



EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE:
28 January 2021

CORPORATE & ENVIRONMENTAL OVERVIEW & SCRUTINY COMMITTEE: 11 March 2021

COUNCIL: 14 April 2021

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 the recommendations of the Member Development Commission following a review of the Overview & Scrutiny function at West Lancashire.

2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

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 6 below.

2.2 That Council be recommended to amend the timetable of meetings for 2021/22 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, to meet as and when required, as detailed in paragraph 7 below.

2.3 That Members of Overview & Scrutiny Committees be asked to submit questions in advance of meetings.

2.4 That Council be recommended to amend 'The Overview & Scrutiny Procedure Rules at Constitution 14' to read:

"Attendance by others

- (a) *The leaders of the 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."*

- 2.5 That consideration be given to Constitution 9.2: Members' Update Procedure Rules - Information Items and the form for submitting Members Update Items, attached at Appendix 2 to the report, together with the recommendation of the Member Development Commission, that Information Items, usually included on the Corporate & Environmental Overview & Scrutiny Members Update, should be routinely included on the agenda for Committee, without the requirement for Members to request these items to be included, as detailed in paragraph 12 below.
- 2.6 That consideration be given to extend the terms of reference of the Member Development Commission to consider Overview & Scrutiny structures of other similar Local Authorities, with a view to increasing the number of Overview & Scrutiny Committees to three (or four, if required) in May 2022 (rather than May 2021), taking into account the comments in paragraph 13.2 in relation to timescales and additional staff resources.

3.0 RECOMMENDATIONS TO CORPORATE & ENVIRONMENTAL OVERVIEW & SCRUTINY COMMITTEE

- 3.1 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 6 below.
- 3.2 That it be recommended that Members of Overview & Scrutiny Committees be asked to submit questions in advance of meetings.
- 3.3 That scoring of topics should be scored by a Panel consisting of the Chairman, Vice-Chairman and Opposition Spokespersons.
- 3.4 That consideration be given to Constitution 9.2: Members' Update Procedure Rules - Information Items and the form for submitting Members Update Items, attached at Appendix 2 to the report, together with the recommendation of the Member Development Commission, that Information Items, usually included on the Corporate & Environmental Overview & Scrutiny Members Update, should be routinely included on the agenda for Committee, without the requirement for Members to request these items to be included, as detailed in paragraph 12 below, taking into account the decision and recommendation of the Executive Overview & Scrutiny Committee held on 28 January 2021, attached at Appendix 3.

4.0 RECOMMENDATIONS TO COUNCIL

- 4.1 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 7 below.

- 4.2 That 'The Overview & Scrutiny Procedure Rules at Constitution 14' be amended to read:

"Attendance by others

(a) *The leaders of the 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."*

- 4.3 That the Legal & Democratic Services Manager be given delegated authority to amend 'Constitution 9.2: Members' Update Procedure Rules - Information Items' and the form for submitting Members Update Items, attached at Appendix 2 to the report, if required, to take into account the comments of the Executive Overview & Scrutiny Committee and the Corporate & Environmental Overview & Scrutiny Committee.

5.0 BACKGROUND

- 5.1 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. Overview and scrutiny committees have statutory powers 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.
- 5.2 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.
- 5.3 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, which provides a degree of flexibility to decide which arrangements to adopt. The organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails. 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.
- 5.4 Under the Sustainable Organisation Review (SORP), the terms of reference of the Member Development Commission were extended to include: "In order to give effect to the augmented Member role proposed within the Sustainable Organisation Review, to examine how cross-party scrutiny and development of

strategy could be strengthened via either existing or new committee arrangements, reporting to Executive Overview and Scrutiny and (then) to Council by April 2020. Such activity to include the option of engaging external specialist advice with relevant expenditure being contained within the budget provided." One aspect of this task, although delayed, was to look at current scrutiny arrangements and how it can be more strategic in its role.

- 5.5 In order to obtain the views of all Members the Member Development Commission agreed a number of questions, which were then circulated to Members in the form of an on-line questionnaire. The results of the questionnaire are attached at Appendix A. 29 responses were received from Members. 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, which were then considered by the Commission on 17 November 2020. The outcome of those considerations are detailed below:

6.0 TRAINING REQUIREMENTS

- 6.1 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.
- 6.2 Given the 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.

7.0 PRE-DECISION SCRUTINY

- 7.1 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.
- 7.2 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.

7.3 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.

8.0 QUESTIONS FROM MEMBERS IN ADVANCE OF THE MEETING

8.1 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.

9.0 PORTFOLIO HOLDER ATTENDANCE AT MEETINGS

9.1 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."

9.2 Consideration was given as to whether Portfolio Holders should routinely be invited to attend meetings of Overview & Scrutiny Committees, rather than ad hoc under current practice. The Commission noted that Overview and Scrutiny Meetings are open to attendance by Portfolio Holders at any time and that the Chairman could invite a specific Portfolio Holder to attend where item(s) include reference to their portfolio areas and / or relevant Officer and agreed that no change was required to paragraph (b) above.

9.3 The Commission considered that as there were 3 political groups on the Council, that paragraph (a) above 'The Overview & Scrutiny Procedure Rules at Constitution 14' be amended to read:

"Attendance by others

- (a) *The leaders of the 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."

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

- 10.1 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.
- 10.2 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.
- 10.3 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).
- 10.4 The Commission reviewed the Topic Submission Form and the Topic Selection Assessment Form and agreed that comments / feedback be sought from Corporate & Environmental Overview and Scrutiny Committee and previous Municipal Year's Chairman. The Corporate & Environmental Overview Committee are asked to consider the process. The Chairman of the Corporate & Environmental Overview & Scrutiny Committee 2019/20, Councillor Vickie Cummins, are as follows:

"I only have positive feedback for the Topic Scoring Exercise, as I found it a very fair and thorough process to choose the Work Programme whilst I was Chair of C & E Scrutiny.

I found the criteria for selection and rejection of suggested topics to be straightforward, detailed enough and a realistic guide for the Council's vision and priorities. To my mind, this helped to ensure the chosen topic would very much add to the work already being undertaken by the Council and would therefore only strengthen and improve services offered to residents.

At every stage I was briefed on the exercise, its importance and each individual step of the process by yourself, which was very much appreciated! This knowledge ensured I could confidently take part in the process and fairly reflect on each suggestion as it was presented.

Finally, I was truly heartened to see the efforts made by yourself to contact each resident, group etc. who had taken the time to suggest topics for the Work Programme but who on this occasion were not successful. Your detailed replies not only acknowledged their ideas with thanks, but also offered an encouraging response which explained how the Council would still try to help, what they were already doing or would take their ideas on-board for future services."

- 10.5 The Commission in reviewing the process for scoring of topics recommended that all future potential topics received should be scored by a Panel consisting of the Chairman, Vice-Chairman and Opposition Spokespersons.

11.0 MEMBERS ITEMS/COUNCILLOR CALL FOR ACTION (CCfA)

- 11.1 The Commission considered and reviewed Constitution 18.3: Protocol on Members Items & Councillor Call for Action, together with the form Members use for submitting items. The Commission did not recommend any changes.

12.0 MEMBER UPDATE ITEMS

- 12.1 The Commission considered and reviewed Constitution 9.2: Members' Update Procedure Rules - Information Items, together with the form Members use for submitting items. The Commission recommended that Information Items, usually included on the Corporate & Environmental Overview & Scrutiny Members Update, should be routinely included on the agenda for Committee, without the requirement for Members to request these items to be included.
- 12.2 This matter was considered informally by the Corporate & Environmental Overview & Scrutiny Committee at its meeting in December, when issues were raised in respect of the current heavy workload of the Committee and the number of items already included on the Agendas for those meetings. Reference was also made to the 'Strategic Scrutiny' training and the emphasis on outcomes and the value these items would add.
- 12.3 Members views are sought on this issue. If Members are mindful to agree this change, given the size of the Corporate & Environment Overview & Scrutiny Committee agendas, it is recommended that such items should be included on the Executive Overview & Scrutiny agendas.

13.0 ADDITIONAL OVERVIEW & SCRUTINY COMMITTEES

- 13.1 In considering the above matters, the Member Development Commission recommended that:

*"That the Member Development Commission recommend consideration of Council to develop a Scrutiny system consisting of three (or four, if required) Scrutiny Committees, with appropriately assigned areas of Overview & Scrutiny. Officers to present back the Overview and Scrutiny structures from other similar Local Authorities with a view to adoption in time for the new municipal year. The hosting of a further scrutiny committee may require additional staff resource. It is recommended that additional staff resource be allocated for this ongoing work. Purely for demonstrative purposes, some options could be:
Executive, Corporate, Environmental*

*Executive, Internal, External
Executive, Environmental Leisure Health and Well-being, Corporate and
External"*

Members views are sought on this issue.

- 13.2 If Members are mindful to agree this course of action, further work could be undertaken with the Member Development Commission by extending its terms of reference. In order to provide an opportunity for Members to monitor the changes arising from this report, it is recommended that a target date of May 2022 (rather than May 2021) to introduce any proposed new structures be agreed, particularly at the current time, and would allow for the work to be undertaken within existing resources. Members should also note that any increase in the number of Overview & Scrutiny Committees would require an additional staff resource.

14.0 SUSTAINABILITY IMPLICATIONS

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

15.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 15.1 There are some financial/ resource implications arising from this report in respect of additional meetings sourcing information from other authorities and additional training sessions, however these will be met using existing resources. Any additional resources in respect of an increase in the number of Committees would be subject to a further report.

16.0 RISK ASSESSMENT

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

17.0 HEALTH AND WELLBEING IMPLICATIONS

- 17.1 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. Overview & Scrutiny Questionnaire and responses from Members.
2. 'Constitution 9.2: Members' Update Procedure Rules - Information Items' and the form for submitting Members Update Items
3. Minute of the Executive Overview & Scrutiny Committee – 28 January 2021 (Corp & Env O&S Cttee and Council only)
4. Minute of the Corporate & Environmental Overview & Scrutiny Committee – 11 March 2021 (Council only)