that will fall within the remit of the individual Scrutiny Committees and the Service Unit Position Statements to be reported to each be noted.
- (iv) The information detailed within the report regarding the Local Government White Paper and the Community Call for Action proposals be noted and further reports be submitted to Council when Government Guidance is issued.
- (v) These recommendations to be implemented at the Annual Meeting of the Council scheduled for 17 May 2007.

Background Papers

- (i) Report of the Assistant Chief Executive to the District Council of Easington on 6th April, 2006 entitled "Organisational Development: Improving our Political Governance Arrangements.
- (ii) Reports of the Assistant Chief Executive to the Political Management Working Group on 13th September, 2006 and 31st January 2007 entitled "Review of Political Management Arrangements: The Scrutiny Function."
- (iii) Report of Head of Democratic Services and Administration to Scrutiny Committee in November 2005 entitled IDeA member Development Project - Feedback Report.
- (iv) Centre for Public Scrutiny Third Annual Scrutiny Survey - Feedback Report.
- (v) District of Easington 2005/6 Corporate and Performance Plan.