

TO: COUNCIL
DATE: 20 MAY 2009
SUBJECT: REVIEW OF SCRUTINY ARRANGEMENTS IN SWALE BOROUGH COUNCIL
BY: Council Leader/Democratic and Electoral Services Manager/Policy and Performance Officer
Classification: Unrestricted

Summary: Following feedback from members, we have been exploring the options for improving the Council's overview and scrutiny processes. This paper describes the background to this and recommends that the Council agrees to new arrangements being rolled out during the next municipal year.

This paper describes the need for scrutiny in Swale to:

- Be flexible and responsive to changing needs;
- Enable members to engage in issues which are of real interest or concern to them and the communities they represent;
- Provide the Council with additional capacity in policy development terms, by enabling scrutiny members input to policy development at the earliest stage;
- Better manage and lead the scrutiny process so that reviews are seen through and produce workable, evidence based recommendations that lead to improvements in service delivery or better outcomes for our residents and communities; and
- Contribute to the overall performance of the Council through the scrutiny of the Executive on budget, expenditure and performance.

Implications: Human Resources Implications: None

Finance Implications: The Policy Team will provide more support to scrutiny during the current municipal year, but consideration will need to be given to a new dedicated Scrutiny Officer post from 2010/11 as part of the next budget round in view of the increased expectations of support for scrutiny these new arrangements are likely to bring.

Legal Implications: None

Crime & Disorder Implications (Section 17): None

Equalities & Diversity Implications: None

Sustainability Implications: None

Risk and Health and Safety Implications: None

Corporate Plan Implications: Strengthened scrutiny arrangements should support all four Corporate Plan priorities, but particularly so Priority 4 – Becoming a High Performing Organisation.

Decision Required: **It is recommended that the Council considers adopting a two committee model – one focussed on scrutiny of corporate**

issues and the other focussed on policy overview and development as shown as Model C in Annex A.

Introduction/Background

1. Officers met with Scrutiny Chairman/Vice Chairman and members of the Executive in December 2008 to discuss the effectiveness of the Council's scrutiny arrangements. The following issues arose:

- Scrutiny needed to concentrate more on policy development role;
- Examine how panels pick their topics and their links with the Executive, for example Executive Members could ask scrutiny panels to look at topics before they are considered by the Executive;
- Frequency of scrutiny meetings - suggestion made that they should meet monthly but need to consider resources;
- How to manage reviews; too many topics;
- Suggestion to have briefings before each scrutiny meeting starts, for example a briefing or question setting to assist in scoping the review;
- Agreement to look at other arrangements for Scrutiny Panels, perhaps there are too many. Perhaps there should be 2 scrutiny panels, one for scrutiny, and the other for policy development. More flexibility for members to participate in topics that they are interested in;
- Future training should concentrate more on practical learning from other authorities. The training session delivered at Maidstone Borough Council in July 2008 was cited as a good example and was considered to be more valuable than the recent IDeA training sessions.

2. A further meeting of this group was held on 13 May.

Current arrangements

3. The name and remit of the Scrutiny Panels was reviewed last year so that each panel is aligned with and focuses on the Council's four corporate objectives:

- Regeneration Scrutiny Panel (Regenerating Swale);
- Environment Scrutiny Panel (Creating a Cleaner and Greener Swale);
- Community Scrutiny Panel (Promoting a Safer and Stronger Community); and
- Performance Scrutiny Panel (Becoming a High Performing Organisation).

4. Each Panel is made up of 9 Members. Each Panel has identified a number of topics for review, many over a two year programme as there are no Borough elections in May.

5. Panels generally meet every other month; however some Panels meet more regularly due to the number of topics that they are reviewing; or to scrutinise a report before it is considered by the Executive; or occasionally to call in a decision.

6. Swale does not have dedicated scrutiny support. However democratic services have taken on the scrutiny role and developed it within the resources available. The democratic services team has reduced since taking on the scrutiny role, now with one less democratic services officer post since August 2008. Procedures are now in place for scrutiny, in terms of scoping templates for each review, invitation of witnesses; follow up from meetings, procedure for approval of final report, appointment of review coordinators, arrangements for review groups, action plans.

Consideration

7. From an analysis of authorities in Kent, Swale are among those with the highest number of scrutiny panels. Most other districts have two panels and also have some dedicated

scrutiny support. The Improvement and Development Agency commented last year whether, in having four scrutiny panels, the Council was spreading its resources too thinly. There appears to be some support to reduce the number of scrutiny panels in order to increase flexibility to allow members to participate in topics that are of most interest.

8. There are a myriad of scrutiny models in existence throughout the country, but the main three¹ are as follows (detail at Annex A):
 - Model A - Multiple overview and scrutiny committees (the model Swale BC has adopted to date);
 - Model B - One overall overview and scrutiny committee that commissions time-limited panels;
 - Model C - One scrutiny committee and one or more policy overview committees which would commission and manage task and finish groups.
9. The main feature of the multiple overview and scrutiny committee model (Model A) is that each committee will have its own focus and work programme of reviews. These types of committee tend to be very focussed on their subject area and in larger authorities there can be as many as 10 or 11 committees to cover the breadth of scrutiny business.
10. Model B has just one over-arching committee that leads and manages the overall scrutiny process. It sets the scope for scrutiny reviews, appoints task and finish panels to undertake these reviews, considers draft recommendations and reports from task and finish panels and is the conduit for recommendations to the Executive or Council. This committee might also consider call-ins and Councillor Call for Actions (CCFAs) as well as undertake strategic scrutiny such as consideration of the draft budget and major strategies and be the primary body for holding the Executive to account. The task and finish panels would be more fluid than a formal committee structure, although their work – particularly hearing evidence – would need to be held in public.
11. Model C – one scrutiny committee and one policy overview committee – is in some respects similar to the second model, although the key difference is that there is a clear separation between the remit of the scrutiny committee (internal corporate issues such as budget scrutiny, service performance, workforce planning etc) and the remit of the overview committee or committees (ie. policy overview and policy development).
12. For Model B (one committee that commissions time-limited panels), the key advantages are that this structure is very flexible and able to react to emerging issues, there is clear leadership/management of the process and there should be greater Member buy-in and engagement with the process through the flexible allocation of resources from a larger pool of Councillors than is possible through rigid membership of 4 Panels under the current arrangements. A single larger committee should offer a greater strategic focus on a programme of scrutiny reviews that will make the greatest impact. Consideration must, however, be given to the resource implications of task and finish groups, particularly the expectations of officer support.
13. For Model C (one scrutiny committee and one overview committee), the key advantage is that there is a clear delineation between inward looking scrutiny and outward looking policy overview and development. The scrutiny committee would consider 'corporate' issues such as scrutiny of the budget and key strategies, call-ins and performance issues, whereas the policy overview committee would set and manage a programme of policy reviews which would enable non-executive councillors to have a key input into policy as it is developed and before it is implemented rather than just prior to it being approved by the Executive as currently happens.

¹ Centre for Public Scrutiny: 2007 survey of overview and scrutiny in local government

14. There is no requirement to follow any of these models rigidly and the Council is free to adopt one of them, none of them, or some sort of hybrid arrangement. However, consideration should be given to the fact that the Audit Commission, in carrying out its normal inspections of the Council's corporate governance arrangements, will be looking to see whether the Council's Overview and Scrutiny processes are effective. To this end, we should be mindful that any new arrangements the Council introduces should aspire to the Centre for Public Scrutiny's four principles of effective scrutiny:

- Provides 'critical friend' challenge to executive policy makers and decision makers;
- Enables the voice and concerns of the public and its communities;
- Is carried out by 'independent minded governors' who lead and own the scrutiny process; and
- Drives improvement in public services.

15. Membership of any new scrutiny and policy overview committees should be expanded from the current 9 on each Panel so that the Committees have strength in depth. The new committees will still need to be politically balanced. Existing reviews being undertaken by the current 4 Panels could continue, albeit under different forums. The status of the existing reviews is summarised at Annex B.

16. Any new arrangements should also provide opportunities for committees or panels to hold briefing sessions where they receive presentations on issues to bring them up to speed on topics which have a bearing on one of their reviews – eg. on workforce planning in relation to scrutiny of the budget.

Conclusion

17. This paper describes the need for scrutiny in Swale to:

- Be flexible and responsive to changing needs;
- Enable members to engage in issues which are of real interest or concern to them and the communities they represent;
- Provide the Council with additional capacity in policy development terms, by enabling scrutiny members input to policy development at the earliest stage;
- Better manage and lead the scrutiny process so that reviews are seen through and produce workable, evidence based recommendations that lead to improvements in service delivery or better outcomes for our residents and communities; and
- Contribute to the overall performance of the Council through the scrutiny of the executive on budget, expenditure and performance.

Recommendation

18. It is recommend that the Council considers adopting a two committee model – one focussed on corporate issues and the other focussed on policy overview and development as shown as model C in Annex A.

Next steps

19. If Members support this recommendation, then detailed terms of reference need preparing for approval by Council at its next meeting on 24 June. In the meantime, the four existing Scrutiny Panels will be rolled forward to continue their existing reviews and will continue in operation until those pieces of work have been completed. The two new Committees – Scrutiny and Policy Overview – would be established from the date of the next Council meeting once their terms of reference have been agreed.

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Date: 14 May 2009

Report approved by – Interim Chief Executive

Illustrations of possible overview and scrutiny structures

Model A (multiple overview and scrutiny panels – ie. Swale's current arrangements)

Community Scrutiny Panel (9 members – meets every month)

Remit:

- Voluntary sector liaison and community development, including youth forum and young people's liaison;
- Health authorities and adult services;
- Community safety strategy;
- High community safety standards; emergency planning;
- Crime prevention, including county policing policy and local police and law and order generally;
- Licensing;
- Policies and procedures regarding community engagement; and
- Safeguarding of children, child protection policy.

Regeneration Scrutiny Panel (9 members – meets every two months)

Remit:

- Regeneration of Sittingbourne Town Centre – Sheerness - Queenborough and Rushenden - ensuring regeneration projects consider environmental impacts on the local community;
- Economic opportunities of Kent Science Park;
- Building Regulations, including South Thames Gateway Building Control Partnership;
- Town planning, including overall enforcement, Local Plan, LDF;
- Regeneration of Queenborough and Rushenden, including harbours and quays for the area;
- Gypsy and Travellers Area Assessment;
- Land Charges;
- Cultural Offer and Cultural Strategy;
- 2012 Olympics and Paralympics for Swale Borough Council;
- Policy for management and control of public halls;
- Management of markets on council owned sites;
- Provision of good quality entertainment, arts and arts facilities in the borough;
- Leisure, sport and recreation facilities and sports development (including contracts);
- Private sector and community involvement in the financing, management and sustainability of leisure, sport and amenity facilities/activities;
- Burial provision project;
- Assessment of housing Needs and conditions, housing legislation (including housing investment programme) high housing standard, advances and authorised loans for house purchase and
- Improvements;
- Gypsies - illegally camped on council owned land or impeding proper management of council owned site;
- Deprivation, development and social housing and relationships with amenity groups;
- Development and promotion of tourism potential for the borough;
- Policies on economic development, community development, regeneration and related matters, including Swale Forward and business engagement/partnership working;
- Highways and transportation;
- Section 106 Agreements;
- Community infrastructure, including services and matters related to public and private

- sector utilities and services;
- Concessionary fares;
- Management of off and on-street parking facilities;
- Management and maintenance of urban parks, open spaces, countryside, country parks and play areas;
- Rural Issues affecting Swale; and
- Local learning strategy, learning opportunities and meeting future needs of the local economy, educational performance and progression, learning culture through early years, family and
- community learning.

Environment Scrutiny Panel (9 members – meets every two months)

Remit:

- Management of climate change;
- Recycling, rubbish collection, pollution control/monitoring, noise and pest control, council wardens;
- Street cleansing, refuse collection, recycling, public conveniences;
- Food hygiene, health and safety at work, animal welfare legislation;
- Environmental standards;
- Provision of allotments;
- Sea defences, coastal protection, sea fronts, coastal resorts, harbours and quays; and
- Cemeteries and crematoria.

Performance Scrutiny Panel (9 members – meets every one to two months)

Remit:

- Customer relations and communications;
- Performance led/driven and partnership/joint back office initiatives;
- Performance management - corporate plan, data quality, risk management, health and safety, inspection and assessment process;
- Corporate equality strategy, equality and diversity;
- External and European funding - maximising opportunities;
- Finances, property, assets (including asset management plan) and staff (employment relations, welfare and human resources);
- Budget - including medium term financial strategy, provision of grant aid;
- Shared services; and
- Members and officers learning and development.

Model B (a single committee that commissions work through task and finish groups)

Overview and Scrutiny Committee (15-20 members? Meets every 6 weeks?)

Remit:

- Sets the scope for the scrutiny programme;
- Oversees the development and delivery of the scrutiny programme;
- Considers call-ins;
- Considers Councillor Calls for Action;
- Scrutiny of budget and corporate strategies;
- Scrutiny of quarterly performance reports and follow-up action;
- Scrutiny of crime and disorder issues;
- Scrutiny of Forward Plan; and
- Identifies and carries out, **through task and finish groups**, in-depth policy development

or review projects, using agreed criteria, and within the framework of an overall programme of such projects.

Model C (two committees with differently focussed remits, one of which commissions work through task and finish groups)

Scrutiny Committee (10 members? To meet every 10 weeks?)

Remit:

- Considers call-ins;
- Considers Councillor Calls for Action;
- Scrutiny of budget and corporate strategies;
- Scrutiny of quarterly performance reports and follow-up action;
- Scrutiny of crime and disorder issues; and
- Scrutiny of forward plan.

Policy Overview Committee (15 members? To meet every 6 weeks?)

Remit:

- Assisting the Council and Executive in the development of policy by identifying and carrying out selectively, **through task and finish groups**, in-depth policy development or review projects, using agreed criteria, and within the framework of an overall programme of such projects;
- Setting the overall programme for policy review and development projects;
- Leading and managing the programme of policy reviews; and
- Making recommendations to the Council and Executive.

Status of current Scrutiny Panel reviews

Scrutiny Panel	Review	Current status
Community	Health Review	Review commences 12th May 2009 until April 2010.
	Review of PACT meetings	The Executive requested that the recommendations be re-considered so this review will start again from July 2009.
	Review of CCTV	Commences July 2009 until April 2010.
	Review of alcohol control zone	Completed April 2009.
	Review of Sittingbourne and Kemsley Light Railway	
	Leisure Contract	Commences July/September 2009
	Call-in of executive decision – free swimming provision	Completed
Regeneration	Learning and skills	Ongoing until April 2010
	Housing strategy and homelessness review	Ongoing until April 2010
	Road, rail and bus infrastructure review	Ongoing until April 2010
Environment	Carbon footprint	Completed April 2009
	Sustainable power	Ongoing until April 2010
	Streetscene	Ongoing until April 2010
	Flooding in relation to all drainage	The Executive requested that the recommendations be re-considered so this review will start again from July 2009.
	Recycling	Ongoing until April 2010
Performance	Communications	Due to be completed June 2009
	Equalities	To be agreed
	Workforce strategy	To be agreed
	Officer/Member development	To be agreed