

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

21st December, 2001

REPORT OF MEMBERS' STEERING GROUP - NEW SCRUTINY PROTOCOLS

Purpose

1. To inform the new Overview and Scrutiny Management Committee of the views of the experienced Members' Steering Group on the main issues facing scrutiny in Wiltshire. The Management Committee is asked to comment on the views expressed in the report to enable officers to develop a set of working protocols.
2. It may be appropriate to select just a couple of the issues at this meeting to explore and debate in more detail. The remainder could then be dealt with in the same way over the next few meetings. This would allow a depth of discussion that will be beneficial to both members and officers and help shape the scrutiny process in an informed and inclusive way.

Background

3. The Steering Group was established to manage the transition from the pilot scrutiny sub-committees to the new Management Committee (with task groups), and the development of supporting protocols. It was set up at the request of members who were concerned the operation of the new scrutiny arrangements were being formulated without the direct input of leading members from the pilot exercise. The chairmen and vice-chairmen of the two scrutiny sub-committees were appointed to its membership. In forming their views, the Steering Group drew on the experience gained by members and officers involved in the pilot scrutiny sub-committees, the report and recommendations made by INLOGOV on their evaluation of Wiltshire's pilot arrangements, government guidance, the draft constitution and experience from other authorities.

Procedure Rules (including membership and call-in process)

4. The Steering Group noted that these were adopted by County Council on 6th September as part of the constitution, and were later revised at Council on 20th November in respect of the call-in procedure. The procedure rules for scrutiny, as with the rest of the constitution, will be subject to review after six months of operation. The review will be led by the Standards Committee but the Management Committee will no doubt be encouraged to express its views on relevant matters at the appropriate time.
5. The size of the new Management Committee gave rise for concern but it was recognised that this was directly related to the statutory need to provide places for the voting non-elected representatives who previously served on the Education Committee, and the resulting provision for the Administration to maintain its majority.

6. The Steering Group recognised that it would be important to maintain close working arrangements with the new Executive to enable effective shadowing of its decisions and the management of the tight timescales set out in the call-in process.

Direct Officer Support

7. The Steering Group were aware that the two pilot sub-committees had been directly supported by two policy officers and two committee officers on a limited, part-time basis. One of the main findings of INLOGOV's evaluation was that scrutiny in Wiltshire had been significantly under-resourced, particularly with regard to direct officer support. I reported to the Steering Group that now the new decision-making structure had been agreed, I was in a position to identify the support staff required. This has been done and results in a total of 3.5 fte posts for scrutiny spread between Democratic and Members Services' and Development Services. Two of these are new posts and will be advertised early in the new year. Therefore the full complement of staff is unlikely to be available until March.
8. At this stage, members of the Steering Group did not feel it necessary to have a senior officer to "champion" and protect scrutiny interests in the Council as recommended by INLOGOV, apart from the overall management by the Director of Corporate Services.

Resources – Scrutiny Budget

9. The Steering Group supported the need to provide overview and scrutiny with a discrete budget to allow it, for example, to engage independent consultants to assist in its enquiries, cover the expenses of witnesses its task groups may wish to call and hire external venues. A bid of £10k had been made as part of next year's budget.

Member and Officer Development

10. The Steering Group was keen to ensure that all those who undertake overview and scrutiny duties were given adequate training to adapt to their new roles. It was reported that the Head of Democratic and Members' Services, with the support of Development Services, would be working on a member development programme with a strong emphasis on the particular needs of scrutiny. It was likely that external assistance would be needed to support the programme including the possible use of INLOGOV and/or the Government's Improvement and Development Agency (IDeA).

Best Value – Scrutiny Involvement in Process

11. The Steering Group acknowledged that the original terms of reference of the sub-committees placed a heavy burden on scrutiny consideration of Best Value which resulted in the work plans (particularly in the case of Education and Social Services) being weighted towards these reviews. This left little time for the sub-committees to set their own agenda and consequently resulted in frustration for members and officers who saw a duplication with the service committees. This was acknowledged by the INLOGOV consultants. In response, officers reported to the two scrutiny sub-committees in April this year and a more selective approach was agreed.

12. The Steering Group heard that the process of Best Value reviews had recently been revised in Wiltshire requiring now only three stages (see later item on this agenda). Members were increasingly being invited into the process on an individual basis as either members of a review project board or to exercise the role of “internal challenge”. Members noted that the new Constitution refers to the Cabinet, under local choice options, conducting best value reviews in partnership with the Overview and Scrutiny Management Committee.
13. The Steering Group supported the proposal to continue with this selective approach to Best Value under the new scrutiny arrangements, but would need to be mindful to avoid duplication with the Executive machinery. A revised guide to Best Value is circulated under the later item. The proposed member development programme was likely to include training on best value.

Policy Formulation – Relationship with Cabinet Advisory Panels

14. The Steering Group recognised that Government clearly intended for overview and scrutiny committees to play a key role in developing and reviewing policy (as well as holding the Executive to account). A key element of the work of an overview and scrutiny committee was to be able to review and make recommendations either to the executive or to the full council and assist in development of future policies and strategies. Government allowed local choice to be exercised about whether policy development and review in relation to a particular function or policy area should be carried out by the same committee which scrutinises decisions in that policy area, or whether separate committees were needed for policy development depending on local circumstances.
15. Wiltshire’s new decision-making structure includes the establishment of Cabinet Advisory Panels covering the main services of Education, Environment & Transport and Social Services, plus one for Community Services. These panels of members and stakeholders will assist the Cabinet in decision-making and policy formulation.
16. The Steering Group acknowledged that one of the biggest challenges facing the Council and its new constitution would be to distinguish between the work of the Cabinet Advisory Panels and Overview and Scrutiny Management Committee (and its groups) with regard to policy formulation. Terms of reference and protocols were being produced for these advisory panels in consultation with portfolio holders and service directors. In practice, the following is likely to emerge:-
 - (i) the bulk of policy formulation will originate at Cabinet Advisory Panel level, including managing the appropriate degree of consultation;
 - (ii) policy proposals will then be considered by Cabinet and brought to the attention of the Overview and Scrutiny Management Committee (advance notice will also be given in the Forward Plan if it represents a key decision). At this point Scrutiny can either:

- (a) simply satisfy itself about the process, including the depth of consideration and consultation undertaken by the Advisory Panel; or
 - (b) carry out its own analysis of the proposal, including consultation with interested parties and report its findings to the Executive (and/or Council).
17. The Steering Group supported this selective approach (as with Best Value) which should allow scrutiny greater opportunity to set its own agenda and remove some of the frustration felt by members involved in the pilot exercise.

Health Scrutiny

18. Members discussed the implications of this new function falling to county councils from 1st April, 2002 as part of the reform of the National Health Service. They were particularly concerned about the additional resources needed, including the time available by members of the Council to devote to this major addition to scrutiny's responsibilities. The Steering Group noted that Council on 20th November had approved a report on initial proposals based on developing a structure around the primary care trust areas in partnership with district councils and others. Initial assessment of the support needed to meet this new function has been made. Further details are contained in a separate item on this agenda.

Establishment of Task Groups and / or Sub-Committees

19. The Steering Group noted that the Constitution provided for the Overview and Scrutiny Management Committee to appoint sub-committees and to establish from within its own membership small member working groups to undertake and report to the Management Committee on specific investigations assigned to them. Any standing sub-committee with delegated responsibility would be subject to the provisions of political proportionality as is the Management Committee. However task groups could be set up on whatever basis the Management Committee felt appropriate, including the co-option of suitable people relevant to the task in hand. Well-defined terms of reference and operating protocols for task groups will help to focus their work along with the appointment of competent chairmen. Task groups will need to report their findings back to the Management Committee for endorsement prior to submission to the Executive.
20. The Steering Group commented that it would be appropriate to limit the number of task groups operating at any one time to the level of available resources. As mentioned earlier, the two new scrutiny support officers were unlikely to be in post until around March next year so the work programme would need to recognise this. The Steering Group noted that potentially all members not in the Executive were eligible for scrutiny tasks, although those serving on the cabinet advisory panels should not scrutinise topics from their own service areas. This will need to be carefully observed.

Design and content of Rolling Work Plan

21. The Steering Group felt it would be important for the Management Committee to establish a work plan adopting the principles of project management so that time scales and resource estimates could be shown against the topics selected. However some of the topic areas would be fixed in respect of shadowing Executive decisions, managing the call-in procedure, involvement in budget process, aspects of Best Value, support to

the Chairman and the general servicing of meetings. Another call on resources would potentially come from outstanding work recommended by the two existing scrutiny sub-committees. Members were also keen to suggest that a report be prepared on the overall inspection/review regime that the Council was subjected to so that the limited resources available to scrutiny could be maximised by avoiding duplication of those areas.

22. Members commented that the allocation of resources should be viewed in the widest sense including the time available to members to undertake scrutiny work and that of the service departments to respond to requests made.

Co-option, Witnesses and Stakeholder Consultation

23. The Steering Group was pleased that the Constitution provided for scrutiny to be flexible around who it invites to participate in its enquiries and how to structure itself to achieve the most effective results. It was hoped that the County Council would develop a style of scrutiny that others would want to contribute to and be involved in, none more so than in undertaking its health role.
24. Experts could be brought into the process through co-option, as witnesses or even employed as independent consultants if necessary. The Steering Group considered it important for task groups to identify stakeholder interests from the outset and actively encourage their participation so that findings were credible and had the support of the wider community. However it remained that a valuable source of information would always be the members of the Executive and officers of the service departments.

Meeting Style

25. The Steering Group recognised that scrutiny had the opportunity to bring government to the people but would need to package it in an attractive way through the selection of topics reflecting genuine issues of community concern and in a style and format which was appealing. Task groups should consider where and when they meet so as to provide maximum opportunity for stakeholder and public attendance. As well as specific invitation, advance public notice and promotion should be planned. This will be particularly relevant should scrutiny link any of its topics to local issues arising from the community planning process.
26. The Steering Group would want any task group to operate in an informal and relaxed way providing full opportunity for participation in a loosely structured manner. Being involved, listened to and their contribution valued can often be as important to the community as the outcome. Members felt that the production of some material to explain the role of scrutiny to the wider audience and what people can expect from being involved should be considered.
27. One of the strengths to emerge from the pilot exercise has been the fostering of non-partisan discussion among members and a non-adversarial style of questioning. The Steering Group hoped that this would continue under the new arrangements.

Conclusion

28. The Steering Group felt that the two meetings had provided the first opportunity for the leading members of the pilot scrutiny exercise in Wiltshire to come together to share their knowledge and experience, comment on the new arrangements for scrutiny in the constitution and, most importantly, give their views and guidance on the main issues that will need to be addressed by the new Overview and Scrutiny Management Committee. The Steering Group asked that their views expressed over the two meetings be brought together in a single report for the first meeting of the new Management Committee. I hope this report adequately reflects their views.
29. There is a lot of ground covered in the report. It has been extremely helpful both to the officers supporting scrutiny and hopefully to the new Management Committee to have the views of the leading members from the pilot exercise. This will enable the new scrutiny arrangements to start from a strong position with some momentum, and certainly begin to gather pace early in the new year. The Management Committee may wish to tackle some of the issues in the report over several meetings to enable further exploration and dialogue.

Recommendations

30. The Management Committee is asked to
- (i) comment on the views expressed by the Steering Group, perhaps over several meetings as suggested earlier in the report, to enable officers to develop a set of working protocols;
 - (ii) note that a number of the issues covered by the Steering Group are now the subject of separate items (ie. budget process, best value and health scrutiny); and
 - (iii) thank the members of the Steering Group for their views on a number of important issues facing the Management Committee in taking forward the scrutiny function in Wiltshire.
 - (iv) request that this report is used as one of the base documents to inform the 6 month review of the Constitution.

PETER SMITH
Director of Corporate Services

Unpublished documents relied upon in the production of this report: None

Environmental impact of the recommendations contained in this report: None