

**FUTURE OF OVERVIEW AND SCRUTINY – PRIORITIES AND STRUCTURE GOING FORWARD IN 2013/14**

**LEAD MEMBER(S):** Councillor K Hitchen and Councillor J Kane  
**LEAD OFFICER:** Penny Mell, Head of Policy and Transformation  
**REPORT AUTHOR:** Jessica Hall, Policy and Scrutiny Officer

**WHAT BENEFITS WILL THESE PROPOSALS BRING TO COPELAND RESIDENTS?**

The proposals contribute to the delivery of the Council's Corporate Plan priorities and overall transformation programme. The proposals will ensure that Overview and Scrutiny at the Council is aligned to the Council's new corporate objectives as outlined in the recently adopted Corporate Plan 2013 - 2015 and Corporate Policy Framework.

**WHY HAS THIS REPORT COME TO FULL COUNCIL?**

The proposals have been developed in consultation with OSC Members. Osc Members gave their support to the proposals and agreed the recommendations at a Joint Meeting of the OSCs on 15 April 2013. The proposals and recommendations require the consideration and agreement of Full Council.

**RECOMMENDATIONS:**

It is recommended that Council:

- a) Note the Corporate Plan priorities for 2013-15 at 2.3;
- b) Note section 3 of the report and the context within which the review and proposals have been undertaken and developed;
- c) Consider and agree the proposed areas of focus for O&S at 4.1.3;
- d) Agree the establishment of Public Sector Partner Priority Task Groups (PSPGs) in which partnership scrutiny work will be undertaken;
- e) Agree the restructure of the O&S function from two committees to one politically balanced committee of 13 Members including a Chair and Deputy Chair;
- f) Note work will take place with the Member Development Panel to put in place in year training and awareness which identifies the in house capacity and other resources available to meet the specific personal and professional development needs of O&S Members;
- g) Note that subject to agreement of the proposals, the O&S protocols as contained within the Constitution will be revised and updated;

## **1. INTRODUCTION**

- 1.1 At a joint special budget meeting of both Overview and Scrutiny Committees on 17 January 2013, and in the context of wider discussions around the financial pressures facing the Council, Members took the opportunity to commit to undertaking a review of the Overview and Scrutiny (O&S function) going forward including how O&S could support the wider transformation programme and overall corporate priorities in future.

## **2. THE NEW CORPORATE PLAN**

- 2.1 At its meeting on 21 February 2013, Full Council agreed its Corporate Plan 2013-15. The Corporate Plan was developed against a challenging backdrop, with the Council responding to unprecedented challenges around the future role of local government, driven by a series of fundamental changes to the national policy framework and significant reductions in funding, which are expected to continue to at least 2017.
- 2.2 The Corporate Plan outlines the Council's priorities up to 2015 and given the analysis of the financial forecast for local government up to and including 2017, the Council has committed to prioritising the delivery of statutory services (ones for which we have a legal duty) and investing remaining resources in our key strategic partnerships - including our communities - in order to bring about wider-socio economic benefits for Copeland.
- 2.3 The Council's priorities for 2013-15 are to:
- Deliver efficient and effective statutory services.
  - Be an effective public services partner so we can get the best deal for Copeland.
  - Working in partnership with communities

## **3. THE FUTURE OF OVERVIEW AND SCRUTINY AT THE COUNCIL**

- 3.1 In this wider context the OSC Co-ordinating Board (OSC Chairs) have spent some time developing a number of key principles on which O&S could operate in future. This has involved discussions with a number of Officers and Senior Members including the Group Leaders and cumulated in a set of proposals. These proposals were subsequently shared and discussed at a special working session with O&S Members on Friday 8 March 2013.

3.2 The session covered the following:

- The Statutory Framework around O&S
- The Future Role and how this could be fulfilled
- The Future Structure: Advantages and Disadvantages of a One Committee structure
- Membership
- Future opportunities for and remit of Task and Finish Groups

3.3 This session resulted in a number of proposals. These are discussed below.

## **4. PROPOSALS**

### **4.1 RENEWED FOCUS FOR OVERVIEW AND SCRUTINY**

4.1.1 Given the challenges the Council faces in the next two years, and the significant resource pressures it is under, there is a need for all parts of the organisation to target available resources where they can support the wider transformation programme and achieve the best results possible. Members have recognised that the Overview and Scrutiny function can contribute to this.

4.1.2 Since 2010, both OSCs have had their own terms of reference and have adhered to a structured Work Programme Prioritisation Protocol when developing their annual Work Programmes or adding topics to the programme in-year. The work programmes have included a variety of types of scrutiny including pre-scrutiny and post scrutiny monitoring and review work.

4.1.3 It is proposed that in line with the Council's new Corporate Plan, the function restructures and refocuses its priorities. It is proposed in future these areas of focus are:

- Meeting the statutory responsibilities of Overview and Scrutiny
- Post Scrutiny including:
  - Performance and Financial Monitoring
  - Policy Review/Implementation
- Working with Partners to get the best deal for Copeland (this is addressed at section 4.4 of the report)

4.1.4 These are discussed in further detail below.

## **4.2 FULFILLING OVERVIEW AND SCRUTINY'S STATUTORY RESPONSIBILITIES**

4.2.1 While Overview and Scrutiny was formally introduced in the Local Government Act 2000, the function of O&S is based on a complex legal framework. The Local Government Act 2000 established Executive arrangements for Local Government in England and Wales and as a result of these arrangements, changes to the way that decision makers were 'held to account'.

4.2.2 Since 2000 a number of further pieces of legislation have gradually increased the powers and opportunities available to O&S, particularly to unitary and upper tier local authorities.

4.2.3 In summary the Local Government Act 2000 and subsequent Acts and legislation have outlined a number of duties and powers applying to Overview and Scrutiny at District Council level. These include the following:

- The appointment of one Overview and Scrutiny Committee with the right to investigate and make recommendations;
- Facilitating the 'call in' of a decision;
- Facilitating Councillor Call for Action;
- Scrutiny of the Crime and Disorder Partnership (Community Safety Partnership).

4.2.4 The Localism Act will also offer increased powers and opportunities for District Councils in relation to 'partner scrutiny'. Previously, legislation in this area has circumscribed the way in which district scrutiny functions can engage with local partners. However, the Localism Act will expand existing partnership powers – available to local authorities in single tier areas – to districts in two tier areas.

4.2.5 It is proposed that the legislative developments continue to be monitored by officers and to ensure that the O&S function meets its statutory requirements and responds appropriately.

## **4.3 POST-SCRUTINY**

While O&S work has always tried to focus on corporate priorities, traditionally the work programme has included both pre-scrutiny and post-scrutiny.

It is proposed that in future, the function focuses on post scrutiny. This will be achieved through performance and financial monitoring (which will be standard

items in line with the Council's reporting procedures in these areas) and policy implementation and review. In 2012/13, the OSCs have identified a number of areas where they monitor policy implementation and undertake policy review, for example, around waste service changes and the Council's new Localism policies.

This proposed approach recognises that it is the role of Executive to develop the Budget and Policy Framework while ensuring O&S fulfils its accountability role through monitoring, evaluation and review.

#### **4.4 WORKING WITH PARTNERS**

4.4.1 The Corporate Plan reiterates the Council's mission for the future as "an effective Council that works with partners and communities to arrange services for residents in Copeland". It also recognises that in a number of instances, community needs can only be met through the delivery of services by others or through effective partnership working. Our Corporate Plan commits the Council to being an effective public service partner, securing the best deal for Copeland.

4.4.2 Overview and Scrutiny is well placed to help the Council achieve this by shifting the work of OSC to align more closely with the Corporate Plan and focusing on key areas as identified at 4.1.3 - in particular our changing priorities in relation to our public sector partners.

#### **Establishing Public Sector Partner Priority Task Groups (PSPGs)**

4.4.3 TFGs have been a long standing feature of O&S for some time and have experienced various degrees of success. Since 2010 these informal working groups have been commissioned by the parent OSC in accordance with their annual Work Programme and scoped with the support of Officers. TFGs have been open to all Members (with the exception of Executive Portfolio Holders who are invited in an advisory and consultative capacity) and have been an effective tool for wider Member engagement in the O&S process. For this reason Members recognise the benefits and opportunities they can offer. Therefore, it is proposed that PSPGs are established as a forum to support the delivery of partnership working and securing the best deal for Copeland.

4.4.4 PSPGs would:

- Work with public sector partners to secure the best for Copeland;
- Be led and commissioned by the OSC

- Focus on key areas of partnership activity as identified in the Corporate Plan and within O&S' remit: Community Safety; Health; Housing; Economy and Environment;
- Determined by and based on evidence
- Be incorporated into the annual Work Programme
- Take place in an 'informal' setting
- Be open to Members who do not sit on the OSC
- Consult with Executive Portfolio Holders
- Be supported by the relevant Senior Responsible Officer
- Modelled on the Council's Policy Development Groups (PDGs) in terms of timescales and meeting.
- Report their findings to the OSC and Executive or other appropriate committee.

#### **4.5 ONE OVERVIEW AND SCRUTINY COMMITTEE**

- 4.5.1 Currently the Council has two Overview and Scrutiny Committees – Internal OSC and External OSC. Each has their own set of separate terms of reference.
- 4.5.2 Members have considered the advantages and disadvantages of a one committee structure.

##### **Advantages**

- Increasingly during 2012-13, the Committees have held joint meetings. This has largely been due to practical purposes as a result of the cross cutting nature of Work Programme items. At the same time there has already been a long term understanding that Members from one of the committees are welcome to attend and participate in the other, albeit in line with constitutional requirements such as non-voting rights etc. Consultation with Members indicates that the joint meetings have been productive and engaging.
- Reducing the current structure to one committee would consolidate all of the statutory roles and terms of reference. This would be more efficient in terms of administration and communication at a time when resources are reducing across the organisation.
- Moving to one committee would support the Council's wider transformation programme by recognising new ways of working for OSC.

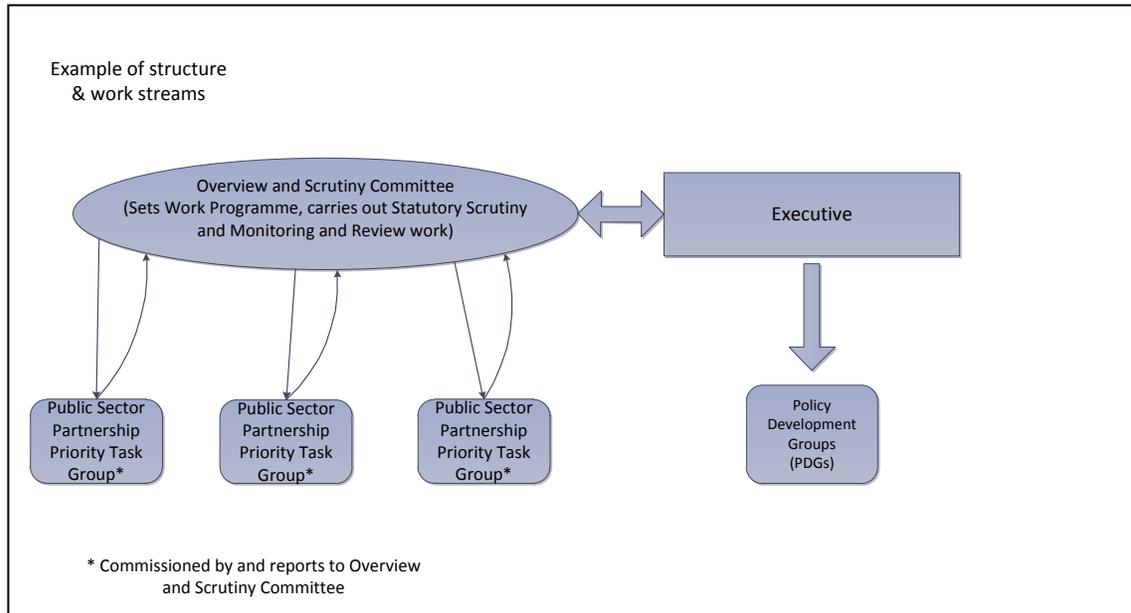
## Disadvantages

- Currently, both OSCs have a joint membership of 18 Members including the two Chairs and Deputy Chairs. One committee would see a reduction in the number of Members sitting formally on OSC.
- 4.5.6 Under the current structure, 9 Members sit on each OSC including the Chair and the Deputy Chair. Both committees are legislatively required to be politically balanced.
- 4.5.7 As referred to, the main potential disadvantage raised by Members was the prospect of a reduction in the number of Members formally sitting on OSC and whether this would impact on wider Member engagement. However it was felt that the continuation of working task groups would address any concerns around this. These groups have continually attracted the participation of non OSC Members since 2010 and it is envisaged that they would continue to do so.
- 4.5.8 Comparisons with districts elsewhere show committee structures vary widely. The most recent CFPS annual survey<sup>1</sup> highlights that while a multiple committee structure remains the most popular at present, the largest increase in popularity is one committee with time limited panels. This model increased by 320% between 2010/11 and 2011/12.
- 4.5.9 Members are asked to agree that the function moves to a one committee model with 13 Members including a Chair and Deputy Chair.

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<sup>1</sup> Annual survey of overview and scrutiny in local government 2011/12

**Table 1: Example of Proposed Structure and Work Streams**



## 4.6 FUTURE DEVELOPMENTAL NEEDS AND SECURING SUCCESSFUL OUTCOMES FROM OVERVIEW AND SCRUTINY

4.6.1 The nature of overview and scrutiny means that Members who lead and participate in it need to apply specific behaviours and skills.

### Conduct and Behaviour

4.6.2 In terms of Member behaviour and conduct, O&S Members are already guided by the Overview and Scrutiny Councillors Conduct Protocol at Chapter 8 of the Constitution, in addition to the general obligations placed on all Members by the current Code of Conduct. The former outlines how Members will conduct O&S business. It also emphasises that all O&S Members will be expected to engage in all scrutiny learning and development opportunities provided by the Council in order to carry out their roles as effective scrutineers. O&S Members and those participating in the proposed PSPGs will be expected to comply with this.

### Skills and Training

4.6.3 During consultation, a number of Members referred to their own continuing personal and professional development in order to ensure they felt confident and effective when fulfilling their O&S duties. These ranged from requiring a greater understanding and awareness of the purpose of O&S to enhancing their questioning skills.

- 4.6.4 Training for Chairs has become a regular feature of O&S member development since 2010. General awareness training also features in the Council's Member Induction Programme. However it is recognised that all Members involved in Overview and Scrutiny may have specific training and development needs and this needs to be addressed on a continual basis.
- 4.6.5 It is therefore proposed that work takes place with the Member Development Panel to put in place an in year training and awareness programme which identifies the in-house capacity and other resources available to meet the specific needs of O&S Members.

## **5. ALTERNATIVE OPTIONS TO BE CONSIDERED**

- 5.1 While Overview and Scrutiny is based on key principles, it is carried out in different ways across different authorities. There is no 'one size fits all' and a structure and way of working in one council may not suit another. The 'flexible' nature of O&S offers Members and the wider Council opportunities to tailor the function to meet corporate and community needs while upholding the important key principles and fulfilling its legislative responsibilities.
- 5.2 It is considered that the proposals outlined in the report embrace a new way of working for Overview and Scrutiny and ensure it is best placed to support the Council's priorities going forward and fulfilling its essential role effectively in line with the resources available.

## **6. CONCLUSIONS**

- 6.1 At a Joint meeting of the OSCs on Monday 15 April, OSC Members gave their support to the key proposals outlined in the report.

Council is asked to agree these key proposals.

## **7. STATUTORY OFFICER COMMENTS**

- 7.1 The Monitoring Officer's comments are: Incorporated in the report
- 7.2 The Section 151 Officer's comments are:
- No comments.

### 7.3 EIA Comments

The Equality Act 2010, the Public Sector Equality Duty and equality and diversity implications are embedded in the work of Overview and Scrutiny and individual Work Programme pieces.

It should be noted that the Council's Equality Scheme will also be monitored by the Overview and Scrutiny Committee.

### 7.4 Policy Framework Comments

The Corporate Plan and priorities are reflected within the report and its proposals.

### 7.4 Other consultee comments, if any:

## **6. HOW WILL THE PROPOSALS BE PROJECT MANAGED AND HOW ARE THE RISKS GOING TO BE MANAGED?**

6.1 The proposals will be managed through the annual Work Programme which will be managed by the Policy and Scrutiny Officer with the support of Senior Responsible Officers.

6.2 It will be reviewed by OSC Members and CLT on a quarterly basis.

## **7. WHAT MEASURABLE OUTCOMES OR OUTPUTS WILL ARISE FROM THIS REPORT?**

7.1 A revised and clear focus for the Overview and Scrutiny function which informs the work of the wider Council and partnership working.

7.2 A new one committee structure which best delivers these new priorities.

### **List of Appendices**

None

### **List of Background Documents:**

Annual Survey of Overview and Scrutiny in Local Government 2011/12 (CFPS)

Pulling it together – A guide to legislation covering overview and scrutiny in English local Government (Centre for Public Scrutiny - June 2012)

Copeland Borough Council Constitution

Copeland Borough Council Corporate Plan and Full Council Cover Report (21 February 2013)

## **MEMBERSHIPS FOR 2013-14**

### **EXECUTIVE**

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Fee Wilson**LICENSING SUB COMMITTEES**

Membership of 4 Licensing Sub Committees, of 3 Members each, to be taken from the Licensing Committee on a rota basis subject to availability and eligibility, with reserve membership being taken from any member of the Licensing Committee, and any such sub committee for the purpose of hearings before it is deemed to be appointed by the Licensing Committee under Section 10 of the Licensing Act 2003 and Section 154 of the Gambling Act 2005. Licensing Sub Committee Chairs to be appointed by Licensing Committee.