

**Overview and Scrutiny Management Committee
1 November 2007**

**Overview and Scrutiny Arrangements for One Council Transition
- Paper for Consultation**

Purpose

- 1 To provide more detail on the initial outline proposals for overview and scrutiny arrangements of the transition Towards One Council for Wiltshire.

Background

- 2 The County Council's bid for One Council for Wiltshire has been supported by Government. A period of transition now follows which requires the establishment of specific governance arrangements. These were approved by Council on 21 September following consultation with the district councils, and an earlier members' seminar. The Council's resolution is attached at appendix a.
- 3 The Council report included an outline of the overview and scrutiny (OS) arrangements as part of the overall transitional governance process (extract set out in appendix b). This outline was put together following the initial views of the Overview and Scrutiny Management Committee on 6 September and shared with district council scrutiny officers.
- 4 The transitional governance process has been discussed informally with the Department for Communities and Local Government (DCLG) and forms the basis of the response to their consultation on "An Approach to Implementation".
- 5 Commitment was given to the Management Committee and district councils that the outline transitional scrutiny arrangements would be the subject of a more detailed paper for consultation. This paper also picks up the Council's resolution of describing member engagement in the transitional arrangements as far as the non-executive element is concerned.
- 6 How the OS scrutiny function might be developed for the new Council will be considered at a later date, including how to meet the Government's objective of an expanded service and the actions required by the Standards Committee as part of its internal review of meetings.

Proposed Arrangements

- 7 It is important to recognise that OS arrangements need to fit well with the overall transitional governance structure. It will be the natural home for all non-executive members wishing to influence how the new Council will look and feel and therefore aligning its work to the other elements of transitional decision-making will be vital.
- 8 It is also important to use what currently works well within the local OS arena so that members and officers feel comfortable in their roles. With this in mind the following (and shown diagrammatically in appendix c), is proposed for consultation:
 - A high profile Task Group of the Management Committee comprising County and District members to hold the Transition Cabinet (TC) to public account for its decisions, and make recommendations on relevant issues as appropriate.
 - Smaller groups or individual members appointed by the Task Group to review/contribute to specific topics of interest/risk within the work streams, reporting back to the Task Group as appropriate.
 - Existing County and District OS activities to feed-in to the transitional governance arrangements via the Task Group with recommendations and views on matters relevant to transition.

“Towards One Council” Scrutiny Task Group

- 9 The proposal is for a task group to be established by the County’s OS Management Committee with the following membership:
 - 5 non-executive county councillors (to include the Chairman and Vice-Chairman of the Management Committee)
 - 4 non-executive district councillors (one from each of the districts – probably their leading scrutiny member) and with full voting rights. [This is similar to district representation on the County’s Health OS Committee]
- 10 It would make sense for the Task Group to be chaired by the current Chairman of the Management Committee in order to preserve the lead responsibilities given to the County Council to deliver transition (similar to the Leader chairing the TC). However it will ultimately be for the Task Group to elect its own chairman and vice-chairman. Clearly the mix in terms of administration, opposition, dual council and district members serving on the Task Group will be different than the TC.
- 11 The Task Group would operate in accordance with the County’s Constitution and in particular the Task Group Protocol, except in respect of substitutes – these should be permitted (but appointed by

name) so that no council is left unrepresented due to absence of an individual member. It is also proposed that meetings of the Task Group should, in the first instance, be serviced by the County's Scrutiny Team with collaboration of district scrutiny staff, especially in support of their appointed representatives.

- 12 The high profile Task Group would align itself with the TC in the governance structure and therefore operate in a more "senior" role – formally holding the TC to public account and coordinating the work of others. As well as reviewing the work of the transition executive, it will help shape the new council by making recommendations to the TC, Joint Implementation Board and Work Stream Boards as appropriate in advance of decisions being made. Proposed terms of reference are set out at [appendix d](#).
- 13 Meeting schedules including times and places are likely to mirror those of the TC but will ultimately be for the Task Group to determine bearing in mind capacity constraints of members and officers – these should not be under-estimated and will need careful planning and managing. The intention to publish a TC forward plan of work will help in this regard. The Task Group should operate as autonomously as possible reporting its views, findings and recommendations direct to the TC, Joint Implementation Board or Work Stream Board as appropriate. Only periodic progress reporting will be necessary to the OS Management Committee through which a link to full Council is maintained.

Small Groups/Individual member activity

- 14 The Task Group will clearly need to focus on the high-level issues but a whole range of important work will be taking place within the work streams. It is therefore proposed that the Task Group should have the authority to appoint small groups or individual members to review elements of the work streams where there is particular interest or identified risk. If accepted then in theory all of the non-executive membership of the five councils will be eligible for this type of work. This is likely to form the foundation of the detailed evidenced-based input being sought by some members. In the first instance, member contact will be informal with the work stream boards and individual lead project officers. Milestones in the gateway reviews of these projects will be a particularly important time for engagement. Early discussion suggests that the community governance, current frontline district services and customer access are likely to be the focus of this type of activity. However "bottom-up" suggestions will be equally valid. The Task Group will need to manage and co-ordinate these activities and introduce an element of formality by reporting to the Work Stream Boards, particularly if the contributions being made are not valued or seen to be acted upon. However reporting will be by exception to avoid the system being overly-bureaucratic.

- 15 Although “looser” by nature, the experiences to date where this approach has been applied include the appointments to major procurement project boards and the budget scrutiny fact-finding meetings. These have been regarded as major successes by all those involved which bodes well for using this approach as part of the transition.
- 16 The work of these smaller groups and individuals will clearly benefit from the support of scrutiny officers. As the non-executive membership will be opened up it will be equally important for OS officers to also work jointly across the five councils, particularly in support of this part of the arrangements.

Existing scrutiny activities

- 17 Work will continue on current work programmes within the five councils but increasingly over time the outcomes will have relevance to transitional issues. It will be important that these are promoted through the appointed representative(s) on the Task Group in order to have direct reporting influence on shaping the new council. The Task Group itself may also want to suggest areas of work that could be usefully undertake by the OS functions of the individual authorities. This would provide a good “top-down/bottom-up” mix of activities.

Communication

- 18 Open communication will be vital to make the proposed arrangements work effectively. The “leading” scrutiny members from the five councils on the Task Group will have a responsibility to “champion” the arrangements in their respective authorities and act as a first port of call. As is the case currently, OS will not act as an individual complaints mechanism but can deal with concerns where responses from the transitional executive are considered not to be satisfactory.
- 19 A closer working relationship will be needed between the officers currently involved in scrutiny with some flexibility to allow support between the councils. This type of joint working can only be beneficial when it comes to considering the longer term issue of OS in the new unitary Council.
- 20 It will be important to actively promote the opportunities available to all non-executive members to engage through the various activities described above. Early buy-in, supported by positive communication within and between by the 5 councils, will mean that the proposed OS arrangements have the chance to be very influential in how the new council looks and feels.

Resources

- 21 OS has limited fixed resource including member capacity, number of supporting officers and small budget which will need careful management. By combining these limited resources and capacity as far as possible across the five councils with co-ordination and direction by the Task Group, it will significantly improve the chances of effective, meaningful and worthwhile arrangements for those choosing to get involved.
- 22 It is anticipated that with a creative “pooling” of resources and careful management of existing work programmes that OS of the transition can be achieved within existing resources. However this will be monitored and reviewed if necessary once the arrangements are underway.

Other options

- 23 The other options might be a joint committee of all the five councils, or a separate committee of the County Council or a sub-committee of the Management Committee.
- 24 A joint committee introduces constitutional complexities about political proportionality and lead responsibilities across the authorities, larger number of members involved, formal committee procedures etc. A new committee of the Council or a sub-committee of the Management Committee would also have some of these issues and go against the principle of an over-arching management committee co-ordinating time-limited reviews. The County Council’s experience has clearly shown that the best and most rewarding work for members has been done in the task group setting. A very formal committee style would struggle to match the fast-moving pace and flexibility of the other elements of the transitional governance structure. It is particularly worth noting that a TC has been established, rather than a joint executive committee, with acknowledgement by the DCLG.
- 25 The DCLG are keen to ensure that appropriate OS arrangements are considered as part of the overall transitional governance arrangements, so a do nothing approach would not be an option. The Council considers it important to move forward to the transition phase with its partners so an early view about workable OS arrangements is necessary.
- 26 Accommodating the views of district councils where possible is important so that collective ownership of the arrangements can be achieved with all the benefits that flow. District councils may even have alternative proposals that need consideration as a result of consultation.

Environmental Impact

- 27 There are no significant environmental impacts as a consequence of these proposals. The need for additional joint meetings may increase travel but the impact can be reduced especially if alternatives to “face to face” contact are used.

Risks

- 28 OS arrangements are part of the overall transitional governance structure so the same potential risks apply, including the necessary legislative framework needing to be put in place by Government. Early dialogue and an agreed approach with partners will reduce later risks.

Equality Issues

- 29 Relevant policies will be followed and as many opportunities as possible for participation in the arrangements will be made available across the 5 councils. Collective agreement to the arrangements will be important to achieve equality.

Conclusion

- 30 The paper further explains the outlined arrangements already endorsed by full Council on 21 September which have been included in the response to DCLG. Consultation is needed with the district councils on developing these proposals. The proposals to date very much reflect current good practice and are aligned with the other parts of the transitional governance structure. However these will continue to be refined in discussions with the district councils in order to reach agreement if possible for implementation at the same time as the TC. This paper has therefore been shared with the district councils and views sought from their OS committees. Continuing dialogue will be necessary throughout the process.
- 31 It will be preferential to have a constructive style of OS and seek to minimise the burden on those officers (and executive members) working on the transition. It is intended that OS will not add an extra layer of bureaucracy to the process but rather dovetail and feed off reports, information and meetings already planned within the executive transitional governance arrangements. It is hoped that this will lead to OS being seen as a beneficial resource providing a valuable check and balance to TC decision-making and the natural home for non-executive members wishing to help shape the new unitary council.

Recommendations

- 32 The Management Committee is asked to:
- (1) Note the earlier view taken at the last meeting

- (2) Note the decision of full Council on 21 September, and the subsequent response to the DCLG
- (3) Consider the views of the district councils to the proposals in this report
- (4) Support continuing dialogue with the district councils and possible fine-tuning in order to achieve agreement to the operation of these arrangements, including the naming of district representatives
- (5) Subject to the outcome of the above, to approve the more detailed proposals set out in this paper and in particular:
 - (a) establish a high profile Task Group with the terms of reference set out in appendix d
 - (b) appoint the Chairman and Vice-Chairman of the Management Committee and three other County Council member representatives (with named substitutes)
- (6) If possible to aim to start these arrangements at the same time as the TC.

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Unpublished papers relied on in the preparation of this report: None