Wiltshire Council
Where everybody matters

AGENDA

Meeting: Overview and Scrutiny Management Committee

Place: The Kennet Room - County Hall, Trowbridge BA14 8JN

Date: Tuesday 4 June 2019

Time: 10.30 am

Please direct any enquiries on this Agenda to Kieran Elliott, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718504 or email kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Chuck Berry
Cllr Christine Crisp
Cllr Stewart Dobson
Cllr Mary Douglas
Cllr Howard Greenman
Cllr Alan Hill (Vice-Chairman)
Cllr Ruth Hopkinson
Cllr Jon Hubbard

Cllr Gordon King
Cllr Pip Ridout
Cllr John Smale
Cllr Tony Trotman
Cllr John Walsh
Cllr Stuart Wheeler
Cllr Graham Wright (Chairman)

Substitutes:

Cllr Clare Cape
Cllr Ernie Clark
Cllr Anna Cuthbert
Cllr Brian Dalton
Cllr Christopher Devine
Cllr Peter Fuller

Cllr Gavin Grant
Cllr George Jeans
Cllr David Jenkins
Cllr Ricky Rogers
Cllr Roy While

Recording and Broadcasting Information

Wiltshire Council may record this meeting for live and/or subsequent broadcast on the Council's website at http://www.wiltshire.public-i.tv. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes.

The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found here .

Parking

To find car parks by area follow this link. The three Wiltshire Council Hubs where most meetings will be held are as follows:

County Hall, Trowbridge
Bourne Hill, Salisbury
Monkton Park, Chippenham

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult Part 4 of the council's constitution.

The full constitution can be found at this link.

For assistance on these and other matters please contact the officer named above for details

AGENDA

PART I

Items to be considered when the meeting is open to the public

1 **Election of Chairman 2019/20**

To elect a chairman for the municipal year 2019/20.

2 **Election of Vice-Chairman 2019/20**

To elect a vice-chairman for the municipal year 2019/20.

3 **Apologies**

To receive details of any apologies or substitutions for the meeting.

4 **Minutes of the Previous Meeting** *(Pages 7 - 12)*

To approve and sign the minutes of the meeting held on 19 March 2019.

5 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

6 **Chairman's Announcements**

To receive any announcements through the Chair.

7 **Public Participation**

The Council welcomes contributions from members of the public.

Statements
If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named on the front of the agenda for any further clarification.

Questions
To receive any questions from members of the public or members of the Council received in accordance with the constitution.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on 28 May 2019 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on 30 May 2019. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

8   **New Statutory Guidance on Overview and Scrutiny** *(Pages 13 - 66)*

To present the new Statutory Guidance on Overview and Scrutiny (OS) in Local and Combined Authorities, as published by the Ministry of Housing, Communities and Local Government on 8 May 2019 and to to discuss the potential implications of the new Statutory Guidance on OS in Wiltshire Council.

9   **Wiltshire Council Equality & Inclusion Annual Report 2019 and Objectives 2019-22**

Report to follow

10   **Forward Work Programme** *(Pages 67 - 92)*

To receive updates from the Chairmen and Vice-Chairmen of the Select Committees in respect of the topics under scrutiny in their areas, including any recommendations for endorsement by the Management Committee.

11   **Management Committee Task Groups** *(Pages 93 - 100)*

To receive updates on recent activity from task groups.

12   **Wiltshire Online Programme** *(Pages 101 - 104)*

To receive an update from Cllr George Jeans, Project Board Representative

13   **Annual Report of Overview and Scrutiny** *(Pages 105 - 112)*

To receive and note the annual report of Overview and Scrutiny

14   **Overview and Scrutiny Member Remuneration**

To consider proposals for the allocation of the Overview and Scrutiny Funds for 2018/19

15   **Date of Next Meeting**

To confirm the date of the next meeting as 23 July 2019.

16   **Urgent Items**

Any other items of business which the Chairman agrees to consider as a matter of urgency.

PART II

Items during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.

This page is intentionally left blank

Wiltshire Council
Where everybody matters

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

MINUTES OF THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE MEETING HELD ON 19 MARCH 2019 AT KENNET ROOM - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Christine Crisp, Cllr Stewart Dobson, Cllr Mary Douglas, Cllr David Halik, Cllr Alan Hill (Vice-Chairman), Cllr Ruth Hopkinson, Cllr Gordon King, Cllr Pip Ridout, Cllr John Smale, Cllr John Walsh, Cllr Stuart Wheeler, Cllr Graham Wright (Chairman), Cllr Clare Cape (Substitute) and Cllr Roy While (Substitute)

Also Present:

Cllr Ian Blair-Pilling, Cllr Richard Clewer, Cllr Tony Jackson, Cllr Brian Mathew, Cllr Nick Murry and Cllr Philip Whitehead

17   **Apologies**

Apologies were received from Councillors Howard Greenman and Jon Hubbard.

Councillor Hubbard was substituted by Councillor Clare Cape. Councillor Greenman was substituted by Councillor Roy While.

It was also noted that as a result of changes made at Full Council on 26 February 2019 Coucillor Matthew Dean had been removed from the Committee and Councillor John Smale was added to the Committee.

On behalf of the Committee the Chairman expressed thanks to Councillor Dean for his work on the Committee and as Chairman of the Environment Select Committee.

18   **Minutes of Previous Meetings**

The minutes of the ordinary meetiing held on 20 November 2018 and the extraordinary meetings held on 31 January 2019 and 12 February 2019 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes as true and correct records.

19   **Declarations of Interest**

There were no declarations.

20   **Chairman's Announcements**

Through the Chairman the Committee was provided an update on the number of Cabinet decisions which had received input from overview and scrutiny input, the number of recommendations developed by the commtitees and task groups, and the number of positive responses to those recommendations from the Executive, as follows:

- So far in the 2018-19 municipal year, 68% of Cabinet decisions have received some form of OS input. This compares with 50% over the previous year.
- OS has submitted 66 recommendations to the Executive and partners.
- 89% of the responses from the Executive to OS recommendations have been positive.
- 82% of eligible councillors have participated in OS in some form.
- There have been 0 call-ins

21   **Public Participation**

A series of questions from Mr Bill Jarvis had been submitted for the meeting and received written responses as detailed in Agenda Supplement 2.

Mr Jarvis then made a statement to the Committee, congratulating Full Council on its approved motion declaring a climate emergency as made on 26 February 2019, but emphasising the scrutiny and others in the council needed to take immediate action to implement a programme of work in response.

22   **Notices of Motion from Full Council**

On 26 February 2019 Full Council debated and approved two Notices of Motion relating to climate change, both of which required involvement from Overview and Scrutiny. In accordance with the constitution the Overview and Scrutiny Management Committee was to be responsible for considering the referral of any motion from Full Council and coordinating the work programme of the select committees accordingly.

The first approved motion was titled 'Acknowledging a climate emergency and proposing a way forward' and included an intention to seek to make Wiltshire carbon neutral by 2030 as well as a request for a task group to develop recommendations and a plan to achieve this along with a carobon/renewables audit.

The second approved motion was titled 'Environment and Global Warming' and asked the Leader of the Council to consider establishing a Cabinet Member or

Portfolio Holder with responsibility for environmental issues to work with Overview and Scrutiny to report to Council on such matters as energy use, carbon generation and other matters. Full details on both motions were provided in the agenda.

The Committee discussed the referred motions, noting there was an expectation that actions be undertaken quickly in response and that such a response needed to be wide ranging across the council. There was agreement that the Environment Select Committee be asked to form a task group to carry the matter forward and agree parameters with Cabinet on how to progress the work and report to Full Council.

At the conclusion of discussion, it was,

Resolved:

As requested by Full Council, the Management Committee asks the Environment Select Committee to:

    a) **form a task group to develop recommendations and a plan to achieve making the county of Wiltshire carbon neutral by 2030 along with undertaking a carbon / renewables audit; and**

    b) **agree parameters with the relevant Cabinet Member or Portfolio Holder that represent the council impact on the environment and can be accurately reported to council on a regular basis, to potentially include those measures suggested in the motion to Full Council.**

23 **Outcomes of Overview and Scrutiny Workshop - Gathering and Using Evidence**

The Overview and Scrutiny Management Committee has a responsibility to ensure that those councillors undertaking overview and scrutiny activity have appropriate knowledge and skills. In June 2018 the Committee approved a learning and development (L&D) programme for OS councillors during the 2017-21 council. This was to include regular workshops with themes chosen by councillors.

A report was received regarding the workshop held on 28 February 2019 on 'gathering and using evidence'. The Chairman of each Overview and Scrutiny Committee discussed potential actions to arise from the discussions of the workshop on 12 March 2019.

The Committee discussed the proposed actions, noting in particular the intention to revise the rapid scrutiny protocol, as the use of rapid scrutiny exercises to undertaken exploratory work including gathering initial evidence to determine if a task group was appropriate, had developed from when the protocol had been drafted.

At the conclusion of discussion, it was,

Resolved:

1) **To note the discussion points and outcomes of the OS councillor workshop held on 28 February 2019.**

2) **To agree the actions listed in the table under paragraph 6 to address the development areas identified, with the Chairman and Vice-chairman to bring detailed proposals back for discussion where appropriate.**

24   **Forward Work Programme**

The Committee received the forward work programmes of each select committee along with any additional updates from the Chairman or Vice-Chairman of each committee.

Details were provided on recent work on children missing education and elective home education, children's centres, residential engagement, maternity transformation, intermediate care beds, peer challenges and more.

Resolved:

To approve the forward work programmes.

25   **Management Committee Task Groups**

Written reports were received from each task group which had been set up by the Management Committee as detailed in the agenda papers. It was noted that the Communications with Councillors Task Group would undertake its first meeting on 25 March 2019.

In relation to the Digital Strategy Task Group it was reported from the Chairman that there was a concern the Task Group was not adding as much value as it could, in part because of a lack of information or information provided at a very late stage or short notice. The Cabinet Member and Portfolio Holder were in attendance.

In relation to the Financial Planning Task Group the Cabinet Member for Finance made a statement in relation to the position of the Chairman of the Task Group and his dual role as Chairman and Leader of the Liberal Democrat Group.

In relation to the Military Civilian Integration Task Group it was noted there was difficulty identifying where the group could add value between the responsibilities of others such as the Leader, and also that although there was the National Armed Forces Day coming up later in the year, it was important

that the work of military and civilian integration was not just focused on big events but a continual process.

In relation to the Swindon and Wiltshire Local Enterprise Partnership Task Group there had been delays in an exercise to scrutinise the Chippenham Station Hub project because of a lack of availability from Network Rail and other partners, but a new meeting had been arranged and further reports would follow when available.

A verbal update was provided on the work of the Public Consultations Task Group which had met the day before, noting the importance of clarifying legally required consultations from engagement exercises and surveys, and how each must or should be carried out, and who could authorise them. It was requested, and agreed, that senior officers provide information to the Tasks Group on the new Business Intelligence Hub which was intended to oversee any such consultations in future.

It was also noted that the Third-Party Advertising Task Group was proposed to be subsumed within a new Commercialisation Task Group which would have a broader focus, and that this would need to take account of work with Financial Planning and Traded Services to avoid duplication of work.

At the conclusion of discussion, it was,

Resolved:

1. **To note the update on OS task group activity provided.**

2. **To note the membership of the Communications with Councillors Task Group as:**

    Cllr Graham Wright
    Cllr Ruth Hopkinson
    Cllr Gavin Grant
    Cllr Allison Bucknell
    Cllr Trevor Carbin
    Cllr Jose Green

3. **To note the membership of the Public Consultations Task Group as:**

    Cllr Gavin Grant
    Cllr Ruth Hopkinson
    Cllr Jim Lynch
    Cllr Pip Ridout
    Cllr Fred Westmoreland
    Cllr Stuart Wheeler

4. **To establish the Commercialism Task Group with the following terms of reference, and with its membership to be determined by the Chairman and Vice-chairman:**

a) **To support implementation of the council's commercialism agenda, by considering and making recommendations regarding,**
- **Developing existing income streams**
- **Developing new commercial opportunities, either through existing assets or developing or acquiring new ones**
- **Councillor and officer expertise in this area**
- **The experiences of other local authorities**
- **Legal and commercial issues**
- **The ethos, values and reputation of the council when considering opportunities.**

b) **To liaise with the Financial Planning and Traded Services task groups to ensure the broad financial context is considered.**

5. **To disband the Third-Party Advertising Task Group, with its remit now covered by the Commercialism Task Group proposed above.**

26 **Date of Next Meeting**

The date of the next meeting was confirmed as 4 June 2019.

27 **Urgent Items**

There were no urgent items.

However, the Chairman wished to place on record the thanks of the Committee to the work of the Scrutiny and Democratic Services teams for their support of all the scrutiny function across a very busy period.

(Duration of meeting: 2.00 - 3.05 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services, direct line (01225) 718504, e-mail kieran.elliott@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Wiltshire Council

Overview and Scrutiny Management Committee

4 June 2019

New Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

Purpose

1. To present the new Statutory Guidance on Overview and Scrutiny (OS) in Local and Combined Authorities, as published by the Ministry of Housing, Communities and Local Government on 8 May 2019 (Appendix 1).

2. To highlight the potential implications of the new Statutory Guidance on OS in Wiltshire Council.

Background

3. In January 2017 the Department for Communities and Local Government (CLG) launched an enquiry looking at whether OS arrangements in England were working effectively and whether local communities are able to contribute to and monitor the work of their councils. The enquiry came almost two decades after the original OS legislation was introduced and followed failures in a number of high profile cases, including child sexual exploitation in Rotherham, poor care and high mortality rates at Mid Staffordshire NHS Foundation Trust and governance failings in Tower Hamlets.

4. As a major local authority with a longstanding commitment to effective OS, Wiltshire Council submitted an individual response to the enquiry (approved by Committee in March 2017). This set out how OS works in Wiltshire and what factors are most influential in making it effective. The CLG enquiry also received oral evidence from local authorities, the Centre for Public Scrutiny (CfPS), the Local Government Association and the Minister for Local Government, Rt Hon Marcus Jones MP.

5. Following a further call for evidence from the Centre for Public Scrutiny (CfPS) and the Association for Democratic Services Officers (ADSO), which were engaged in developing the new Guidance, Wiltshire Council submitted a further response .

6. In March 2018 Committee received the report setting out CLG's findings and recommendations and Central Government's response to them. Committee also considered how the findings might impact upon OS practice in Wiltshire (link).

7. On 8 May 2019, the Ministry of Housing, Communities and Local Government published the new Statutory Guidance on OS in Local and Combined Authorities (Appendix 1).

Main considerations

8. The new Guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009. This means that the council must have regard to the Guidance, with the phrase 'must have regard to' meaning that it need not be followed in every detail, but that it should be followed unless there is a good reason not to in a particular case.

9. The Guidance recognises that authorities approach OS in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

10. The table below summarises the new Guidance and comments on its key aspects, particularly where OS at Wiltshire Council might alter as a result of changes.

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
	2. Culture	
10	[OS's] effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.	The 2015 LGA Peer Challenge found that Wiltshire Council has an effective OS function with a number of key strengths.
11 a)	All members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law.	OS is now an integral part of the council's democratic decision-making arrangements.
11 b)	Authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value.	The OS work programme has a broad remit, but particular focus is placed on the corporate priorities in the Business Plan 2017-27.
11 b)	Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.	The complementary roles of OS and Audit Committee are set out in the Constitution. A recent exercise refined these roles in regards to the council's finances, leading to a clearer delineation in the Constitution.
11 b)	While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to	These have not yet been considered by OS, but this remains an option for the future.

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
	scrutiny committees as they consider their wider implications.	
11 c)	Authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme.	A roughly annual programme of work planning meetings sees all OS chairmen/vice-chairmen meeting with their Executive counterparts and directors to discuss priorities and forthcoming projects.

Regular ad hoc meetings throughout the year supplement the annual process. |
| 11 d) | The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. | OS Management Committee (OSMC) directs the OS work programme.

Major OS reviews are generally discussed with the Executive prior to establishment, to ensure the full context is considered when directing the work.

In addition the Executive regularly invite OS to review specific topics, but the final decision remains with OS. |
| 11 d) | All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee. | The Constitution requires that Wiltshire OS is,
• Inclusive
• Structured
• Non-adversarial
• Reliant on evidence rather than anecdote
• Cross-party |

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
		OS committee chairmen meet regularly with their Executive counterparts to discuss current reviews, work priorities and building working relationships.
11 d)	Effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee. It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement. One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways.	Managing disagreement effectively in Wiltshire relies on the healthy OS-Executive relationship more generally, based on the agreed principles of good scrutiny. Wherever possible OS discusses draft findings and recommendations with the Executive/directors prior to publication. This ensures that evidence is presented accurately, that the full context has been considered and that recommendations are deliverable. Wiltshire does not have a written OS-Executive protocol, though it has a well-established culture in which OS is an integral part of decision-making. This includes various protocols and procedures that are widely supported and adhered to.
11 d)	Scrutiny committees do have the power to 'call in' decisions … but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.	In Wiltshire there has been only five OS call-ins since 2015.
11 e)	Authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. Of particular importance is the	Senior officers, including the 'statutory officers', regularly attend OS committees and task groups as witnesses, as

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
	role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer.	well as more informal meetings to provide support and advice.
11 g)	Authorities should … take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.	Following local elections, the council provides councillor induction that includes a comprehensive introduction to OS. The council's Scrutiny team liaise with officers across the council to plan OS input on forthcoming decisions. The Democratic Services and Scrutiny teams deliver regular training to officers across the council on managing and working in a political environment, including OS's role. In March Committee resolved that a written Councillor briefing on the methods of requesting OS review be circulated to all councillors.

11 h)	One way in which [authorities can ensure Full Council is informed of OS's work is] by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a	Committee may wish to consider if this new provision may be particularly (or only) appropriate when
		    a) Full Council has originally requested the OS review in question;
		    b) when a relevant item appears on the Full Council meeting agenda.

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
	timely manner. Such reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.	Full Council's capacity to consider OS work in a timely manner would need to be considered if/when embedding this provision; also whether Full Council would be required to give a response or just note the work. OS already brings an annual report of its activity to Full Council and the minutes of all OS committee meetings are also noted.
11 i)	Authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across.	The council's website explains OS's purpose and processes, as well as hosting its work programmes and reports. The OS Annual Report is a public-facing document highlighting key pieces of OS work through the year. Public participation at OS meetings tends to be greatest when an issue of local concern appears on an agenda. In Wiltshire, Area Boards are the key forum for public engagement on issues of local, community interest.
11 j)	Formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers. Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25). Scrutiny members should bear in mind,	OS committees are politically balanced and (as described under 11 c) the chairmen and vice-chairmen are from across the political spectrum. Democratic Services and the Monitoring Officer provide councillors with advice on potential conflicts of interest.

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
	however, that adopting an independent mind-set is fundamental to carrying out their work effectively.	
	3. Resourcing	
15-17	Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it. When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include: • Scrutiny's legal powers and responsibilities; • The particular role and remit scrutiny will play in the authority; • The training requirements of scrutiny members and support officers… • The need for ad hoc external support where expertise does not exist in the council; • Effectively-resourced scrutiny has been shown to add value to the work of authorities… • Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.	Wiltshire Council has a small team of scrutiny officers who provide overall project support to the OS function. This is supplemented on occasion by officers from other teams. In addition, officers from across the council support OS by acting as witnesses at formal meetings, as well as providing more informal input between meetings to support the function's effectiveness.
22	Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support	Many officer roles, including scrutiny officers, are politically restricted posts.

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
	are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.	
	4. Selecting Committee members	
24	While there are proportionality requirements that must be met, the selection of the chair and other committee members is for each authority to decide for itself. Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.	Members of Wiltshire Council's four OS committees are appointed by Full Council. The four OS committees elect their chairmen and vice-chairmen. By convention, the chairman of the OS Management Committee **does not** belong to the majority political group, as a demonstration of the position's independence from the Executive; its vice-chairman **does**, providing an important link with the Administration.
28	Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).	The three other OS committees have a mixture of Administration and Opposition group chairmen, with their vice-chairmen by convention coming from the group not occupied by the chairman. This is to ensure political spread in the leading OS positions.

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
25	Authorities are reminded that members of the executive cannot be members of a scrutiny committee. Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate.	To avoid conflicts of interest and maintain OS's independence, current practice is that Portfolio Holders (and Cabinet Members) cannot take part in OS other than as witnesses.
26	Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.	At present the Constitution does not articulate this, other than to prohibit Executive members from acting as OS members. The Committee may wish to consider whether, based on experience, a more detailed protocol is necessary or not.
29

30 | The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, | Job descriptions for the positions of OS committee chairman and vice-chairmen are currently being drafted. This is to support consistency in the delivery of the roles and help councillors understand their demands before taking them on.

OS task groups and rapid scrutiny exercises elect their own chairmen at the first meeting, with a mixture of Administration and Opposition group members holding such positions. |

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
	they should take care to avoid the committee being, and being viewed as, a *de facto* opposition to the executive.	
32	The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot.	The chairmen and vice-chairmen of the four OS committees are elected by their membership, but not by secret ballot (see 30 above).
33	Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.	Following local elections, the council provides councillor induction that includes a comprehensive introduction to OS.

There is also an ongoing OS councillor learning and development programme, with two workshops held recently (on 'Effective OS meetings' and 'Gathering and using evidence'). |
| 34 | When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector. | Councillors are supported to attend external training and network events, funded by the council when the topic is relevant to their OS role.

The OS Task Group Protocol now encourages task groups to conduct early consideration of councillors' briefing/training needs. |
| 35 | While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable. There are two principal ways to procure this: | While there is no formal co-option scheme, Children's Select Committee includes a number of statutory and non-statutory co-opted member positions (decided by Full Council), who provide a specific service-user/sector |

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
	- Co-option – formal co-option is provided for in legislation. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and - Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).	perspective. Health Select Committee includes non-voting stakeholders for the same purpose. The OS Task Group Protocol describes the roles of co-opted members and expert advisers, both of which have been used to support reviews of more technical topics.
	5. Power to access information	
37 38	A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively. This need is recognised in law, with members of scrutiny committees enjoying powers to access information.	OS councillors' special rights to access information are set out in Part 5 of the Constitution. OS committees and task groups regularly receive confidential information, considering these in closed session meetings. The objective is always to facilitate OS engagement prior to decisions being taken, with the relevant reports or drafts being provided as evidence.
40	Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk.	The Financial Planning Task Group has this remit and considers the quarterly financial, performance and risk reports prior to Cabinet.

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
41	Officers should speak to scrutiny members to ensure they understand the reasons why information is needed … While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.	The Scrutiny team, OS chairmen/vice-chairmen and directors are in regular contact to discuss OS requests for information. Refusal of information requests is an unusual occurrence.
44	Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions.	By convention, Executive members and directors engage with OS and are held to account for their decisions.
45 46	Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following… (see page 19 of the appended Guidance).	OS regularly receives information from Wiltshire CCG, NHS Health trusts, Healthwatch, Swindon & Wiltshire Local Enterprise Partnership (LEP), the armed forces and other local authorities. As part of specific reviews OS has also recently engaged with special schools, outdoor education providers, local taxi companies, letting agents and Network Rail. A standard chairman's verbal statement has been prepared in order to ensure all new witnesses understand OS's purpose, powers and processes.

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
46	Scrutiny committees will often have a keen interest in 'following the council pound', i.e. scrutinising organisations that receive public funding to deliver goods and services. Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.	OS regularly scrutinises council services delivered by outside contractors, e.g. waste management, high-speed broadband and highways and streetscene. This sometimes involve representatives of the contractors attending OS meetings to answer questions. The principal witness and object of challenge, however, remains the Executive.
	6. Planning work	
47	Scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.	The three thematic select committees review their sections of the OS work programme at every meeting, with Management Committee then reviewing the whole programme. The emphasis is on covering the known priorities while retaining flexibility to accommodate further issues when they arise unexpectedly. Work planning is led by the chairmen and vice-chairmen in discussion with Executive and directors.

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
48	While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.	As a major unitary authority, the council's OS work programme rightly has a broad remit, but particular focus is put on the organisational priorities set out in the Business Plan 2017-27.

OS Management Committee coordinates the overall OS work programme in part to ensure that the officer and councillor resources available are not "stretched too thin" to add real value to each activity. |
| 51 | Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring. | OS committees are encouraged to consider the potential value added when deciding whether to review a topic.

In March 2019 OS Management Committee also agreed the following in order to ensure an effective work programme: |
| 55 | Approaches to shortlisting topics should reflect scrutiny's overall role in the authority … the kind of questions a scrutiny committee should consider might include:
• Do we understand the benefits scrutiny would bring to this issue?
• How could we best carry out work on this subject?
• What would be the best outcome of this work?
• How would this work engage with the activity of the executive and other decision-makers, including partners? | 1. Periodic reviews of work programmes to discuss where value can/cannot be added

2. Work programmes stating why each item is received.

3. When committee requests an update, chairman/vice-chairman to review the information to ensure a further item is needed. |

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
53	Evidence will need to be gathered to inform the work programming process ... Gathering evidence requires conversations with: • *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. • *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful: • Public sector partners • Voluntary sector partners • Contractors and commissioning partners • In parished areas, town, community and parish councils • Neighbouring principal councils • Cross-authority bodies and organisations, such as Local Enterprise Partnerships • Others with a stake and interest in the local area – large local employers, for example.	An increased emphasis on 'taking OS to the people' was recently agreed. This included visits to localities and discussion with service-users and deliverers. In terms of OS work planning, councillors bring their detailed knowledge of local concerns to the process. Health Select Committee engages with Wiltshire CCG, local NHS trusts and Healthwatch to support work planning. Its stakeholder representatives also provide a sector and service-user perspective. OS scrutinises services delivered by outside contractors, though it does not specifically engage them in wider work-planning. This also applies to the bodies like the LEP and armed forces. Other councils tend to be engaged with on specific reviews rather than work-planning, although Scrutiny officers and councillors attend national and regional OS networks to share learning.

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
	The executive – a principal partner in discussions on the work programme should be the executive (and senior officers).	The Executive are the principal partner in the OS work-planning process, as described under 11 c).
54	Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include: • Performance information from across the authority and its partners; • Finance and risk information from across the authority and its partners; • Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries; • Business cases and options appraisals (and other planning information) for forthcoming major decisions; • Reports and recommendations issued by relevant ombudsmen.	Most of these sources are used already, but Committee may wish to consider the others.
	7. Evidence sessions	
59-63	Good preparation is a vital part of conducting effective evidence sessions... Effective planning is [primarily] about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit	Before OS committee meetings, chairmen, vice-chairmen and scrutiny officers meet to discuss objectives and key lines of enquiry for each agenda item.

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
	the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings.

After an evidence session, the committee might wish to hold a short 'wash-up' meeting to review whether their objectives were met and lessons could be learned for future sessions. | Before task group and rapid scrutiny meetings, the full membership meets for a briefing to agree their approach to each item and key lines of enquiry.

At all OS meetings, OS chairmen are supported to introduce the item and remind members of the background, context and purpose of the item.

At the conclusion of OS debates, chairmen are encouraged to sum up the key themes of the debate and officers capture these and agreed actions within a resolution (to be be set out in the OS chairman's job description). |
| 64 | The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer. | Task group reviews and rapid scrutiny exercises always conclude with the agreement of recommendations by members. There is usually a discussion of these in draft with the Executive and directors prior to publication (see 11 d). |

Guidance para no.	New OS Guidance – key messages	Implications for OS in Wiltshire
67	Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed.	This is advised in the OS Task Group Protocol.

11. In general the Guidance supports a culture and approach already well-embedded at Wiltshire Council. In summary, the Guidance recommends the following as key facets of good OS:

   a) A recognition of the importance and legitimacy of OS
   b) Executive and OS roles, plus their relationship, being clearly defined
   c) OS being independent from the Executive, but with regular liaison between the two
   d) OS acting as a 'critical friend' and not using its powers politically
   e) The positive impact of OS being appropriately resourced
   f) OS councillors having the skills and qualities to fulfil its functions
   g) The vital role OS chairmen play
   h) Clear arrangements in place to avoid or manage conflicts of interest
   i) Access to information being refused to OS only by exception
   j) The value of information from external organisations
   k) Enabling OS to 'follow the council pound' by scrutinising contractors
   l) Early OS engagement on proposals
   m) Regular and meaningful engagement with OS from Executive members and senior officers
   n) OS being selective when work-planning
   o) OS councillors understanding their objectives for activities in advance
   p) Recommendations that are 'SMART' and have been discussed with relevant parties.

12. The Committee may wish to pay particular attention to the sections in the Guidance that suggest or allow potential changes to current practice. These are as follows (with more detail provided in the table):

   a) Introduction of an Executive-OS Protocol "to help define the relationship and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways".

   b) OS reports and recommendations (when appropriate) being submitted to full Council rather than just the Executive.

   c) Greater clarity on managing potential conflicts of interest re OS and the Executive.

   d) Including a requirement within council contracts that the contractor must supply information to, or appear before, OS committees on request.

Proposal

13. Committee to discuss the new Statutory Guidance and its potential implications on OS practice at Wiltshire Council.

Paul Kelly
Head of Democracy and Performance (and Designated Scrutiny Officer)

Report author: Henry Powell, Scrutiny Lead, 01225 718052, henry.powell@wiltshire.gov.uk

Appendices

Appendix 1   New Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

This page is intentionally left blank

Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

OGL

Contents

Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for
This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance
This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance
This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

<u>Terminology</u>
Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.[1]

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

<u>Expiry or review date</u>
This guidance will be kept under review and updated as necessary.

---

[1] A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.

2. Overview and scrutiny committees have statutory powers[2] to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

   > Effective overview and scrutiny should:
   > - Provide constructive 'critical friend' challenge;
   > - Amplify the voices and concerns of the public;
   > - Be led by independent people who take responsibility for their role; and
   > - Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.

4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.

6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

---

[2] Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.

8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.

9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.

10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture
11. Authorities can establish a strong organisational culture by:

a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

8

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

> In particular:
>
> - The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
>
> - The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.

g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.

h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).

j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.

13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
   - rights of access to documents by the press, public and councillors;
   - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
   - delegated decisions by the Mayor;
   - whistleblowing protections for both staff and councillors; and
   - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.

16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.

17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

> When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:
> - Scrutiny's legal powers and responsibilities;
> - The particular role and remit scrutiny will play in the authority;
> - The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
> - The need for ad hoc external support where expertise does not exist in the council;
> - Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
> - Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,[3] someone whose role is to:
    - promote the role of the authority's scrutiny committee;
    - provide support to the scrutiny committee and its members; and
    - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

---

[3] Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- Committee – officers are drawn from specific policy or service areas;
- Integrated – officers are drawn from the corporate centre and also service the executive; and
- Specialist – officers are dedicated to scrutiny.

21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.

24. While there are proportionality requirements that must be met,[4] the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny[5].

> Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.[6] Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.

26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.[7] This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

---

[4] See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

[5] See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf

[6] Section 9FA(3) of the Local Government Act 2000.

[7] 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

<u>Selecting a chair</u>
29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

> Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives[8]. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person[9].

32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair[10].

<u>Training for committee members</u>
33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

<u>Co-option and technical advice</u>
35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

---

[8] A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.
[9] See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).
[10] Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

16

36. There are two principal ways to procure this:
    - Co-option – formal co-option is provided for in legislation[11]. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
    - Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

---

[11] Section 9FA(4) Local Government Act 2000

17

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.

38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information[12]. In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.

40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.

41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

> While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision[13]. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

---

[12] Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
[13] Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

> Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member[14]. When agreeing to such requests, authorities should:
   - consider whether seeking clarification from the information requester could help better target the request; and
   - Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions[15]. It is the duty of members and officers to comply with such requests.[16]

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

   a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;

   b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

---

[14] Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
[15] Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
[16] Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

c) **<u>How to encourage compliance with the request</u>** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to 'set the record straight' in a public setting; and

d) **<u>Who to approach</u>** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority's pre-existing relationship with it.

> <u>Following 'the Council Pound'</u>
> Scrutiny committees will often have a keen interest in 'following the council pound', i.e. scrutinising organisations that receive public funding to deliver goods and services.
>
> Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

20

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.

48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.

50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.

51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.

52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:

- *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
  - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
  - Voluntary sector partners;
  - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
  - In parished areas, town, community and parish councils;
  - Neighbouring principal councils (both in two-tier and unitary areas);
  - Cross-authority bodies and organisations, such as Local Enterprise Partnerships[17]; and
  - Others with a stake and interest in the local area – large local employers, for example.

- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:
- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

---

[17] Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

> As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':
> https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

> Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:
> - Do we understand the benefits scrutiny would bring to this issue?
> - How could we best carry out work on this subject?
> - What would be the best outcome of this work?
> - How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work

58. Selected topics can be scrutinised in several ways, including:

   a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;

   b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

c) **<u>At a task and finish review of two or three meetings</u>** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;

d) **<u>Via a longer-term task and finish review</u>** – the 'traditional' task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and

e) **<u>By establishing a 'standing panel'</u>** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal 'task and finish' groups or at standalone sessions.

> Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

> Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.

62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.

63. After an evidence session, the committee might wish to hold a short 'wash-up' meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.

66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

    i.   the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;

    ii. the development of those findings, which will set out some areas on which recommendations might be made; and

    iii. the drafting of the full report.

67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

> Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

28

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

30

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

31

This page is intentionally left blank

Wiltshire Council
Where everybody matters

Overview and Scrutiny Management Select
Forward Work Programme

Last updated 1 JUNE 2019

Overview and Scrutiny Management Committee – Current / Active Task Groups		
Task Group	**Start Date**	**Final Report Expected**
Financial Planning Task Group	October 2013	
Swindon and Wiltshire Joint LEP Task Group	March 2014	
MCIP Task Group	December 2014	
Digital Strategy and Implementation Task Group	June 2017	
Communications with Councillors Task Group	January 2019	
Public Consultations Task Group	January 2019	
Commercialism Task Group	March 2019	

Agenda Item 10

Overview and Scrutiny Management Select – Forward Work Programme			Last updated 1 JUNE 2019		
Meeting Date	**Item**	**Details / Purpose of Report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
23 Jul 2019	Corporate Peer Challenge Update	To receive an update on progress with implementation of the action plan received by the Committee on 20 March 2018.	Robin Townsend	Cllr Baroness Scott of Bybrook OBE	David Bowater
23 Jul 2019	Task Group update	To receive an update on the work of the OS Management Committee's task groups.	Ian Gibbons	Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism	Henry Powell
23 Jul 2019	Forward Work Programme	To consider the current Overview and Scrutiny forward work programme	Ian Gibbons	Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism	Henry Powell
24 Sep 2019	Interim Report from Digital and Implementation Strategy Task Group		Paul Day	Cabinet Member for Finance and ICT	Natalie Heritage
24 Sep 2019	Forward Work Programme	To consider the current Overview and Scrutiny forward work programme	Ian Gibbons	Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism	Henry Powell

Overview and Scrutiny Management Select – Forward Work Programme			Last updated 1 JUNE 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
24 Sep 2019	Task Group update	To receive an update on the work of the OS Management Committee's task groups.	Ian Gibbons	Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism	Henry Powell

Page 69

This page is intentionally left blank

Health Select Committee
Forward Work Programme

Last updated 9 May 2019

Health Select Committee – Current / Active Task Groups			
Task Group	**Details of Task Group**	**Start Date**	**Final Report Expected**
Child and Adolescent Mental Health Services (CAMHS)			
N/A			

Health Select Committee – Forward Work Programme			Last updated 9 MAY 2019		
Meeting Date	**Item**	**Details / Purpose of Report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
25 Jun 2019	00 - Pre-committee briefing - Key Performance Indicators and Adult Social Care Quality Scorecard	It was agreed at the 5 March 2019 that the committee would have a pre-meeting briefing focusing on Key Performance Indicators and Adult Social Care Quality Scorecard at its June 2019 meeting.		Cabinet Member for Adult Social Care, Public Health and Public Protection	
25 Jun 2019	00 - pre-meeting briefing - Adult Social Care transformation - Phase 1 outcome update	To receive a presentation on the outcome of Phase 1, including: - recap of aims and priorities for Phase 1 - key achievements - key issues - team involved in delivering Phase 1 - any remaining work for Phase 1	Emma Legg (Director of Access and Reablement)	Cabinet Member for Adult Social Care, Public Health and Public Protection	
25 Jun 2019	01 - Chairman's Announcement - Age UK - Home from Hospital scheme - one year update	Following resolution at the Health Select Committee on 6 March 2018 to receive a one-year-on update on the Age UK Home from Hospital scheme, including performance indicators / confirmation that the specification and performance outcomes are being met.		Cabinet Member for Adult Social Care, Public Health and Public Protection	Sue Geary
25 Jun 2019	01 - Chairman's announcement - Public Health - Annual report to Secretary of State	Chairman's announcement – update on release of the film.	Tracy Daszkiewicz (Director - Public Health)	Cabinet Member for Adult Social Care, Public Health and Public Protection	

Health Select Committee – Forward Work Programme			Last updated 9 MAY 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
25 Jun 2019	01 - Chairman's announcement - Scrutiny statutory guidance	Guidance published on 7 May 2019 to ensure local and combined authorities are aware of the purpose of overview and scrutiny and how to conduct it effectively.			Marie Gondlach
25 Jun 2019	Election of chairman	Election of chairman for the forthcoming year			
25 Jun 2019	Election of vice-chairman	Election of a vice-chairman for the forthcoming year			
25 Jun 2019	Adult Social Care - Quarterly scorecard	At its March 2019 meeting the committee resolved the following with regards to ASC quarterly scorecards: To invite the Cabinet member to consider the following with regards to the scorecards: a. using more than 2 data points to inform the scorecards (to highlight trends); b. including national comparison on monitoring figures; c. showing the "strategic weight" of the Key Performance Indicators (how do they link with the council's business plan and / or priorities) d. reviewing the KPIs themselves on a regular basis, such as every 6 months		Cabinet Member for Adult Social Care, Public Health and Public Protection	

Health Select Committee – Forward Work Programme			Last updated 9 MAY 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
25 Jun 2019	Adult Social Care transformation - Phase 2 update	To receive an update on the implementation of Phase 2 of the ASC transformation programme (including aim, progress to date, planned work, team involved with Phase 2).		Cabinet Member for Adult Social Care, Public Health and Public Protection	
25 Jun 2019	Mental Health	When considering the executive response to the CAMHS task group the committee agreed to receive the joint CCG/council report on Mental Health (all ages) planned to be taken to the Health and Wellbeing Board in June / July 2019. This would also tie with the focus of the Adult Social Care transformation - Phase 2 (Mental Health).	Claire Edgar (Director - Learning Disabilities and Mental Health)	Cabinet Member for Adult Social Care, Public Health and Public Protection	
25 Jun 2019	Green Paper	To consider both the government and the LGA green paper on care and support for older people.			Marie Gondlach

Health Select Committee – Forward Work Programme			Last updated 9 MAY 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
25 Jun 2019	SWAST Performance in Wiltshire - annual report	Since September 2016, SWAST Performance in Wiltshire have been presented to the Health Select Committee in the form of annual reports to the Committee on the performance of the ambulance service in Wiltshire. The first edition was presented at the Health Select Committee on 27 September 2016. Delayed until the December meeting (no report received for the September meeting). It was agreed at the 5 March 2019 meeting that the committee would invite SWAST to present to the HSC on 30 April on the following: a. Progress to date and planned activities in the Trust's estate review – including outcomes of the 2015/16 audit focusing on impact on Wiltshire, including Amesbury ambulance station. b. Update on service delivery in terms of performance, projects and activity (last received in September 2017), including work planned for 2019/20 c. Response times, especially in rural areas			

Health Select Committee – Forward Work Programme			Last updated 9 MAY 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
25 Jun 2019	Places of safety - user feedback update	It was agreed at the 5 March 2019 meeting that the committee would receive the analysis of the feedback on the impact the temporary closure was having on the populations of Swindon and Wiltshire and individuals using the service at the earliest opportunity. The report is pending release by NHS England - until then it will be included in the FWP for the next meeting (then can be deferred).			AWP
25 Jun 2019	Non-elected representation on the Health Select Committee	As agreed at the Health Select Committee meeting on 11 July 2018, the committee will review its appointments of non-elected representative on a yearly basis.			Marie Gondlach
25 Jun 2019	Quality Accounts - update	It was agreed at the 5 March 2019 that a working group of 4 members of the Health Select Committee would review the Quality Accounts submitted to the council. This is an opportunity for the members who took part to report on the process they followed and for the committee to consider the value of this approach when considering Quality Accounts.			Marie Gondlach
3 Sep 2019	00 - pre-meeting briefing - Dementia	To receive presentations from both Alzheimer's Society and Alzheimer Support on their history and the service(s) they provide in Wiltshire.			Marie Gondlach Alzheimer's Society Alzheimer Support

Health Select Committee – Forward Work Programme			Last updated 9 MAY 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
3 Sep 2019	01 - Chairman's announcement - Citizen's panels - update	To receive an update on the implementation of the Citizen's panels, including information on the recruitment and appointment of panel members.			CCG - Sarah MacLennan
3 Sep 2019	01 - Chairman's Announcement - Primary Care Networks - update	Update on completion (can be chairman's announcement) including engagement with voluntary sector to be involved with the network to ensure a holistic approach and including outcome of Healthwatch engagement work.			CCG - Sarah MacLennan
3 Sep 2019	Dementia	Receive information from the council on its recent work re Dementia, including Dementia strategy for Wiltshire and update on Dementia alliances in the community (dementia friendly town and shops). Receive information from Alzheimer's Society on its recent work and national campaign (Fix Dementia Care). Receive information from Alzheimer Support on its recent work (as contract holders).		Cabinet Member for Adult Social Care, Public Health and Public Protection	Alzheimer's Society and Alzheimer Support
3 Sep 2019	Wiltshire Safeguarding Adult Board - annual update and information on the three-year strategy	To receive the Wiltshire Safeguarding Adult Board's next three-year strategy in 2019, as agreed at the 18 December 2018 meeting.		Cabinet Member for Adult Social Care, Public Health and Public Protection	Emily Kavanagh Mr Richard Crampton, Chairman of the Board

Health Select Committee – Forward Work Programme			Last updated 9 MAY 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
3 Sep 2019	Maternity Transformation Plan - analysis of the public consultation	It was agreed at the 5 March 2019 meeting that the Health Select Committee would consider the outcome of the public consultation and the findings of the panel of clinicians on the Maternity Transformation Plan at the meeting on 25 June 2019. However the analysis of the responses would not be completed until July 2019, the item was therefore deferred to the September 2019 meeting of the committee.			CCG - Lucy Baker and Sarah MacLennan
3 Sep 2019	NHS Health Checks	As agreed at the September 2018 meeting to receive an update on the implementation of the agreed recommendations following the rapid scrutiny, after May 2019.	Tracy Daszkiewicz (Director - Public Health)	Cabinet Member for Adult Social Care, Public Health and Public Protection	Steve Maddern
3 Sep 2019	Outcome of the review of Intermediate Care Bed Service	At its 5 March 2019 the committee considered the executive response to the rapid scrutiny exercise on Extension of Intermediate Care Bed Service contracts for 2019-2020. It was agreed that the committee would receive the outcome of the review of Intermediate Care Bed Service at the earliest opportunity.	Helen Jones (Director - Joint Commissioning)	Cabinet Member for Adult Social Care, Public Health and Public Protection	

Health Select Committee – Forward Work Programme			Last updated 9 MAY 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
3 Sep 2019	Gypsy and Traveller health needs assessment	The needs assessment will be used as part of the development of the next Wiltshire Gypsy and Traveller strategy.	Tracy Daszkiewicz (Director - Public Health)	Deputy Leader and Cabinet Member for Communications, Communities, Leisure and Libraries	Steve Maddern
3 Sep 2019	Update on model of procurement (specialist commissioning contacts)	When considering the executive response to the rapid scrutiny exercise focusing on Extension of Specialist Commissioning Contracts for Supported Living, Floating Support and Supported Housing, the committee resolved: To be provided with an update on the model for procurement that would be adopted following this review work, in terms of the "direction of travel" for the contracts, including the feedback from providers and service users and if possible highlighting the main changes from previous contracts at the earliest opportunity.	Helen Jones (Director - Joint Commissioning)	Cabinet Member for Adult Social Care, Public Health and Public Protection	
5 Nov 2019	00 - pre-meeting briefing - NHS long term plan	To receive a presentation on the NHS long term plan			CCG

Health Select Committee – Forward Work Programme			Last updated 9 MAY 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
5 Nov 2019	01 - Chairman's announcement - relocation of RNHRD	It was agreed at the 5 March 2019 meeting that the committee would receive an update to confirm the move to proposed site (Combe Park) for Royal National Hospital for Rheumatic Diseases' Bath Centre. The Trust was proposing to relocate the Bath Centre for Pain Services, along with clinicians and staff, to a specially refurbished building (Bernard Ireland House) on the RUH's Combe Park site in autumn 2019.			Emma Mooney - RUH Sarah MacLennan - CCG
5 Nov 2019	AWP Transformation Programme - 12 months update	It was agreed at the 11 July 2018 HSC meeting to receive an update in 12 months' time on the AWP transformation programme.			Nicola Hazle, Clinical Director for BANES, Swindon and Wiltshire, Avon and Wiltshire Mental Health Partnership NHS Trust
5 Nov 2019	AWP Transformation Programme - update	As agreed at the July 2018 meeting - To receive an update in December 2019.			AWP

Health Select Committee – Forward Work Programme			Last updated 9 MAY 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
5 Nov 2019	Wiltshire Council - CQC inspection - update on actions	On 14 June 2018 the CQC published its review of how local health and social care systems work together in Wiltshire. Further details can be accessed on the [CQC website](). When the committee considered the information in the CQC report at its meeting on 11 July, it agreed for the following to be added to its forward work programme: • Developing a sustainable integrated workforce strategy • Strengthening joint commissioning across the whole system • A single overarching health and social care strategy, improving • Developing a single, integrated communications strategy • Implementing digital opportunities and information sharing • Unifying and developing whole system governance arrangements • New Wiltshire health and social care model • Improving Wiltshire's Health and Wellbeing Board effectiveness. The committee will receive information from the council on the actions it has taken, or plans it has made, to address the issues highlighted in the CQC report with a specific focus on the areas listed			Marie Gondlach

Health Select Committee – Forward Work Programme			Last updated 9 MAY 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
14 Jan 2020	00 - pre-meeting briefing - Dorothy House	To receive a presentation from representatives of Dorothy House to inform the committee of the range of services provided.			Marie Gondlach
14 Jan 2020	00 - pre-meeting briefing - Shared Lives	For the committee to receive information on the Shared Lives scheme			
	Wiltshire Health & Care (Adult Community Health Care Service) - update following CQC report	At its meeting on 9 January 2018, the Committee resolved to receive a further update, possibly in July 2018, providing further information regarding the implementation of actions, and the development of the trust. The trust subsequently requested that this be brought to the September meeting. Delayed until the December meeting (no report received for the September meeting).			Wiltshire Health & Care
	CCG Commissioning Intentions	(TBC)			CCG
	Cancer care strategies - update	(date TBC) To receive an update following the information provided at the HSC meeting in September 2017.			CCG
	Update on Strategic Outline Case - consultation results	Update on the information provided at the HSC meeting in September 2017.			

Children's Select Committee
Forward Work Programme

Last updated 1 JUNE 2019

Children's Select Committee – Current / Active Task Groups		
Task Group	**Start Date**	**Final Report Expected**
Child and Adolescent Mental Health Services (CAMHS)	October 2017	TBC
Youth Transport	May 2019	September 2019
SEND School Provision	October 2017	TBC (Interim received June 2018 & March 2019)
Traded Services for Schools	December 2017	TBC

Children's Select Committee - Rapid Scrutiny		
Topic	**Details**	**Date**
Children's Centres Consultation		April 2019
Outcomes for Disadvantaged Learners		TBC

Children's Select Committee – Forward Work Programme				Last updated 1 JUNE 2019		
Meeting Date	**Item**	**Details / Purpose of Report**	**Associate Director**		**Responsible Cabinet Member**	**Report Author / Lead Officer**
16 Jul 2019	Apprenticeships Update - Service Provider Contract Obligations	To receive an update from the Corporate Director for Growth, Investment & Place on the progress made towards building in obligations into service provider contracts to ensure Level 2 apprentices are included within their Wiltshire-based workforces.			Cabinet Member for Children, Education and Skills	Alistair Cunningham
16 Jul 2019	Wiltshire Council Apprenticeship Growth Target	To receive details on Wiltshire Council's submission to central government on how we are fulfilling our apprenticeship target.	Pitt		Cabinet Member for Children, Education and Skills	Joanne Pitt
16 Jul 2019	Performance & Outcomes for Families & Children's Services	To receive an overview of the performance and outcomes of children's social care.	Lucy Townsend (Director - Family and Children)		Cabinet Member for Children, Education and Skills	Lynda Cox
15 May 2019	Executive Response to the Interim Report of the SEND School Provision Task Group				Cabinet Member for Children, Education and Skills	
16 Jul 2019	Executive Response to the Report of the Children's Centre Consultation Rapid Scrutiny Exercise		Helen Jones (Director - Joint Commissioning)		Cabinet Member for Children, Education and Skills	Adam Brown

Children's Select Committee – Forward Work Programme			Last updated 1 JUNE 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
10 Sep 2019	Final Report of the Youth Transport Task Group		Alistair Cunningham	Cabinet Member for Children, Education and Skills, Cabinet Member for Highways, Transport and Waste	Adam Brown
12 Nov 2019	Pre-Meeting Information Briefing: Children Accessing Alternative Educational Provision	To receive the topic as a pre-meeting briefing following the resolution from the 5th March 2019 Children's Select Committee meeting.	Lucy Townsend (Director - Family and Children)	Cabinet Member for Children, Education and Skills	
12 Nov 2019	Higher Education Strategy	To receive an update on the progress of the SWLEP Higher Education Strategy as agreed by the committee in November 2018.		Cabinet Member for Children, Education and Skills	Jackie Tuckett
12 Nov 2019	Executive Response to the Final Report of the Youth Transport Task Group		Alistair Cunningham	Cabinet Member for Children, Education and Skills, Cabinet Member for Highways, Transport and Waste	Adam Brown

Children's Select Committee – Forward Work Programme			Last updated 1 JUNE 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
10 Mar 2020	Elective Home Education for Children with SEND	Item follows the resolution from the 5th March 2019 Children's Select Committee: "To receive further data and analysis in 12 months on children with SEND receiving Elective Home Education."	Lucy Townsend (Director - Family and Children)	Cabinet Member for Children, Education and Skills	Jen Salter
10 Mar 2020	Families and Children's Transformation Programme: Impact and Outcomes for Young People	To receive the item following the resolution from the 5th March 2019 Children's Select Committee: "To receive a report in 12 months on the impact of the programme on the outcomes for young people in Wiltshire"	Lucy Townsend (Director - Family and Children)	Cabinet Member for Children, Education and Skills	Theresa Leavy

Environment Select Committee
Forward Work Programme

Last updated 16 MAY 2019

Task Group	Start Date	Final Report Expected
Homelessness Strategy Task Group	December 2018	September 2019
Climate Change Task Group	May 2019	TBC

Environment Select Committee – Forward Work Programme			Last updated 24 APRIL 2019		
Meeting Date	**Item**	**Details / Purpose of Report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
18 Jun 2019	'Western Gateway' sub-national transport body	A written Chairman's Announcement with an update on the transport schemes that have been applied for, following a presentation to the Committee (& extended to the wider Council membership) on the matter on 18 July 2018	Parvis Khansari	Cabinet Member for Highways, Transport and Waste	Allan Creedy
18 Jun 2019	Killed and Seriously Injured: Motorbike & Cyclist Data	As resolved at 23 April 2019 meeting, the Committee to receive data collected by Wiltshire Police on motorbike and cyclist KSI incidences in the county	Parvis Khansari	Cabinet Member for Highways, Transport and Waste	Allan Creedy
18 Jun 2019	Public Transport Review Update	As resolved at 23 April 2019 meeting, the Head of Passenger Transport to provide a statement updating on the progress of the Judicial Review	Parvis Khansari	Cabinet Member for Highways, Transport and Waste	Jason Salter
18 Jun 2019	Rapid Scrutiny: Plastic Waste in Wiltshire's Roads - Final Report	For the Committee to receive the final report of the rapid scrutiny exercise.	Parvis Khansari	Cabinet Member for Highways, Transport and Waste	Marie Gondlach
18 Jun 2019	Waste Management Strategy	As resolved at 26 June 2018 meeting, a 6-month progress report on the Waste Management Strategy to be provided to the committee.	Parvis Khansari	Cabinet Member for Highways, Transport and Waste	Tracy Carter

Environment Select Committee – Forward Work Programme			Last updated 24 APRIL 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
18 Jun 2019	Executive Response to the Late-Night Taxi Fares Task Group	For the Committee to receive the formal response from the Executive, in relation to the Late-Night Taxi Fares Task Group's final report. As resolved at 8 January 2019 ESC, the final report to be received by Licensing Committee, prior to ESC considering the Executive's response.	Parvis Khansari	Cabinet Member for Adult Social Care, Public Health and Public Protection	Henry Powell
18 Jun 2019	Dog Excrement	As agreed at 8 January 2019 ESC, the Committee to receive a briefing on the impact that dog fouling in the countryside has on livestock.	Director – Communities and Neighbourhood Services	Deputy Leader and Cabinet Member for Communications, Communities, Leisure and Libraries	Natalie Heritage
3 Sep 2019	Provision for Gypsy and Travellers	As agreed with the Chairman and Vice-Chairman following 12 March 2019 meeting, the Committee to consider a draft/information to be used for the Cabinet report listed on the Cabinet Forward Work Programme	Director – Economic Development and Planning	Cabinet Member for Spatial Planning, Development Management and Property	Georgina Clampitt-Dix
3 Sep 2019	Rapid Scrutiny: Plastic Waste in Wiltshire's Roads - Executive Response	For the Committee to receive the Executive response to the Rapid Scrutiny's final report.	Parvis Khansari	Cabinet Member for Highways, Transport and Waste	Marie Gondlach

Environment Select Committee – Forward Work Programme			Last updated 24 APRIL 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
3 Sep 2019	Highways Annual Review of Service	As resolved at 6 November 2018 meeting, the Committee to continue to receive an annual update on the review of the highway service.	Parvis Khansari	Cabinet Member for Highways, Transport and Waste	Peter Binley
3 Sep 2019	HIAMS: Streetworks	As resolved at 12 March 2019 meeting, the Committee requested a report on the next stage of the HIAMS implementation, with regard to highways inspections and the benefits of the HIAMS mobile working capability later in 2019	Parvis Khansari	Cabinet Member for Highways, Transport and Waste	Paul Bromley
3 Sep 2019	Salisbury Recovery	As resolved at 8 January 2019 ESC following a presentation on the matter, the Committee to receive a further presentation on the progress of work in six months' time	Robin Townsend	Cabinet Member for Economic Development and South Wiltshire Recovery	Kartar Singh
3 Sep 2019	Homelessness Strategy Task Group: Final Report	For the Committee to receive the final report of the Task Group, following the completion of their work	Simon Hendey (Director - Housing and Commercial)	Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism	Natalie Heritage

Environment Select Committee – Forward Work Programme			Last updated 24 APRIL 2019		
Meeting Date	**Item**	**Details / purpose of report**	**Associate Director**	**Responsible Cabinet Member**	**Report Author / Lead Officer**
3 Sep 2019	Housing Aids and Adaptations	As agreed with the Cabinet Member and the Chairman and Vice-Chairman, the Committee to consider information on the Council's policies around adapting housing stock for disabled tenants	Simon Hendey (Director - Housing and Commercial)	Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism	Natalie Heritage
5 Nov 2019	Executive Response to the Homelessness Strategy Task Group: Final Report	For the Committee to receive the Executive's response to the Homelessness Strategy Task Group's final report	Simon Hendey (Director - Housing and Commercial)	Cabinet Member for Housing, Corporate Services, Arts, Heritage and Tourism	Natalie Heritage

Wiltshire Council

Overview and Scrutiny Management Committee

4 June 2019

Task Group Update

1.   Communications with Councillors Task Group

Membership

Cllr Graham Wright
Cllr Ruth Hopkinson
Cllr Gavin Grant
Cllr Allison Bucknell
Cllr Trevor Carbin (Chairman)
Cllr Jose Green

Supporting officer: Adam Brown

Terms of Reference

1. To review Wiltshire councillors' experience and expectation of internal communications from the council across its service areas.

2. To contribute to the work already underway to develop a new online information portal for Wiltshire councillors.

3. To make recommendations to ensure that the communications received by Wiltshire councillors take into account their expectations to assist them in undertaking their role as effectively as possible.

Recent activity

The task group first met on 25 March 2019 to consider their terms of reference and to scope their future investigation. Cllr Trevor Carbin was elected as chairman. The task group agreed to produce a survey which would be distributed to all Wiltshire Councillors for response. The survey would cover a range of internal communication topics and allow members to respond based on their experience with them.

The task group last met on 8 April 2019. At the meeting the task group considered the early draft of their survey. This draft survey is in the process of being finalised before being circulated to all members for response.

The next scheduled meeting of the task group is 1 July 2019.

2. Digital Strategy and Implementation Task Group

Membership

Cllr Howard Greenman
Cllr Jon Hubbard (Chairman)
Cllr Bob Jones OBE
Cllr Stuart Wheeler
Cllr Gordon King

Supporting Officer: Natalie Heritage

Terms of Reference:

1. Explore the options of the Microsoft Exercise and look at learning from other councils on how to potentially use those solutions
2. Look at the list of projects and how things become projects - explore how these can be better vetted in future to ensure project meet best needs
3. Look at audit of existing software and how much we are/are not duplicating systems and costs
4. How we interface between service users/residents and the council and its digital systems

Recent Activity

The Digital Strategy and Implementation Task Group met on 26 March 2019 and received a presentation on the progress of work with the Digital Programme, as well as a presentation on how best to engage members in the Council's digital transformation.

The members were concerned about a conflict that had arisen between the Digital Platform (MyWiltshire) and the Highways Infrastructure Asset Management (HIAMS) system. The conflict occurred between the front-end facing aspect of the Digital Platform and HIAMS. The Task Group were updated that the Strategic Board were considering options about how to resolve this issue, however, it was probable that the Council would incur an additional financial impact.

In regard to the engagement of members, the Task Group supported and endorsed the creation of an Executive Group, who would focus on how to engage and upskill members on digital matters. It was felt that this Group could help encourage the wider Council membership to engage fully in the Council's digital transformation.

The Task Group are next due to meet on 11 June, where they will receive a presentation from the Director for Digital Transformation and ICT on the 'Get Well' Programme and Citizen Engagement.

3. Financial Planning Task Group

Membership

Cllr George Jeans
Cllr Pip Ridout
Cllr Ian Thorn (Chairman)
Cllr Stuart Wheeler
Cllr Roy While
Cllr Richard Britton
Cllr Gavin Grant

Supporting officer: Henry Powell

Terms of Reference:

1. To understand and review the Medium Term Financial Strategy (4 year financial model)
2. To understand and review the approach and robustness of the financial planning regime within the Council
3. To understand and help develop the approach to the annual budget setting cycle
4. To review the specific contribution of overview and scrutiny in the annual budget setting cycle with a focus on outcomes
5. To undertake periodic budget monitoring including reviews of key midyear trends and developments and to ensure that these are taken into account when updating the Financial Plan
6. To work under the direction and guidance of the Management Committee and report regularly to the Cabinet Member, Management Committee and select committees (as appropriate) on its work and findings and to make any necessary referrals

Recent activity

The Task Group met on 21 March 2019 and considered the following:

Approach to Disposal of Assets and Property Acquisitions

The Task Group made the following suggestions, subsequently reported to Cabinet:

- Clarify the final decision makers within the large membership of the Asset Gateway Group listed.
- Recognise the significant experience and expertise of the inhouse Assets team more (though supporting the use of external input when appropriate).
- Be mindful of the council's reputation (and values) when setting parameters for who and what we will invest in.
- Clarify that the minimum 3% yield is after *all* costs rather than just borrowing costs.
- When considering opportunities be aware of shifting markets and growth areas, as fast changes to these can present risk e.g. recent demise of high street outlets.

New Performance and Risk Management Policy

The Task Group recommended the following:

- Provide a member briefing on the new Business Intelligence.
- Clarify that the Financial Planning Task Group has the opportunity to comment on the quarterly performance and risk reports.
- Consider introducing control measures into the 'comments' column of the Risk Register.

The Task Group will next meet on 6 June 2019 and will consider the following items:

- Presentation on the Avon Mutual Bank from Jules Peck, Founding Director
- New approach to budget and performance reporting
- Budget Monitoring Report – Quarter 4 and Outturn 2018-19
- Performance and risk monitoring report
- Budget process review and forward look
- Non-executive Councillor Budget Suggestion Facility
- Asset Disposal Programme

4. Military and Civilian Integration Partnership Task Group

<u>Membership</u>

Cllr Richard Britton (chairman)
Cllr Gordon King
Cllr Mollie Groom
Cllr Alan Hill
Cllr Tony Jackson
Cllr Graham Wright

Supporting officer: Toby Eliot

<u>Terms of Reference</u>

1. To identify any risks and opportunities presented by the MCIP that are relevant to Wiltshire Council services and priorities, focusing on the following themes:
   - Housing
   - Health
   - Infrastructure
   - Budget
   - Schools
   - Employment (leavers and dependents)

2. To make workable recommendations on how any identified risks could be mitigated and opportunities exploited to support delivery of the MCIP and of relevant priorities within the Council's Business Plan.

<u>Recent activity</u>

An update <u>will follow</u>.

5. Swindon and Wiltshire Local Enterprise Partnership (LEP) Task Group

<u>Membership</u>

Wiltshire Councillors:
Cllr Trevor Carbin
Cllr Christine Crisp
Cllr Alan Hill (Chairman)
Cllr Nick Murry

Swindon Borough Councillors:
Cllr Maureen Penny
Cllr Des Moffatt
Cllr Chris Watts
Cllr Rahul Tarar

Supporting officer: Adam Brown

<u>Terms of Reference</u>

1. Develop an overview and scrutiny framework and operational protocols which meet the requirements of democratic accountability for the use of public funds by a partnership body which is led by the business community under a mandate from the Secretary of State for Business, Innovation and Skills.

2. Whilst developing the framework, the Task Group will carry out trial activities to scrutinise the outcomes and work of the SWLEP. In fulfilling this role the task group will:
   a) Perform all overview and scrutiny functions on behalf of both Councils in respect of the SWLEP and JSEC
   b) Appoint such sub-groups as it consider appropriate to fulfil those functions.
   c) Review and/or scrutinise decisions made or actions taken in connection with the discharge or any of the SWLEP and JSEC functions.
   d) Make reports and recommendations to the Councils relevant partner in connection with the discharge of any functions.
   e) Approve a forward work programme, including the programme of any sub-groups it appoints so as to ensure that the Task Group and sub-groups' time is effectively and efficiently utilised.

f) Foster and encourage an inclusive, structured, non-partisan and non-adversarial approach to overview and scrutiny which is reliant on evidence rather than anecdote.

Recent activity

The task group last met on 2 April to receive updates on the updated SWLEP governance framework and Chippenham Station Hub.

The meeting included the attendance of Francis McGarry, Business Development Director for Network Rail (Western Route), who provided information regarding the Chippenham Station Hub. The task group began their process of evaluating the Chippenham Station Hub project, which will continue.

The next meeting of the task group is scheduled for 13 June 2019.

6. Public Consultations Task Group

Membership:

Cllr Gavin Grant
Cllr Ruth Hopkinson
Cllr Jim Lynch
Cllr Pip Ridout
Cllr Fred Westmoreland
Cllr Stuart Wheeler (Chairman)

Supporting Officer: Natalie Heritage

Terms of Reference

1. To investigate:
    a. The quantity and scope of council consultations and the level of response
    b. How the council determines when, and when not, to consult the public on proposals or potential service changes
    c. How the council determines the best design and format for each consultation
    d. The public's perception and experience of council consultations

2. To make constructive recommendations for improvement if appropriate.

Recent Activity

The Task Group last met on 18 March and discussed the consultations that the Council had conducted in the previous 18 months. The meeting also touched on the 'Business Intelligence Hub' and how this body would manage the Council's consultations going forward.

Members also received evidence from Legal Services around the advice that legal provide to Officers/Members, when the Council is making a decision about whether to/not consult. The Task Group analysed the importance of the correct use of terminology, specifically the use of the word 'consultation' and the public's perception, when participating in a something defined as a 'consultation'.

The Task Group are next meeting on 17 June, where they will be further discussing the past 18 months' consultations with Legal Services, along with the Wiltshire Compact and the role of Impact and Equality Assessments in the consultation process.

7. **Commercialism Task Group**

Membership

Cllr Richard Britton
Cllr Tony Deane
Cllr Gordon King
Cllr Ian Thorn
Cllr Stuart Wheeler (Chairman)
Cllr Roy While

Supporting officer: Marie Gondlach

Terms of Reference

a) To support implementation of the council's commercialism agenda, by considering and making recommendations regarding,
- Developing existing income streams
- Developing new commercial opportunities, either through existing assets or developing or acquiring new ones
- Councillor and officer expertise in this area
- The experiences of other local authorities
- Legal and commercial issues
- The ethos, values and reputation of the council when considering opportunities.

b) To liaise with the Financial Planning Task Group to ensure the broad financial context is considered.

Recent activity

The task group held its first meeting on 13 May 2019, where Cllr Stuart Wheeler was elected as Chairman. The task group focused on defining "commercialism" for the council and assessing the current situation.

The task group was also aware of a potential cross-over with the Audit Committee, the Financial Planning Task Group (FPTG) and the Traded Services for Schools Task Group. For that reason, it would like to amend term of reference b) as follows:

b) To liaise with the Financial Planning Task Group, Audit Committee and the Traded Services for Schools Task Group to ensure that a holistic approach is taken with regards to commercialism for the council.

It should be noted that the current membership of the Task Group should support this, with 4 members of the FPTG and the chairman of the Audit Committee. It was also noted that the same scrutiny officer supports this task group and the Traded Services for School Task Group.

The task group agreed to hold its next meeting in September 2019 when it will consider:
- An overview of traded services within the council;
- Models available to deliver services (such as wholly owned subsidiary, community interest company, etc.);
- A national overview of Local Authorities' approach to commercialism.

<u>Proposals</u>

1. **To note the update on Task Group activity provided.**

2. **To endorse the amended terms of reference for the Commercialism Task Group as set out in the report.**

Report authors:

Natalie Heritage, Senior Scrutiny Officer, T: 01225 718062, E: Natalie.Heritage@wiltshire.gov.uk
Marie Gondlach, Senior Scrutiny Officer, marie.gondlach@wiltshire.gov.uk
Adam Brown, Senior Scrutiny Officer, T: 01225 718038, E: adam.brown@wiltshire.gov.uk
Henry Powell, Scrutiny Lead, T: 01225 718052, E: henry.powell@wiltshire.gov.uk
Toby Eliot, Senior Corporate Support Manager

Wiltshire Council

Overview and Scrutiny Management Committee

4 June 2019

Update on Wiltshire Online Programme from
Cllr George Jeans, OS Project Board Representative

Background

1. I have been attending the Broadband Contract Board for several years. The Wiltshire Online (WOL) programme is designed to provide a fibre broadband service via a variety of technologies, including Fibre to the Cabinet (FTTC) and Fibre to the Premises (FTTP). The areas we intervene in is where commercial providers consider them to be financially non-viable – overall this is known as the Intervention Area (IA). The design of the IA, procurement and contract is completed in accordance with strict EU State Aid law. Without Wiltshire Council's investment, approximately 40% of Wiltshire would not have access to superfast broadband. Each State Aid compliant activity is monitored and assured by central government.

Summary of last update

2. To ensure that we do not breach State Aid law, the Wiltshire Online delivery team must monitor our funded build footprint on an ongoing basis. It is essential that we continue to invest public funds only in those premises that do not have a superfast fibre service.

3. This ongoing state aid due diligence work identified premises across Wiltshire that already have a superfast service via commercial providers amending their build plans or deployment efficiencies, that were not identified when defining the Intervention Area; this is referred to as overbuild. This is a national issue, although Wiltshire Online was instrumental in highlighting the problem and we have been working with both central government and suppliers to determine a way forward. This State Aid issue has had a direct impact on three of the currently 'in build' contracts.

Challenges
- Length of time it takes the suppliers to model the removal of premises, associated cost and impact on remaining premises in existing build plans.
- Length of time it takes the suppliers to re-model to new premises.
- Length of time it takes Central Government to assure before we complete the contractual change.

- Build in some areas has been paused as we look to understand the overbuild.
- An impact could be the current build plans change or there is a need to extend the build timeline and the message to residents needs to be managed.

Opportunities
- The result of commercial investment and increased competition of fibre providers means more premises are receiving a fibre service.
- The overall percentage coverage of broadband in Wiltshire is increasing.
- The 'unserved' percentage is decreasing.
- Premises we remove due to overbuild free up funds so we can make progress and extend our reach to pick up even more premises without a service.

Update

4. There are currently 4 contracts being managed within the WOL programme:

Contract 1	BT	**Build complete.** 80,321 premises reached with FTTC fibre broadband. Contract 1 was a great success with a take-up of the service of over 60%; this excellent take up rate demonstrates the demand and the impact of our investment.
Contract 2	BT	**Build complete. State Aid due diligence complete.** Following contractual change completed to remove the overbuild and associated funds it releases. A further activity is now underway to understand the remaining IA and how best to extend the build footprint with the released funds per State Aid rules. ETA for proposed contract change to go to central government assurance is September 2019.
Contract 3 (Ultrafast South)	BT	**In-build. State Aid due diligence complete.** A contractual change is now working through the assurance process with central government to descope the overbuild and identify funds it releases. ETA descope complete June 2019. A further activity is now underway in parallel to understand the remaining IA and how best to extend the build footprint with the released funds per State Aid rules. ETA for

		proposed contract change to go to central government assurance is July 2019.
Contract 3 (Ultrafast North)	Gigaclear	**In-build. State Aid due diligence complete.** The contractual changes to both descope the overbuild and associated funds and extension to the build footprint funded by the released funds in currently with central government assurance and it is expected be complete by June 2019. Some initial premises are now live.

5. The process of working with both suppliers and central government on a resolution of the State Aid issues identified has been onerous and protracted. This has been both disappointing and an additional strain on the team. The challenges have been managed via weekly informal working sessions, monthly formal operational meetings and quarterly board meetings. Cllr John Thomson, Cabinet Member, attends the Contract Board regularly and has challenged central government, local politicians and suppliers via correspondence and face to face meetings to push for a timely and agreeable solution for Wiltshire. This challenge has been critical as the funding for all three contracts is provided by central government and SWLEP. Both funding opportunities have a specific timeline with the central government deadline ending March 2020. An extension to the Gigaclear funding offer has now been verbally agreed by HM Treasury so the risk to the delivery has now been removed. HM Treasury has not yet agreed to an extension of the Openreach funding and work continues to minimise risk to the funding window.

Proposal

6. To note the update from Cllr George Jeans on the **Wiltshire Online Programme.**

Report by Cllr George Jeans, OS Programme Board Rep

Information provided by Sarah Cosentino, Portfolio Manager, Programme Office, sarah.cosentino@wiltshire.gov.uk

This page is intentionally left blank

Wiltshire Council

Overview and Scrutiny: Annual Report 2018/19

Wiltshire Council
Where everybody matters

What is overview and scrutiny?

Wiltshire Council is run by councillors elected by the people of Wiltshire. A small number of them form the cabinet (also referred to as the executive) which sets the direction, determines the priorities and takes the important decisions. The councillors in the cabinet hold powerful positions and it is important that they are held to public account for their actions. This is done through a system called Overview and Scrutiny (OS) and is undertaken by the nonexecutive councillors.

This is common to most local councils. They ensure that decisions are taken based on good evidence including the views of those with an interest in the matter and are in the best interests of the people of Wiltshire. OS is selective in what it looks at so that it can add value to the most important services provided by the council, its partners and contractors. Wherever possible it helps to shape policy through early discussions as well as scrutinising proposals before they are finally agreed. A list of the matters which will be considered by OS is published in its forward work programme.

How do we do it in Wiltshire?

There is an OS management committee and three specialist select committees covering the following main service areas:

- Health (including the NHS, public health and adult social care)

- Environment (including highways, waste and transportation)

- Children (including education, vulnerable children, youth services and early years)

The management committee, as well as coordinating the work of the select committees, covers internal matters such as finance, performance and staffing. Most of the work is done by small groups of elected members from across the political parties reviewing single specific issues in detail. These groups then report to the select committees and make recommendations for improvement to the cabinet and others as necessary.

Focus

The work programme focuses on the commitments given by the council in its Business Plan 2017/27 and approaches its work in the following way:

- Better outcomes for the people of Wiltshire

- Adding value to the way decisions are reached

- Working constructively with the cabinet

- Challenging positively as a critical friend

- Basing its findings on good evidence

- Learning from others

Page 106

Overview and scrutiny management committee

Councillor Graham Wright, Chairman of the Committee, said:

"This year Overview and Scrutiny has continued to play a key role in developing council policy and holding decision-makers to account. It scrutinised around 70% of the decisions taken by the council's Cabinet (compared with 50% last year), submitted 66 recommendations to decision-makers, and 82% of eligible Wiltshire councillors have taken part in OS in some form. In 2019-20 we will be focusing on encouraging even more councillors to contribute to the process, using their skills and experience to improve council policies and services for the good of Wiltshire's residents."

Cllr Graham Wright
Chairman

Cllr Alan Hill
Vice chairman

Key items we have looked at
...and what we have achieved

Digital services

• Identified ways of saving public money without impacting on services through reducing the number of ICT programs used by the council.

Financial robustness

• Ensured that the council budget, and suggested amendments to it, were sound, and also explored potential impacts on services.

Military and civilian integration

• Explored ways of bringing new armed forces personnel and existing Wiltshire communities together as more military staff are rebased in the county.

Maximising Scrutiny's impact

• Held councillor training on gathering and analysing evidence to help improve services in Wiltshire.

Page 107

Health select committee

Councillor Howard Greenman, the Chairman of the Committee, said:

❝ Amidst huge local and national changes in the health and adult care sectors, Health Select Committee has remained committed to ensuring that the best possible services and support are available for Wiltshire residents.

In the coming year we will focus on Phase 2 of the council's Adult Social Care transformation programme and we will consider the impact of the government's forthcoming Care and Support Green Paper on Wiltshire. ❞

Cllr Howard Greenman
Chairman

Cllr Gordon King
Vice chairman

Key items we have looked at
…and what we have achieved

NHS Health Checks

- Recommended ways to increase the take-up of NHS Health Checks, particularly amongst "harder to reach" groups.

Maternity

- Ensured the public consultation on changes to maternity services would inform residents and enable them to give their views before any changes were made.

Mental health services for the young

- Recommended that the mental health of children and young people be considered holistically, including in schools. Sought a reduction in the number of children and young people who reach a crisis point before receiving support.

Page 108

Children's select committee

Councillor Jon Hubbard, Chairman of the Committee, said:

66 The committee has had a fulfilling year with our in-depth reviews leading to constructive recommendations in areas like Outdoor Education and SEND School Provision.

As OS councillors we have deepened our knowledge in topics like elective home education, knife crime and disadvantaged learners.

In the coming year we will be continuing this development in areas like alternative education provision, whilst keeping a focus on key topics such as SEND, families and children's services, and outcomes for disadvantaged learners. 99

Cllr Jon Hubbard
Chairman

Cllr Mary Douglas
Vice chairman

Key items we have looked at
…and what we have achieved

Special schools

• Following a detailed review of evidence and visits to special schools across the region, submitted 16 recommendations on the proposed restructuring of the Wiltshire's special schools.

Children's Centres

• Scrutinised proposals to transfer services from dedicated buildings to community settings. Recommended that a comprehensive plan be put in place to ensure current service levels are maintained and vulnerable groups continue to access support services.

Outdoor education for children

• Scrutinised the bids from organisations seeking to take over the provision of outdoor education for children in Wiltshire.

Youth democracy

• Appointed two new young Wiltshire residents as Youth Representatives on the committee to provide young people's voice in its debates.

Page 109

Environment select committee

Cllr John Smale, Chairman of the Committee, said:

❝ This year the Environment Select Committee has focused on matters associated with the environment. Most notably, following Full Council's acknowledgement of a global 'climate emergency' we established a Climate Change Task Group that will explore how we can seek to make Wiltshire carbon-neutral by 2030. Additionally, the Committee played an important role in shaping the council's Homelessness Strategy, and provided valuable input into how to monitor the quality of its Streetscene services. I am honoured to be Chairing this Committee, especially with all the good work that is conducted by the team". ❞

Cllr John Smale
Chairman

Cllr Bob Jones
Vice chairman

Key items we have looked at
...and what we have achieved

Homelessness

- Considered how the council could further reduce and prevent homelessness, through greater joined-up working with partners.

LED Street Lighting

- Recommended that the council consider extending the use of LED lights to additional council-owned areas such as car parks and public open spaces.

Waste

- Recommended that the council encourage the public to come forward with evidence of fly-tipping, to increase the number of convictions.

Taxi fares

- Reviewed late-night taxi fares across Wiltshire to ensure they are competitive with neighbouring counties. Recommended new ways of protecting passenger and driver safety and ensuring a sufficient number of wheelchair-adapted vehicles.

Page 110

How is overview and scrutiny supported?

The council's non-executive councillors run OS, but are supported in their work by a small team of officers. They sit within the council's legal and democratic team, which supports all aspects of decision-making. The team ensures that the councillors have all the necessary information and evidence they need and can speak to those people that have a direct responsibility or interest in the matter. This can include making arrangements to hear from service users and going on site visits.

The team also undertakes research and writes reports on behalf of the select committees and task groups.

Events during the year

In October 2018 OS councillors attended a training workshop focused on making OS meetings more effective. Here councillors discussed topics such as choosing work priorities, preparing lines of questioning, effective chairing, inviting the right witnesses and forming impactful conclusions.

Throughout 2018 and 2019 officers attended regional and national OS networking events, while in December 2018 leading OS councillors attended the Centre for Public Scrutiny's annual conference. OS is open to learning and regularly speaks to others about how things can be done better.

In February 2019 OS councillors came together for a further workshop looking at gathering and using evidence. Effective OS is always based on the careful analysis of evidence rather than on anecdote, personal bias or party political views. This workshop highlighted a number of important areas, such as using a range of evidence sources, minimising the impact of bias and the value of 'taking scrutiny to the people' by meeting with service users.

Looking forward

Like most local authorities, Wiltshire Council continues to face financial and demographic challenges. In response the council has embarked on an ambitious programme of transformation and innovation, changing how it delivers services to increase their effectiveness and improve the lives of residents. As a 'critical friend' to the Executive, OS is closely engaged on all of the council's major projects, including adult social care transformation, families and children transformation, digitising services and taking a 'commercial' approach to make best use of the council's assets . This work is undertaken through a mixture of witness attendance at public committees, task and finish groups that undertake in-depth reviews and OS councillors sitting on project boards.

Central Government has just published new statutory guidance setting out how OS in local government should operate. Early analysis of the new guidance suggests that Wiltshire Council is already operating to 'best practice' standards in most areas, but OS will look closely at the detail to ensure all possible improvements are made.

These are challenging, but exciting and rewarding times for Overview and Scrutiny.

Page 111

Want to know more?

Contact Henry Powell, Scrutiny Lead,
Tel: 01225 718052,
Email: henry.powell@wiltshire.gov.uk
Web: www.wiltshire.gov.uk/?

County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN

Information about Wiltshire Council services can be made available on request in other languages and formats such as large print and audio.

Please contact the council by telephone: 0300 456 0100, or email: customerservices@wiltshire.gov.uk

D19103LD May 19 ONLINE