

## **Scrutiny Coordinating Committee**

### **Cabinet System with Enhanced Scrutiny Review**

#### **Draft Report**

## **1. Introduction**

- 1.1. Council on 4 February 2013 considered scrutiny's review of corporate governance it was agreed that option C, Retain Cabinet System with enhanced Scrutiny be taken forward. Furthermore it was requested that the Scrutiny Coordinating Committee develop the model and any constitutional changes required to be considered at the April Council meeting. This paper outlines the thoughts of the Scrutiny Coordinating Committee and its recommendations for the new model.
- 1.2. The Committee are keen to stress that whilst change is required to ensure successful scrutiny many of the tools are already present, much will depend on Members appetite for change, their willingness to embrace the new model and new ways of working.

## **2. Developing the Cabinet and Enhanced Scrutiny Model**

- 2.1. In order to develop the model the overview and scrutiny coordinating committee were asked to consider a number of areas for improvement/development and change. During the governance review a number of issues were raised regarding scrutiny these are attached at Appendix A. Looking at these findings, the debate at scrutiny and then full council a number of areas were identified for discussion:

- § The Overview and Scrutiny Model
- § Vision for Scrutiny
- § Cabinet Member Accountability
- § The role of Scrutiny Chairmen
- § Pre and Post decision Scrutiny
- § Continuous Professional Development
- § Approach to the Work Programme
- § Support for Scrutiny

## **2.2 The Vision for Scrutiny**

- 2.2.1 The following vision was agreed for Overview and Scrutiny by members and the scrutiny team in 2007:

*"To have an effective and well respected service that ensures the Council's services are delivered equitably, effectively and efficiently to our residents."*

- 2.2.2 The Scrutiny Coordinating Committee reviewed the vision and identified that there was not enough emphasis on the respective roles of overview and scrutiny. The vision has been redrafted as follows:

“To deliver effective overview and scrutiny in respect of holding the Cabinet to account, assisting policy development, service challenge and improvement and external scrutiny.”

## 2.3 The Overview and Scrutiny Model

2.3.1 The Scrutiny Coordinating Committee considered a number of options for the scrutiny model. These are outlined below

### Option A – Retain Current Structure

Committee	Terms of Reference	Cabinet
Corporate Services OSC	Cabinet Scrutiny Performance Management Scrutiny Corporate Documents including the Strategic Plan, Strategic Risk Register and MTFS IT Business Improvement Customer Care and Complaints Budget Scrutiny Emergency Planning Communications LSP and Locality Boards Legal Services Procurement and Asset Management Licensing Audit Service	The Cabinet and in particular Cabinet member for Corporate Services
Regeneration and Economic Development OSC	Highways Transport Public Transport Economic Development Support for Business Visitor Economy Learning and Skills Planning LDF and Core Strategy Regeneration projects Employment	Cabinet Member for Economic and Commercial development  Leader  Cabinet Member for Planning, transport and Development

Communities OSC	Community Development Social Inclusion and Equalities Environment Housing Revenues and Benefits Parks and open spaces Environmental Services Waste and Recycling Street Cleansing Active Citizenship and Democracy Neighbourhood Action Planning Vulnerable People and deprivation Crime and Disorder (responsibility for acting as CDRP OSC twice a year) Health Partnerships	Cabinet Member for Community and Leisure Services  Cabinet Member for Environment
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### Option B – Align the Committees to Cabinet Portfolios

The Committees below have been aligned to Cabinet portfolios. There is concern that current Cabinet portfolios have duplication and overlap, the Committee requests that the present portfolios be re-examined. One example given was tourism, the review of the Visitor Information Centre revealed that this sits across three portfolios.

Committee	Terms of Reference	Cabinet Member
Strategic Leadership and Corporate Services Overview and Scrutiny Committee	To provide overview and scrutiny in relation to the following areas and associated strategies, policies and partnerships <ul style="list-style-type: none"> <li>• Reviewing performance and ensuring appropriate action is identified and executed to remedy performance issues</li> <li>• Asset Management</li> <li>• Communications</li> <li>• Human Resources</li> <li>• Business Transformation and the Corporate Improvement Programme</li> <li>• Equalities</li> <li>• Democratic services</li> <li>• Scrutinising standards of governance and conduct are achieved throughout the business of the Council</li> <li>• Customer service</li> <li>• Corporate finance including regular budget monitoring</li> </ul>	To hold to account the relevant Cabinet Members:  Leader; and  Cabinet Member for Corporate Services

	<ul style="list-style-type: none"> <li>• Information Technology including scrutiny of the shared service</li> <li>• Council Tax and Housing Benefit including the Revenues and Benefits Shared Service</li> <li>• Mid Kent Improvement Partnership</li> <li>• Democratic Services including electoral services and member services</li> <li>• Procurement, Property Services and Facilities Management</li> </ul>	
Environment Overview and Scrutiny Committee	<p>To provide overview and scrutiny in relation to the following areas and associated strategies, policies and partnerships</p> <ul style="list-style-type: none"> <li>• Air Quality</li> <li>• Contaminated Land</li> <li>• Water</li> <li>• Climate change</li> <li>• Licensing</li> <li>• Carbon Management</li> <li>• Local Biodiversity</li> <li>• Waste minimisation, recycling and collection</li> <li>• Cleansing services</li> <li>• Environmental Health services</li> <li>• Bereavement i.e. services provided from the cemetery and crematorium</li> <li>• Capital projects and programmes relevant to the portfolio</li> <li>• Cobtree Golf Course</li> <li>• Climate Change</li> </ul>	Cabinet Member for Environment
Planning and Economic Overview and Scrutiny Committee	<p>To provide overview and scrutiny in relation to the following areas and associated strategies, policies and partnerships</p> <ul style="list-style-type: none"> <li>• Economic Development and Regeneration</li> <li>• Commercial Services Development</li> <li>• The Visitor Economy including the Hazlitt Arts Centre, Maidstone museums, tourism, the Kent Conference Bureau and Maidstone market.</li> <li>• Capital projects and programmes relevant to the portfolio including regeneration and public realm improvement schemes</li> <li>• The Council's contribution to securing sustainable construction with respect to development in the borough.</li> <li>• Spatial planning including the Local</li> </ul>	<p>Cabinet Member for Economic and Commercial Development</p> <p>And</p> <p>Cabinet Member for Planning, Transport and Development</p>

	<p>Development Framework and other spatial planning documents including Development Plan Documents, Development Management policies and development briefs</p> <ul style="list-style-type: none"> <li>• Transport and Infrastructure (including Highways, Parking, Park and Ride and Public Transport)</li> <li>• Development Management including planning enforcement and land charges</li> <li>• Landscape and Conservation</li> <li>• Building Control</li> </ul>	
<p>Community and Leisure Services Overview and Scrutiny Committee</p>	<p>To provide overview and scrutiny in relation to the following areas and associated strategies, policies and partnerships</p> <ul style="list-style-type: none"> <li>• Housing</li> <li>• Community Development</li> <li>• Community Safety (To act as the Crime and Disorder Reduction Partnership OSC twice a year)</li> <li>• Safety In Action</li> <li>• Voluntary and Community Sectors</li> <li>• Health</li> <li>• Parks, open spaces and allotments including grounds maintenance</li> <li>• Leisure activities including sporting and recreational based activities and including services provided via the Maidstone Leisure Centre</li> <li>• Community engagement</li> <li>• Allocation and monitoring of grants</li> <li>• Capital projects and programmes relevant to the portfolio including environmental improvement schemes</li> </ul>	<p>Cabinet Member for Community and Leisure Services</p>

### **Option C – One Overview and Scrutiny Committee and Task and Finish Panels**

Under this model there would be one Overview & Scrutiny Committee and a series of time-limited task & finish groups established by the Committee to carry out investigations. For example the Overview & Scrutiny Committee may be responsible for performance monitoring and review, consultation on Cabinet proposals and call-in of decisions whilst in-depth scrutiny and policy review could be carried out by time limited task & finish groups. Task & Finish Group Members can be anyone who is not on the executive.

## **Option D – Split Overview and Scrutiny**

There is a potential to separate the roles of 'Overview' and 'Scrutiny.' One or more Committees could focus on holding the executive to account (call-in, performance monitoring) whilst one or more Committees could focus on policy review and conducting in-depth investigations. According to the Centre for Public Scrutiny there are currently twelve Councils nationally running this model.

### **Recommendations:**

- a) Option B be taken with four Overview and Scrutiny Committees on a 6 weekly cycle proposed for the 2013/14 Municipal Year.**
- b) Cabinet should revisit its portfolios to avoid overlap.**
- c) Spatial Planning Advisory Group and the Housing Consultative Board be subsumed into scrutiny to avoid duplication and strengthen the scrutiny process.**

## **2.4 Continuous Professional Development and Scrutiny Chairmen**

- 2.4.1 It was clear from the Governance Review and discussions at full council that the Chairmanship of scrutiny has a significant impact on its effectiveness. Suggestions were received during the review that there should be a chairman's job description. It would be useful to have this role set out in the scrutiny members' handbook. A JD is attached at Appendix B
- 2.4.2 The Coordinating Committee considered the roles and skills and what training is required to be an effective scrutiny member. It was acknowledged that the training and tools were already available, however more use needed to be made of these.

### **Recommendations:**

- d) A phased approach be taken to the induction for new Members.**
- e) Information supplied to new Members be accessible including contact details for key staff and information on the services provided by the Council and who to contact regarding those services.**
- f) A glossary of acronyms and terminology and a Frequently Asked Questions list be made available to new members using the expertise of current members to identify common areas.**
- g) The training needs for scrutiny and an appropriate programme be developed by the Overview and Scrutiny Chairmen and the**

**Scrutiny Team, this should include an annual event with other Councils and use of the Parliamentary Outreach support; and**

- h) A Job Description for the Overview and Scrutiny Chairmen and Vice Chairmen be approved and added to the Overview and Scrutiny Members Handbook.**
- i) All new Members to attend a scrutiny committee meeting as part of the induction process.**
- j) Each Overview and Scrutiny Committee to identify training needs at the beginning of the year and then on a quarterly basis.**

## **2.5 Post Decision Scrutiny**

**2.5.1** The Coordinating Committee identified that recommendations were not always followed up and responses from Cabinet and Officers were not always clear. The Scrutiny Committee Recommendation Action Plans had been helpful but were not always followed up by the Committee and it very much depended on member enthusiasm for the topic. The Coordinating Committee needed to take greater responsibility for monitoring recommendation and should meet quarterly to ensure this happened.

### **Recommendations**

- k) Cabinet Members attend Committee meetings to present completed SCRAIPs and action that will be taken following recommendations; and**
- l) The Scrutiny Coordinating Committee meet quarterly and monitor recommendations as part of their role.**

## **2.6 Pre – Decision Overview and meetings with Cabinet Members**

The governance review had identified the importance of using pre-decision scrutiny to ensure greater member involvement in decision making. The change in Cabinet Member behaviour is welcomed in respect of their positive and proactive use of scrutiny in decision making for example the up coming decision on play areas. Regular meetings with the Cabinet Member and Scrutiny Chairmen and Vice-Chairmen will ensure that they are fully aware of the work programmes on both sides and can be involved in policies and decisions at the earliest opportunity.

### **Recommendations:**

- m) Cabinet Member decision reports be amended so they contain contact details for the Cabinet Member and Officer.**

- n) Cabinet Members make themselves available to discuss forthcoming decisions with Members.**
- o) The decision notice for Cabinet Member decisions contains a section summarising any views put forward by other members on the decision and how these have been taken into account in the decision.**
- p) The Overview and Scrutiny procedure rules be revised so Visiting Members are involved and included at Committee meetings by the Overview and Scrutiny Chairmen.**
- q) Cabinet Members seek to involve scrutiny pre decision wherever possible.**

## **2.7 Appointment of Overview and Scrutiny Members**

Following the concerns raised during the governance review on member engagement and involvement with Overview and Scrutiny, the Committee discussed the current process for appointing Committee Members and acknowledged that this was a matter for group leaders.

### **Recommendation**

- r) That Party/Group Leaders continue to improve the appointment process to Overview and Scrutiny Committees to encourage the right Members.**

## **2.8 Pre-Meetings for Overview and Scrutiny**

The Committee considered the use of pre-meetings and acknowledged that they had proved useful when used appropriately.

### **Recommendation**

- s) That pre-meetings be used for Overview and Scrutiny Committees when appropriate.**

## **2.9 Cabinet Member Appraisals and Holding the Cabinet to Account**

**2.9.1** The issue of who appraises the Cabinet was raised during the full council debate. The scrutiny committees could fulfil this function through an appraisal of the cabinet portfolio's progress for their respective cabinet members on a six monthly and yearly basis.

### **Recommendation**

- t) Cabinet Members attend scrutiny at three points during the year to discuss their portfolio and progress made.**



## **2.8 Overview and Scrutiny Work Programme**

2.8.1 The Committee considered the best approach to this. The Centre for Public Scrutiny's suggested approach was agreed as the way forward, in terms of the initial work programme meeting Members discussed whether to hold one big meeting and how the Cabinet Member could be involved.

### **Recommendation**

- u) That each Overview and Scrutiny Committee meet individually to set their work programme with the relevant Cabinet Member(s) invited to give their forward plan for the year ahead.**

## **2.9 Support for Scrutiny**

2.9.1 There was a budget for two full time posts. The senior management restructure, currently in its consultation period, it is proposed that scrutiny will move to Democratic Services. It was felt that scrutiny required a different skills set from Democratic Services and there was a natural synergy with policy so to maintain independence the team should stay with Policy and Performance.

### **Recommendation**

- v) Scrutiny remain with Policy as there was a natural synergy between the two services and closer matching of skills than in Democratic Services**