DOCUMENT 2 SCRUTINY FUNCTIONS

"Every council has mechanisms to scrutinise the executive functions of the council and other local bodies. They also have significant discretion over the kind (and extent) of activities involved in that process. In considering council size, the Commission will want to satisfy itself that these responsibilities can be administered in a convenient and effective way through the number of councillors it recommends.

"We will examine the council's scrutiny functions relating to its own decision-making and the council's responsibilities to outside bodies, and whether any changes to them are being considered; and

- *How do scrutiny arrangements operate in the authority? How many committees are there and what is their membership?*
- *How is the work of scrutiny committee programmed? Is the work strictly timetabled?*
- *What is the general workload of scrutiny committees? Has the council ever found that it has had too many active projects for the scrutiny process to function effectively?*
- *What activities are scrutiny committee members expected to carry out between formal meetings?"*

Overview and Scrutiny (OS) committee structure

Since 2012 Wiltshire Council's OS structure has comprised 4 select committees:

- OS Management Committee, which manages the OS work programme and scrutinises corporate cross-cutting matters (15 members)
- Children's Select Committee (13 elected members plus 6 co-opted members)
- Environment Select Committee (13 members)
- Health Select Committee (13 members)

OS workload

OS Committee activity

The Management Committee holds around 8-10 (mostly scheduled) meetings per year in order to conduct its usual business and consider special items such as the draft Business Plan, draft Financial Plan, Opposition amendments to the draft Financial Plan and any Executive decisions called in by non-executive members.

The other 3 OS committees hold 6 scheduled meetings per year with additional special meetings needed only occasionally.

OS committees consider an approximate average of 5 substantive agenda items per meeting and the approximate average meeting length is 2.5 hours.

In order to undertake more in-depth work, OS committees establish task groups, rapid scrutiny exercises and appoint representatives to corporate programme boards at the invitation of the Executive.

Task Groups and Rapid Scrutiny Exercise activity

There are currently 11 active OS task groups, with an average of 5 members on each. These include 3 standing (i.e. ongoing) task groups plus a mixture of medium/long term (6-12 months) and shorter term reviews.

Since the beginning of this Council (May 2017) there has also been 3 rapid scrutiny exercises, with a further 2 planned for early 2018. Rapid scrutiny exercises are essentially small task groups formed to consider issues briefly or urgently. They usually only meet once.

There are currently 3 OS councillor representatives sitting on corporate programme boards (e.g. Adult Social Care Transformation) at the invitation of the Executive. OS also has a councillor representative on the Constitution Focus Group.

In addition to the work undertaken at the meetings of the 4 OS committees, this snapshot represents a fairly full OS forward work programme.

Any non-executive councillor can participate in task groups or rapid scrutiny exercises – they do not need to sit on the relevant parent OS committee – and memberships are appointed by the Committee chairman following an open process inviting expressions of interest.

OS work programming

The council has a single OS forward work programme, managed by the OS Management Committee. The work programme is heavily influenced by the three thematic select committees (Children's, Health and Environment), with the Management Committee typically approving the topics recommended by the select committees assuming there is sufficient capacity and support. When the work programme is well-populated there is an increasing emphasis on prioritization and timetabling time non-sensitive activities for later in the year.

There is a culture of leading OS members discussing significant OS reviews with the Executive prior to these being formally established. This acknowledges the benefit of having broad support for major OS activities and there is a general agreement that OS uses its resources most effectively by focusing on the agreed priorities of the council. Therefore the OS work programme quite significantly reflects the council's Business Plan and hence the Cabinet work programme.

The OS work programme also features a significant number of topics not subject to imminent Cabinet decision (e.g. particularly with the Health Select Committee, with its wider focus on the CCG and health partners). This is considered a reflection of OS's healthy independence from the Executive.

Developing the work programme is supported by scheduled annual meetings between OS Committee chairmen and all of their Executive and director counterparts to discuss key projects over the next 12 months. This is in addition to more ad hoc meetings to discuss specific issues throughout the year.

The council's constitution provides a number of avenues through which members can request OS review of a topic, including:

- Call-in of an executive decision, requiring 10 non-executive signatories
- An item on an OS committee agenda, requiring a request from
    - a committee member and approval by the Management Committee
    - 5 non-Executive members and approval by the Management Committee
    - the leader of the largest opposition group (up to 4 times per year)

However, the most common reasons for adding a topic to the OS work programme are:

- OS committee resolution
- Request from an OS committee chairman
- OS input on a scheduled Cabinet decision
- Full Council meeting request (notice of motion referral)
- Receipt of OS task group final report
- Receipt of Executive/partner response to OS recommendations

What activities are scrutiny committee members expected to carry out between formal meetings?

The minimum activity required of a normal OS committee member between meetings is reading the agenda papers. However, participation in any additional OS activities and any special responsibilities arising from these significantly increases this. Here follows an outline:

OS committee chairmen

- Liaising with other OS members, Executive members and the public (daily/weekly)
- Liaising with Scrutiny officers, such as to discuss agendas, evidence gathering and ongoing actions following meetings (daily/weekly)
- Regular attendance at officer and member briefings regarding active or potential OS reviews (weekly/fortnightly)
- Attending Cabinet to report verbally on relevant OS engagement on decisions (most Cabinet meetings – 11 held per year)
- Annual work priority discussions with Executive and director counterparts (approx. 3 meetings per chairman)

OS Management Committee chairman <u>only</u>

As above, **plus**:

- Attending scheduled meetings with the Leader of the Council (quarterly)
- Reporting OS activity to Full Council (annually)
- All meetings relating to the effectiveness of the OS function overall
- Approving urgent Cabinet decisions and other Constitutional matters requiring OS sign-off
- Attending regional and national OS conferences to represent Wiltshire

Task group / rapid scrutiny <u>members</u>

This varies quite widely depending on the nature of the review and its position in its 'lifecycle', but always includes:

- Attending meetings and pre-meeting briefings
- Reading agenda papers
- Undertaking member-led research and analysis
- Reviewing and commenting on draft final reports
- Owning and promoting the activities' work

Task Group / rapid scrutiny <u>chairmen</u>

As above, <u>plus</u>:

- Chairing meetings and pre-meeting briefings
- Steering the forward work programme and evidence gathering (weekly/fortnightly liaison with Scrutiny officers)
- Liaising with the Scrutiny officer on the final report
- Discussing initial findings with the Executive/partners
- Reporting findings to the OS committee and then Cabinet

OS councillor rep on corporate programme board

- Attendance at programme board meetings (approx. bi-monthly)
- Reporting progress to OS committee following liaison with officers

Staff support for OS councillors

Wiltshire Council retains a small team of 3.5 FTE dedicated scrutiny officers, who lead on supporting OS activities and this dedicated resource is valued highly by OS members. The team is managed by the Head of Democracy and Performance (and Designated Scrutiny Officer).

On a small number of occasions, to increase OS capacity, officers from outside of the Scrutiny team have provided lead support for OS activities relevant to their service area. Service directors regularly attend as "witnesses" to provide evidence in support of OS reviews.

OS Overview

OS is now considered to be well integrated into the council's decision making processes and it is unusual for decisions to be considered by Cabinet without the opportunity for prior OS input in some form.

In 2015 the council invited the LGA to undertake a peer review of our OS arrangements; the first such review in the country. The review's outcomes were extremely positive, with the following highlighted as key strengths:
- OS well-aligned with the council's business plan
- A clear understanding amongst councillors and officers of OS's roles and responsibilities
- A positive OS-Executive working relationship
- Effective OS work with partners

To give an indication of Wiltshire's OS output, it produces around 12 'deep-dive' task group reports per year, submits around 100 recommendations to decision makers (with approx. 30% referred to partners), scrutinises 59% of Cabinet decisions and currently has 88% of the council's eligible councillors engaged in its work in some form.