



Report of: Corporate Director of Transformation & Resources

Relevant Portfolio Holder: Councillor I Moran

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SUBJECT: OVERVIEW AND SCRUTINY FUNCTION REVIEW

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To consider and review actions arising from the Overview & Scrutiny Questionnaire completed by Members, highlighted by the Commission at its meeting held on 30 September 2020.

2.0 RECOMMENDATIONS

- 2.1 That an in-house 'Overview & Scrutiny at West Lancashire' training session be held each year following a local election with a further session on 'Best Practice Scrutiny' being arranged with an external trainer in the year that there are no local elections, as detailed in paragraph 4 below.
- 2.2 That it be recommended that the timetable of meetings for 2021/22 be prepared to allow for Executive Overview & Scrutiny Committee to be held prior to Cabinet, to accommodate pre-scrutiny, with a Special 'Call In' Meeting of Executive Overview & Scrutiny Committee being scheduled following Cabinet, as detailed in paragraph 5 below.
- 2.3 That it be recommended that Members of Overview & Scrutiny Committees be asked to submit questions in advance of meetings.
- 2.4 That consideration be given as to whether Portfolio Holders be routinely invited to attend Overview & Scrutiny Committee Meetings for items that include reference to their portfolio areas.
- 2.5 That the process for scoring topics submitted to Corporate & Environment Overview & Scrutiny Committee, as set out at paragraph 8 of the report, together

with the Topic Submission Form and Topic Selection Assessment Form at Appendix 1, be considered.

- 2.6 That Constitution 18.3: Protocol on Members Items & Councillor Call for Action and the form for submitting Items, attached at Appendix 2 to the report, be considered.
- 2.7 That Constitution 9.2: Members' Update Procedure Rules - Information Items and the form for submitting Members Update Items, attached at Appendix 3 to the report, be considered.
- 2.8 That Constitution 3.6: Article 6 - Overview and Scrutiny Committees, attached at Appendix 4, and Constitution 9.1 'Overview & Scrutiny Procedure Rules', attached at Appendix 5, be considered.
- 2.9 That the recommendations of the Commission be referred to Executive Overview & Scrutiny Committee, Corporate & Environment, Cabinet and Council as appropriate.

3.0 BACKGROUND

- 3.1 The Member Development Commission considered the outcome of the Overview & Scrutiny Questionnaire at its meeting held on 30 September 2020 and agreed a number of issues/actions to review, these are referred to below.

4.0 TRAINING REQUIREMENTS

- 4.1 A common theme that came out of responses across the whole of the Questionnaire was the lack of understanding of Scrutiny processes at West Lancashire and requirements for training. This year training sessions on 'Best Practice Scrutiny' (Committee Work /Annual Report) and 'Best Practice Scrutiny' (Effective Review Groups) were held 22 January 2020 by an external trainer. A further session to review Scrutiny at West Lancashire was due to be held on 24 March 2020, however due to Covid-19 this session was postponed.
- 4.2 Given that high number of responses it is proposed that future West Lancashire Overview & Scrutiny Training is provided each year when there are local elections (not by-elections) to give an overview of the procedures at West Lancashire and provide details on how Members can get strategically involved in decision making. It is also proposed that a further session on 'Best Practice Scrutiny' be organised with an external trainer in the year when there are no local elections, in order to provide an independent perspective.

5.0 PRE-DECISION SCRUTINY

- 5.1 Feedback provided from the questionnaire was the perceived lack of pre-decision scrutiny. The Commission at the previous meeting recognised the role of Cabinet Working Groups in pre-decision scrutiny. It was considered that more use of the Forward Plan and timetable changes for meetings of Executive Overview & Scrutiny Committee could better facilitate pre-decision scrutiny of

Cabinet decisions and develop further non-cabinet Members strategic role in decision making.

- 5.2 It is therefore proposed that as the Forward Plan is published 4 weeks prior to decisions taken by Cabinet a process be put in place to allow Members to request items from the Forward Plan to be included on the agenda for Executive Overview & Scrutiny. In order to accommodate this process, it is proposed that meetings of Executive Overview & Scrutiny be held prior to Cabinet, which would also facilitate officers submitting reports to that Committee prior to consideration by Cabinet.
- 5.3 Currently meetings of Executive Overview & Scrutiny Committee are held 2 weeks after meetings of Cabinet to accommodate any Call In requests. However Call In requests are very limited and it is therefore proposed that a Special meeting of the Committee is scheduled into the diary for Call In requests. These meetings would only be held if a Call-In request is received.

6.0 QUESTIONS FROM MEMBERS IN ADVANCE OF THE MEETING

- 6.1 Feedback identified from the questionnaire and also in the training members received that it was good practice for Members to provide questions prior to meetings so that a more structured approach to the meeting could be facilitated. This practice had been adopted for recent meetings of Overview & Scrutiny Committees and it is proposed that this practice should continue.

7.0 PORTFOLIO HOLDER ATTENDANCE AT MEETINGS

- 7.1 The Overview & Scrutiny Procedure Rules at Constitution 14 currently read:

Attendance by others

- "(a) The leaders of the two main political groups on the Council shall be allowed to attend each Overview and Scrutiny Committee and to speak but not vote on any issue under consideration.
- (b) The members of the Cabinet with responsibility for an area of Council activity (i.e. the relevant Portfolio Holders) shall be allowed to attend the relevant Overview and Scrutiny Committee and with the consent of the Chairman to answer questions only but not vote on any issue under consideration affecting that member's area of responsibility save that with the express consent of the Chairman the relevant Portfolio Holder may be invited to address the Committee."
- 7.2 Consideration needs to be given as to whether Portfolio Holders should routinely be invited to attend meetings of Overview & Scrutiny Committees, rather than ad hoc under current practice, to be held to account for decisions taken and also to hear the debate in respect of items included on agendas for meetings in relation to policy development, pre-decision scrutiny and Call In.

8.0 SCORING OF TOPICS - CORPORATE AND ENVIRONMENTAL OVERVIEW & SCRUTINY COMMITTEE IN-DEPTH REVIEWS

8.1 The Corporate and Environmental Overview & Scrutiny Committee conducts in depth reviews/policy development as set out in its work programme and establishes its own Work Programme annually, informed by:

- Inviting all Members, Parish Councils and CMT to submit topics.
- Inviting members of the public to submit topics via a press release and the inclusion of an article on the Council's web site.
- And if appropriate, via a workshop session to which all Members be invited, including Key Stakeholders, the Press and members of the public, if determined by the Lead Officer, in consultation with the Chairman, Vice Chairman and Opposition Spokesperson.

8.2 All potential topics received are then published on the Council website. These are then scored by a Panel consisting of the Chairman, Vice-Chairman and Conservative and Our West Lancashire Spokespersons.

8.3 The results of the scoring exercise are then considered by the main Committee to select one topic for review. Consideration at that meeting is also given to how the other items submitted will be dealt with, eg. Referred to the relevant Head of Service and/or Portfolio Holder, referred to another authority, a report included on a future agenda (one-hit item).

8.4 A copy of the Topic Submission Form and Topic Selection Assessment Form is attached at Appendix 1 for consideration and review.

9.0 MEMBERS ITEMS/COUNCILLOR CALL FOR ACTION (CCfA)

9.1 A copy of Constitution 18.3: Protocol on Members Items & Councillor Call for Action is attached at Appendix 2 for consideration and review, together with the form Members should use for submitting items.

10.0 MEMBER UPDATE ITEMS

10.1 A copy of Constitution 9.2: Members' Update Procedure Rules - Information Items and the form for submitting Members Update Items is attached at Appendix 3 for consideration and review, together with the form Members should use for submitting items.

11.0 SUSTAINABILITY IMPLICATIONS

11.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

12.0 FINANCIAL AND RESOURCE IMPLICATIONS

12.1 There are some financial/ resource implications arising from this report in respect of additional meetings and additional training sessions, however these will be met using existing resources.

13.0 RISK ASSESSMENT

13.1 Effective overview and scrutiny arrangements are important in holding the executive to account, policy development and meeting statutory requirements.

14.0 HEALTH AND WELLBEING IMPLICATIONS

14.1 There are no health and wellbeing implications arising from this report.

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

1. Topic Submission Form for requesting topics for in-depth review and Topic Selection Assessment Form
2. Constitution 18.3: Protocol on Members Items & Councillor Call for Action and the form for submitting Items
3. Constitution 9.2: Members' Update Procedure Rules - Information Items and the form for submitting Members Update Items
4. Constitution 3.6: Article 6 - Overview and Scrutiny Committees
5. Constitution 9.1 'Overview & Scrutiny Procedure Rules'