



**CORPORATE AND
ENVIRONMENTAL OVERVIEW AND
SCRUTINY COMMITTEE:
9 DECEMBER 2021**

**EXECUTIVE OVERVIEW AND
SCRUTINY COMMITTEE:
13 JANUARY 2022**

COUNCIL: 23 FEBRUARY 2022

Report of: Corporate Director of Transformation & Resources

Relevant Portfolio Holder: Councillor I Moran

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**SUBJECT: OVERVIEW & SCRUTINY FUNCTION REVIEW - MEMBER
DEVELOPMENT COMMISSION RECOMMENDATIONS**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To consider recommendations of the Member Development Commission, following a review of Scrutiny Arrangements of West Lancashire Borough Council, and to authorise next steps.

2.0 RECOMMENDATIONS TO CORPORATE & ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE

2.1 That the recommendations arising from the Scrutiny Review undertaken by the Member Development Commission on behalf of the Council, previously adopted and implemented set out in paragraph 6 below, be noted, and the recommendations set out in paragraph 7.2 C. (i), (ii), (iii) and (iv) be endorsed.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

3.1 That the recommendations arising from the Scrutiny Review undertaken by the Member Development Commission on behalf of the Council, previously adopted and implemented set out in paragraph 6 below, be noted, and the recommendations set out in paragraph 7.2 C. (i), (ii), (iii) and (iv) be endorsed.

4.0 RECOMMENDATIONS TO COUNCIL

- 4.1 That the recommendations arising from the Scrutiny Review undertaken by the Member Development Commission on behalf of the Council, previously adopted and implemented set out in paragraph 6 below, be noted, and the recommendations set out in paragraph 7.2 C. (i), (ii), (iii) and (iv) be approved as follows:
- (i) That the Council continue with 2 scrutiny committees (Corporate & Environmental Overview & Scrutiny Committee and Executive Overview & Scrutiny Committee)
 - (ii) That Corporate & Environmental Overview & Scrutiny Committee establish Task and finish Groups to undertake in depth scrutiny work rather than that work being undertaken by the main Committee.
 - (iii) That a permanent role of Member Services Officer at Grade SO1 at 10 hours per week be created to facilitate this work.
 - (iv) That the Members Update to remain in its current format.
- 4.2 That the Legal & Democratic Services Manager be authorised to make any necessary amendments to the Constitution.
- 4.3 That the Task and Finish Groups be established in accordance with paragraph 8 of the report, subject to the approval of the financial implications set out at paragraph 10 of the report.
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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, 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. 29 responses were received from Members. The Member Development Commission considered the outcome of the Overview & Scrutiny Questionnaire and produced a number of recommendations, which were subsequently approved. A summary of these approved recommendations and improvements to the scrutiny arrangements at West Lancashire are set out below:

6.0 SUMMARY OF PREVIOUSLY ADOPTED RECOMMENDATIONS

- 6.1 Following the review undertaken by the Member Development Commission the following recommendations have been adopted and implemented:

6.1.1 Pre-Decision Scrutiny at Executive Overview & Scrutiny Committee

The Council at its meeting held on 24 February 2021, approved 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.

The new ways of working have added significant value to the decision-making process, allowing more cross party working prior to decisions being taken at Cabinet, with greater contribution and involvement from scrutiny members.

6.1.2 Submission of Questions in advance of meetings

Members of Overview & Scrutiny Committees are being asked to submit questions in advance of Overview & Scrutiny meetings.

This has proved very effective in the preparation of meetings for both Members and Officers and has enabled officers to be better prepared to address any issues at the meeting, which may have previously required a reply following the meeting.

6.1.3 Training

In-house 'Overview & Scrutiny at West Lancashire' training sessions will 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.

6.1.4 Topic Selection and Scoring

Topics for in depth reviews/policy development are sought 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 felt appropriate, a workshop session could be held inviting all Members, Key Stakeholders, the Press and members of the public, if determined by the Lead Officer, in consultation with the Chairman, Vice Chairman and Opposition Spokespersons.

All potential topics received are then published on the Council website.

Scoring of submitted in-depth scrutiny topics are scored by a Panel consisting of the Chairman, Vice-Chairman and Opposition Spokespersons of the Corporate & Environmental Overview & Scrutiny Committee, with the person submitting the topic being asked if they wish to present their reasons for submitting the topic in person/virtually.

The results of the scoring exercise are then currently 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).

Following the criteria, the topic selected should meet at least one of the following:

- Improvements for local people likely.
- Community/Corporate priority area.
- Key issue for the public.
- Poor performing service.
- High level of dissatisfaction.

Each topic is scored for Importance (how well a topic fits with the Council's key aims and priorities) and impact (likely potential impact of outcomes from a scrutiny investigation of the topic in terms of community benefit).

The MDC wished to continue with the current arrangement for scoring topics as they felt it was a very fair and thorough process to choose topics, straightforward, but detailed enough to be a realistic guide for the Council's vision and priorities, which helped to ensure that topics would very much add to the work already being undertaken by the Council and would strengthen and improve services offered to residents.

However, recommendations are set out below which provide for future in-depth reviews to be undertaken by Task & Finish Groups, rather than by the main Committee.

6.1.5 Attendance by others

It was agreed at Council in April 2021 that the leaders of the political groups on the Council be allowed to attend each Overview and Scrutiny Committee and to speak but not vote on any issue under consideration, with the consent of the Chairman.

6.16 Requests for Items from the Forward Plan

As the Forward Plan is published 4 weeks prior to decisions taken by Cabinet a process has been put in place to allow Members to request items from the Forward Plan to be included on the agenda for Executive Overview & Scrutiny. Holding meetings of Executive Overview & Scrutiny 2 weeks prior to Cabinet has enabled this process to be adopted.

6.17 Comparison of Overview & Scrutiny structures of other similar Local Authorities

At Council on 14 April 2021, it was resolved that the terms of reference of the Member Development Commission be extended to review the number and remit of Overview & Scrutiny Committees at West Lancashire, including the Members Update procedure rules, by comparing Overview & Scrutiny structures of other similar Local Authorities, and submit recommendations to Executive Overview & Scrutiny Committee, Corporate & Environmental Overview & Scrutiny Committee and Council, if appropriate, which should include any additional staff resource required, with an implementation date of May 2022.

7.0 ADDITIONAL RECOMMENDATIONS FROM THE MEMBER DEVELOPMENT COMMISSION

7.1 The Member Development Commission (MDC) compared the Overview & Scrutiny structures of other similar Local Authorities via a questionnaire sent to 28 other Local Authorities. These included Local Authorities, listed as 'similar' Authorities by CIPFA, as well as other Lancashire and Cumbria Authorities. Of the twenty-eight Authorities contacted, sixteen Authorities responded with completed questionnaires.

7.2 Responses were reported and considered by the Members Development Commission (MDC) on 7th October 2021. The minute of the meeting reads as follows:

"SCRUTINY REVIEW QUESTIONNAIRE - FEEDBACK FROM LOCAL AUTHORITIES

The Commission considered the report of the Corporate Director of Transformation & Resources, which detailed the responses from other Local Authorities in relation the Scrutiny Review Questionnaire, as agreed at the Member Development Commission held on 6 July 2021 and considered any proposed changes to the Scrutiny structures at West Lancs.

Discussion took place regarding Task and Finish groups. Members felt that task and finish groups provided good cross party working and could produce excellent reports due to smaller size groups being more passionate about the topic selection.

It was discussed that moving to task and finish groups would reduce the current heavy workload of the Corporate & Environment Overview and Scrutiny Committee as the task and finish groups can do the detailed work then produce reports and recommendations to that Committee.

Members felt that task and finish groups were more effective as membership of these groups didn't have to be restricted to just members of scrutiny committees, they do not stretch resources as much as a committee, they give councillors a sense of growth, and give greater scope for public engagement and stakeholders. The groups could also appoint its own chairman.

AGREED:

- A. *That the response from Local Authorities to the Scrutiny Review Questionnaire be noted.*
- B. *That it be noted of the twenty-eight Authorities contacted, sixteen Authorities responded with completed questionnaires.*
- C. *That following consideration of responses to the Scrutiny Review Questionnaire, Member Development Commission recommend:*
 - (i) *That the Council continue with 2 scrutiny committees (Corporate & Environmental Overview & Scrutiny Committee and Executive Overview & Scrutiny Committee)*
 - (ii) *That Corporate & Environmental Overview & Scrutiny Committee establish Task and finish Groups to undertake in depth scrutiny work rather than that work being undertaken by the main Committee.*
 - (iii) *That a permanent role of Member Services Officer at Grade SO1 at 10 hours per week be created to facilitate this work.*
 - (iv) *That the Members Update to remain in its current format.*
 - (v) *That a report be presented to Corporate & Environmental*

Overview & Scrutiny Committee on 9 December 2021 and Executive Overview & Scrutiny Committee on 14 January 2022 to consider the recommendations and submitted to Council on 23 February 2022 for approval, with a proposed implementation date of May 2022, and that this report will be shared with MDC prior to submission to the relevant Overview & Scrutiny Committees."

7.3 Members are therefore being asked to approve the recommendations of the Member Development Commission (MDC) at paragraph 7.2 C. (i), (ii), (iii) and (iv) above.

8.0 TASK & FINISH GROUPS

8.1 It is recommended that Task & Finish Group be established with the following arrangements:

(a) Membership:

- 6 Members (3 Lab, 2 Con, 1 OWL)
- Additional Members (To be appointed by the Task & Finish Group/Committee if required)
- Co-optees: If required

(Members volunteer to be a member of the group, and selection is made on the members particular interest and expertise in the area being scrutinised. Members not to be restricted to Scrutiny Members, but open to all. Cabinet Members by invitation only.)

(b) Meetings:

- to be held ad hoc, dependent on the nature of the topic, eg if there is a set deadline for a review to take place and conclude in order to make a decision, the group will meet several times within a short timeframe.
- To be held virtually

(c) Remit:

- Initial meeting will set out the Terms of Reference, membership, timeframe, etc via a project plan proforma
- Final reports of the Task & Finish Group to be submitted to Corporate & Environmental Overview & Scrutiny Committee for approval prior to consideration by Cabinet / Council.

9.0 SUSTAINABILITY IMPLICATIONS

9.1 The development of scrutiny will provide an opportunity to involve stakeholders, especially the local community and young people, in its on-going development and implementation and consider their views when selecting topics for future in-depth review. In-depth reviews will allow the involvement of relevant stakeholders in order to influence outcomes. In identifying topics for review, consideration will be given to future sustainability implications and regeneration, and may also have an impact on crime and disorder.

10.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 10.1 The additional work associated with introducing additional task and finish groups would require the creation of a part time Member Services Officer post of 10 hours per week, to facilitate this and would require a budget requirement of approx. £12,000. This will be considered as part of the budget setting process. The post will facilitate and add value to the work being undertaken by the Council and build and evolve the scrutiny function in line with the corporate direction of travel.

11.0 RISK ASSESSMENT

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

12.0 HEALTH AND WELLBEING IMPLICATIONS

- 12.1 There are no direct health and wellbeing implications arising from this report, however it is inevitable that there will be future implications arising from the work that scrutiny will undertake at Committees and in the Task and Finish Groups, which will be considered.

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. Minute of Corporate & Environment Overview & Scrutiny Committee – 9 December 2021 (Exec O&S and Council only)
2. Minute of Executive Overview & Scrutiny Committee – 13 January 2022 (Council only)