PROPOSED SCRUTINY APPROACH FOR THANET DISTRICT COUNCIL

Overview & Scrutiny Panel **13 December 2016**

Report Author **Senior Democratic Services Officer**

Portfolio Holder(s) **Cllr Derek Crow-Brown, Cabinet Member for Corporate Governance**

Status **For Recommendation**

Classification: **Unrestricted**

Key Decision **No**

Previously Considered by **None**

Ward: **Thanet wide**

Executive Summary:

The Overview & Scrutiny Panel (OSP) is being asked to consider recommendations for adopting a more effective scrutiny process for Thanet District Council (TDC). These proposals are built on the information that was provided to both Members and officers during the Scrutiny training sessions that were conducted by an external facilitator in June 2016 as well as some aspects of the current practice. The external trainer was hired on the strength of the recommendation by the Centre for Public Scrutiny (CfPS).

It is hoped that by adopting a new scrutiny approach, the Panel will be able to plan and conduct their work more efficiently. The approach should enable Members to focus on issues that would add value to the decision making process for the council and help improve service delivery to residents by Thanet District Council.

Recommendation(s):

1. Adopt an approach for a work programme made up of:

    i. Three Working Parties;
    ii. One Scrutiny Review;
    iii. Continued one off reports considered by the Overview and Scrutiny Panel (including presentations from Cabinet Members);

2. Adopt the OSP Agenda Item Request Template attached at Annex 1 to the report;

3. Adopt a system for prioritisation of scrutiny review projects that includes a scoring matrix using the template attached as Annex 3 to the report;

4. Adopt the use of Scrutiny Review Project Scoping Form attached at Annex 4.

CORPORATE IMPLICATIONS	
Financial and Value for Money	There are no financial implications arising directly from this report. However it is worth noting that if Members rejected the proposals outlined within the report any alternative proposals would need to consider that there are no additional resources available to support any additional scrutiny activities above those described within the report. A well planned and properly managed scrutiny process adds value to the council business processes as it contributes to a robust policy development and decision making process by offering a critical friend oversight on executive decisions that council makes.
Legal	There are no legal implications arising directly from this report. A robust scrutiny function would fulfil the legislative requirement under The Local Government Act 2000 and related Regulations.
Corporate	There are no foreseeable risks associated with the proposals for adopting a new scrutiny approach. It is anticipated that a new approach would enhance good governance as the Overview and Scrutiny Panel would be able to engage decision makers (ie Cabinet) in debate which if conducted appropriately would evidence accountability in the Council's decision making and policy development processes.

Whilst the proposed recommendations in this report would not impact directly on the corporate priorities, the adoption of these recommendations would enhance the corporate values of TDC, particularly the value on 'Delivering value for money.' A fully fledged scrutiny protocol would help the Panel in its work of acting as a critical friend and sounding board for important decisions that Cabinet intends to make and would help to add value to the decision making process.

Whilst Cabinet is not necessarily obliged to seek the view of the Panel in all decisions, a culture of consultation between the Cabinet and Overview and Scrutiny Panel contributes to improved decision making and greater involvement of non-executive councillors in policy development. A positive scrutiny process that seeks to add value to effective decision making by Cabinet builds the trust and continuous engagement of the scrutiny process by the executive and contributes to a mature decision making process by council. |
| **Equalities Act 2010 & Public Sector Equality Duty** | Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership. |

	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
	Foster good relations between people who share a protected characteristic and people who do not share it.	✓

There are no equity and equalities implications arising directly from this report, but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.

It is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration had been given to the equalities impact that may be brought upon communities by the decisions made by Council.

This report aims to improve the way council conducts its scrutiny process in order to contribute to an effective decision making and policy development process within TDC. The report is looking at strengthening the internal corporate processes, albeit councillor contributions to decision making.

CORPORATE PRIORITIES (tick those relevant)✓		CORPORATE VALUES (tick those relevant)✓	
A clean and welcoming Environment		Delivering value for money	✓
Promoting inward investment and job creation		Supporting the Workforce	
Supporting neighbourhoods		Promoting open communications	✓

1.0 Introduction and Background

1.1 In preparation for the 2015/16 Annual Panel report to Council, Members gave some feedback that the scrutiny work programme and approach did not lend itself to robust pre-decision scrutiny and as a result they felt that the Panel had a limited role to play in policy development.

1.2 Members indicated that the impact of scrutiny in the decision making process had been limited particularly with regards to 'holding decision makers to account' and acting as 'check and balance' to the executive.

1.3 In the Peer Review Challenge Report, it was observed that the scrutiny function required improvement. Thereafter, at the first meeting of the Panel for 2016/17 on 24 May, Members agreed the following:

"That the Chairman engages the Leader of Council and Officers on behalf of the Overview & Scrutiny Panel to explore proposals for alternative scrutiny arrangements that includes decision scrutiny with a view to a report being produced on those proposals for consideration by a future meeting of both the Overview and Scrutiny Panel and Cabinet."

1.4 The Panel Chairman has exchanged views with the Leader of Council and they have both agreed on the need to improve the scrutiny process. These discussions were

informed by Scrutiny Training for the Panel and the wider membership of the Council which was run by the Centre for Public Scrutiny. This report outlines what the new proposals are, both the Chairman of the Scrutiny Panel and the Leader of the Council are supportive of the proposals as set out within the report.

2.0   Proposed New Scrutiny Framework

2.1   The current operating environment for local Councils is defined by limited financial resources and shrinking central government funding and TDC is no exception to this. This calls for the Council to think, plan and act 'smart' in order to achieve as much as it can with less resources than before. For the Overview & Scrutiny Panel this would mean establishing a 'ruthless' approach to prioritising 'scrutiny work to do' in each municipal year.

2.2   On this basis Democratic Services have assessed that there is sufficient support at any one time for:

   i.   Three Working Parties
   ii.   One Scrutiny Review
   iii. Continued one off reports considered by the Overview and Scrutiny Panel (including presentations from Cabinet Members).

2.3   These proposals are informed to a greater extent by the lessons learnt by Members and officers during the Member/Officer Scrutiny training that was facilitated by an external trainer accredited by the Centre for Public Scrutiny (CfPS), discussions by Members of the Panel and discussions by Officers in the context of the level of resources available.

2.4   Each of the three areas will be outlined within this report, explaining how each of these areas would work, in addition the report will also outline how the ideas that fall within each category can be prioritised.

2.5   It is worth noting that in order to manage the scrutiny work load effectively and to ensure that the new approach is successful, there must be ruthless prioritisation of scrutiny work. Scrutiny topics should be about asking questions that the Panel does not have the answers to. The Panel should also avoid undertaking work that is already being undertaken by other parts of the Council; other Council's or partner agencies.

3.0   Requesting items for Scrutiny

3.1   As a way of incorporating the principle of ruthless efficiency, Democratic Services are proposing the introduction of a form that will help to scope suggestions for scrutiny work. This would help to assess the feasibility for undertaking a piece of work and to determine whether there is capacity within council to undertake the work through to a successful conclusion.

3.2   The OSP Agenda Item Request Form attached at Annex 1 will help those looking to request an item to scope the work being proposed, and identify the key factors that will help shape the content and direction of the item. In addition the form also allows the requestor to identify how the panel should scrutinise the suggested item, whether as an idea for a working party, scrutiny review or a one-off report to the panel.

3.3   Any Panel Member can submit a proposal for a topic or an issue for scrutiny to look at using the scoping template. Non Panel councillors could also seek a Panel Member to sponsor an idea for a scrutiny topic. Members of the public could also suggest

issues for consideration as scrutiny project proposals by submitting their suggestions to the Panel Chairman or any Panel Member.

3.4 Councillors would still be able to submit "Councillor Calls for Action" as introduced by Section 119 of the Local Government and Public Involvement in Health Act 2007 to the Panel, without having to complete the form mentioned above. The detailed protocol for submitting a CCfA is included in the TDC Constitution on the following link:

http://democracy.thanet.gov.uk/documents/s52016/14Jul2016Constitution.pdf

4.0 Criteria for rejection of a scrutiny proposal

4.1 It is equally important that Members agree a criteria for Democratic Services to use when rejecting scrutiny proposals where there is sufficient evidence that such a proposed piece of work would not add value to the decision making process of the council and/or the work of the Panel. In order to manage a fair process for rejecting proposals deemed not suitable, the Panel ought to adopt a fair and transparent system for vetting the proposals.

4.2 A simple key questions test should be applied to disregard scrutiny proposal if the topic being suggested falls within the following categories:

1. The matter is sub-judice or prejudicial to the Council's interests;
2. The specific case falls within the Council's complaints procedure;
3. The topic involves an individual disciplinary or grievance matter;
4. Scrutiny of the proposed topic is unlikely to result in improvements for local people;
5. The matter has or has had an existing right of appeal;
6. If a Scrutiny Review is asked for, the subject of the review has already been considered in a scrutiny review in the last two years;
7. Is solely about the internal performance of another body.

4.3 Democratic Services would not reject a request for scrutiny without first contacting the Chairman of the Panel and seeking their agreement. Democratic Services would then inform the Panel and the applicant and this rejection would then be mentioned in the work programming report for the Panel's information.

5.0 Scrutiny through Working Parties

5.1 In the main, such issues as corporate performance, budget proposal and the performance of shared services/joint arrangements and any other established council business processes that relate to the delivery of services to residents would best be reviewed through working parties. However this does not preclude the Panel from identifying one off topics that require a different approach for conducting a scrutiny review.

5.2 The working parties could be inward looking, i.e. looking at internal corporate arrangements for 'doing business,' and/or they could be outward looking, i.e. reviewing whether the council was delivering services to residents to an acceptable standard. The main part of the work programme for each of the working party would be set out at the first meeting of the sub groups. This level of detail will assist officers in planning the level of support required and where written reports are required, this gives officers reasonable time to draft reports.

5.3 Items of business for each of the work programmes are suggested by members of the sub group. However the working party can take suggestions from outside their respective membership and from the non Panel councillors as well as from the public. Suggestions from residents would need to be sponsored by a TDC councillor, who if they do not sit on the sub group, would need to seek the support of a Panel/sub group councillor.

5.4 Currently there are three working parties, each with a membership size of seven councillors (some of whom are drawn from outside the Panel). These sub groups are:

1. Community Safety Partnership Working Party;
2. Corporate Performance Review Working Party;
3. Electoral Registration Process Review Working Party.

5.5 The Community Safety Partnership and Corporate Performance Review working parties maintain oversight over the performance of the Community Safety Partnership for Thanet and Thanet District Council's corporate performance respectively. That largely means the two sub groups receive the routine quarterly performance reports.

5.6 However, the Community Safety Partnership Working Party has this year decided that review a single issue topic at a time. The topic would be reviewed to completion before the sub group can move on to another issue. The sub group identified seven such topics to work through on this basis. The Electoral Registration Process Review Working party's main focus has been in relation to the coming up with innovative ideas for improving voter registration in the district.

5.7 The Panel could opt to continue with the current structure and work programing approach of the working parties. Each sub group would be reporting on their respective progress at each of the scheduled meetings of the main Panel. And each sub group would be expected to contribute to the Panel's Annual Report to Council. Any progress update comments would be included in the work programme report for each Panel meeting as reflected in Annex 2 to the report.

6.0 One off Scrutiny Review

6.1 Members could conduct one in-depth scrutiny review at any one time in addition to the on-going work by the three working parties. A system for prioritisation of scrutiny reviews to be carried out has been developed at Annex 3 of the report. This creates the rationale for managing the OSP Work Programme throughout the year as it sets out the criteria for selecting what scrutiny projects to carry-out and when.

6.2 The system for prioritisation of scrutiny reviews would be further managed using a scoring matrix to ensure a fair, objective and transparent approach for selecting scrutiny projects and determining the timing for undertaking these reviews. A scoring matrix with weighted values is included in Annex 3. Members would need to agree the weighted value assigned to key factors identified in the matrix.

6.3 The scoring will be conducted by Democratic Services based upon the questions outlined in Annex 3. The completed score matrix will then be forwarded to the Corporate Management Team (CMT) for approval and to assist in the planning of resource allocation to the suggestions made. The list will then be sent to the Chairman for his information and will then be ready for implementation on the work programming sheet.

6.4 It is hoped that the Member(s) who successfully propose a scrutiny review project, would volunteer to take part as in that review (unless this would be considered

inappropriate). This was cited during the scrutiny training to be a good scrutiny practice.

7.0   How will the scrutiny review project work?

7.1   Once a scrutiny review and has been approved and membership of that review agreed by the Panel, the following key tasks must be carried out by the review panel at its first meeting:

a) Project scoping (to ensure that the work to carried out falls within the terms of reference of the project);
b) Work programming to ascertain the timetable for completing the review;
c) Identifying witnesses to be interviewed by reviewers as part of the partners public participation process);
d) Work out the method of evidence gathering (that will enable the reviewers to collect information required to draw appropriate conclusions and recommendations This could include one of or a combination of the following:
    i)   Desk research;
    ii)   Oral Question and answer session(s) with witnesses or groups of witnesses (as is appropriate);
    iii) Site visit.
e) Agree an approach for questioning witnesses and listening (roles are assigned to individual members of the sub group in order to manage the process more efficiently. This could include drafting before-hand key questions to be asked).

To assist the Scrutiny Review to accomplish the above list, Democratic Services have created Scrutiny Review Project Scoping Form, which is attached at Annex 4.

Doing the review

Use key lines of inquiry;

a) Report writing (it might be that there are instances when members of the review would like to write up the report themselves or in other instances they may require an officer to do the write up) Evaluate the evidence and draw evidence-based conclusions;
b) Presenting the SMART recommendations to the appropriate body of council (decision maker) for consideration (in most instances it would presenting the recommendations to Cabinet through the main Panel);
c) Decision tracking (if the recommendations are adopted, there is a need for the Overview & Scrutiny Panel to track the implementation of the decision in question);
d) Evaluation (in some cases it might be necessary to assess the impact of the decision and determine there is a need for further Panel action).
e) Evaluate each review to ascertain the resources used, impact made and outcomes delivered against the corporate Plan (in relation to Priorities and Values).

7.2   It is envisaged that scrutiny reviews will be private meetings not open to the public. This might be seen as a somewhat controversial proposition to some, however there are a number of reasons why this might be the case. Firstly it is important to make clear that the final report of the review will always (unless it contains material exempt under schedule 12A of the Local Government Act) be open to the public.

7.3   If all elements of process were open to the public in the run up to getting to the point of publishing the report then in order to get a complete picture of the review the public

would have to attend every session – attending some sessions might give an out of context impression of the work being undertaken by the review, this could also mean that some could choose to try and predict the results of a review based on this out of context information which would be deeply unhelpful.

7.4   Also on a purely practical note some elements of a review might involve Councillors visiting an area and conducting surveys or carrying out some other tasks in order to gather information. If the review was classed as an official meeting agendas and minutes of these ad-hoc activities would need to be produced – this would not be practical to do and could restrict the ability of Members to act independently.

7.5   Despite this, it is important to stress that elements of the review process will heavily involve the public, this will especially be the case at the evidence gathering stage, where the public would potentially get the chance to attend an organised session of the review to put forward their views on the subject.

8.0   Continued one off reports considered by the Overview & Scrutiny Panel and Cabinet Members presentations

8.1   In additional to all of the above work activities of the Panel, Members could also still continue to request and consider one off reports on topical issues of interest to the Panel. These reports could be on issues on the Forward Plan or any other issues on a matter that affects the local residents that could arise during the course of the year.

8.2   In order to manage that work stream, a request for a one off report should be submitted on the OSP Agenda Item Request Form that is attached as Annex 1 to the report.

8.3   Cabinet Member presentations to the Overview & Scrutiny Panel should continue to be another route available to Members when they want to engage any Cabinet Member on a subject of interest that would enhance the way council delivers services to residents.

8.4   Panel Members would continue to request through the Chairman for a Cabinet Member to be in attendance to discuss a topic of interest to scrutiny and this debate will be on the basis of questions submitted to the Cabinet Member in question, in reasonable time in advance of the OSP meeting.

9.0   Options

The Panel is asked to consider agreeing the following:

9.1   Adopt an approach for a work programme made up of:

1. Three Working Parties;
2. One Scrutiny Review;
3. Continued one off reports considered by the Overview and Scrutiny Panel (including presentations from Cabinet Members).

9.2   Adopt the OSP Agenda Item Request Template attached at Annex 1 to the report.

9.3   Adopt a system for prioritisation of scrutiny review projects that includes a scoring matrix using the template attached as Annex 3 to the report.

9.4   Adopt the use of Scrutiny Review Project Scoping Form attached at Annex 4.

or

9.5   Members may opt to come up with an alternative approach for scrutiny arrangements for the council.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, ext 7186
Reporting to:	Nick Hughes, Committee Services Manager, ext 7208

Annex List

Annex 1	OSP Agenda Item Request Form
Annex 2	Progress update reporting Table of current working parties 2016/17
Annex 3	Scrutiny Programme Monitoring Sheet with Scoring Matrix
Annex 4	Scrutiny Review Project Scoping Form

Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Matt Sanham, Financial Services Manager
Legal	Ciara Feeney, Head of Legal Services & Deputy Monitoring Officer