

BRECKLAND COUNCIL

REPORT OF THE DIRECTOR OF ORGANISATIONAL DEVELOPMENT (Author: Mark Broughton, Scrutiny Officer)

OVERVIEW & SCRUTINY COMMISSION – 29 APRIL 2010

SCRUTINY WORK PROGRAMME & REFRESH FOR 2010/11

1. PURPOSE OF REPORT

1.1 This report proposes a member-led work programme for the OSC in 2010/11 and some changes of approach to enable more focussed and effective scrutiny.

2. RECOMMENDATIONS

2.1 That the Commission adopts the proposed work programme and revised approach as set out in the report in 3.21 to 3.24.

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. INFORMATION, ISSUES AND OPTIONS

Background

3.1 The Overview & Scrutiny Commission is responsible for developing its own programme of work on an annual basis. Whilst there is the need to retain some capacity and flexibility throughout the year to provide for “emergency” and unforeseen issues arising, it is advantageous that the bulk of the work programme is established at the start of the municipal year.

3.2 Following an earlier similar event, a non executive member scrutiny half day workshop was held in Watton on 11 March in order for members to consider the work programme for the following year. Two exercises saw members identify priorities for the Commission’s work and to consider suitable areas for in-depth investigation through establishing dedicated task and finish groups.

Issues

3.3 The current year’s (i.e. 2009/10) work programme contains a mixture of item types, ranging from recurring items as well as standing items and ad hoc items.

3.4 The standard recurring items are listed as: 1) the executive report, in which executive members attend OSC on a rota basis and give a brief account of their portfolio activities as well as a heads up on relevant issues on the horizon, 2) partnership scrutiny, which in 2009/10 included both the Wayland and Icen area partnerships as well as a credit union and the citizens

advice bureaux, 3) contract monitoring, covering the outsourced delivery of council services in relation to IT (Steria), Planning & Building Control (Capita Symonds), Environment and Security Services (XXX) and leisure (Parkwood Leisure), 4) task and finish reports e.g. community fora, discretionary rate relief, parking etc. It is also customary for the OSC to produce an annual report of its activities.

3.5 Regular standing items on OSC agenda are 1) call-ins and 2) referrals under the Councillor Call for Action (CCfA) mechanism. In 2009/10 there was one call-in received (which was not upheld) and no referrals under CCfA.

3.6 The ad hoc items considered by the OSC in the foregoing year included community car schemes, legal services delivery, Section 106 Receipts, concessionary fare scheme, the Breckland Youth Council, health scrutiny (link with Norfolk County Council health scrutiny function), BT cashless conversions of phone kiosks, the Regulatory and Investigatory Powers Act (RIPA), and the Council's contact centre performance. A measure of success for scrutiny is how it "adds value" and arguably whilst many of these debates were interesting and meaningful in no cases were recommendations forthcoming from the OSC.

3.7 The year also witnessed the establishment of two new joint scrutiny bodies, a task and finish group in tandem with Forest Heath DC examining the Anglia Revenues Partnership and a link-up with South Norfolk to oversee the shared services proposals.

3.8 Very good work has been done by the task and finish groups established in the last 12 months, with recommendations coming forward being accepted by the OSC and Cabinet virtually in their entirety. The evidence based approach is clearly paying dividends and members are clearly engaging with the process however the breadth of members participating has unfortunately been relatively narrow.

3.9 In setting a programme of work the OSC has virtual free rein to examine areas of interest pertaining to Breckland Council as also due to the community well-being aspect of external matters. The exclusions for scrutiny relate to any matters of process covered by regulatory committees such as Development Control and Licensing.

3.10 It is anticipated that the ongoing committee structures review will see a reduction in the number of members on the OSC and an upper limit placed on concurrent task and finish groups reporting to the Commission.

3.11 At the March workshop members discussed whether the focus on scrutiny needed to change in order to result in more tangible outcomes which would clearly show added value. There was a desire to see a regime of exception reporting apply to the contract monitoring strand, in order to ensure that unproductive committee time would not be spent looking at contracts which were performing at an acceptable level. In order to provide an effective filter and pre-scrutiny of contracts monitoring members expressed support for the idea of forming an informal grouping comprising the Chairman and Vice

Chairman of OSC together with the Member Services Manager, Scrutiny Officer and Performance Manager meeting on a regular basis to assess contract performance. If shortcomings were apparent these could then be formally referred to and discussed at the next meeting of the OSC.

3.12 Members at the workshop also felt that the regular executive report item should continue as now except that it was reasonable to ask executive members to pre-submit with the agenda a one page bullet-point list covering the points on which they wished to report. This would enable members to consider in advance pertinent questions they may wish to ask the executive member in the meeting and thus emphasise the “holding to account” nature of the OSC’s work.

3.13 Performance remains a key role for scrutiny, albeit a problematic one given that it is also a prominent role for the Cabinet. Previous attempts by the OSC to play a significant role in performance management/monitoring have fallen by the wayside. The difficulty lies in ensuring sufficient information is provided within the member arena whilst at the same time not drowning councillors in reams of paper and also in not simply replicating the existing executive-led performance clinics. The new National Indicator (NI) set should provide the basis for further non-executive scrutiny of performance, on an exception basis, as the council operates a traffic light system to track performance. The Policy and Performance Manager is now producing Governance and Monitoring Reports on a quarterly basis and the filter mechanism identified in Para 3.11 above could similarly meet to consider this report and refer any concerns to the full OSC at the next meeting. The relevance for Scrutiny is ensuring that the Council is doing what it is committed to doing as stated in the Business Plan.

3.14 The Council’s TEN performance management system will in due course be configured to enable post decision implementation tracking; in other words, a check can be made on whether decisions taken by Cabinet/Council have actually been implemented. In cases where decisions haven’t been implemented the appropriate officers/portfolio holder can be invited to attend the OSC to explain why this hasn’t happened. This again assists in the recognised accountability role of scrutiny.

3.15 Members have expressed an interest in continuing with the partnership/external scrutiny programme and suggested suitable organisations to scrutinise at the March workshop. This has been incorporated into the proposed 2010/11 OSC Work Programme, which is shown at Appendix 1 to this report.

3.16 It is suggested that there is a legitimate role for “pre decision scrutiny” but that if members wish to undertake this it should be restricted to consideration of “key decisions” only on the corporate forward plan. The former practice of including the corporate forward plan with the agenda for OSC can be revived accordingly to facilitate this.

3.17 New duties are continuing to be assigned to the Scrutiny function, not least the new requirement for scrutinising crime and disorder reduction, for

which the Commission agreed to so designate itself as the “crime and disorder committee” and as such meet at least once a year in this capacity, as laid down under statute. Amended regulations have recently been issued by the Department for Communities and Local Government (effective 1 April 2010) relating to co-option of members of the public and community representative groups onto overview and scrutiny committees. This buttresses provisions in the 2003 Local Government Act relating to co-option and the Commission is urged to give consideration to the greater involvement of co-opted members (either with or without voting powers) in overview and scrutiny task and finish groups.

3.18 The new work programme needs to be balanced to ensure that sufficient depth is provided in topics which are debated in future. Therefore it is suggested that it would be wise to concentrate on fewer items in greater detail and perhaps aim for no more than four substantive items on each Commission agenda (not including standing items such as call-in and CCfA).

3.19 There is a need to reconsider the basis of reports to the Commission, which currently use a standard template predicated on the reporting lines ending up in Cabinet for decision. This report format is not conducive to Scrutiny and fails to give members the depth of information that would assist their investigations. Accordingly it is suggested that members endorse a new Scrutiny Commission Evidence Document (or SCED) on the lines of that illustrated at Appendix 2.

3.20 Aside from the work of the Commission, the dedicated assignments of the task and finish groups will continue in 2010/11. The LDF Group will be ongoing as will the Parking Group which following conclusion of Attleborough will turn its attention to Watton before considering Thetford later in the year. The Joint ARP Scrutiny Committee is due to wrap up with a report to the OSC and Cabinet in September 2010. The Joint Shared Services Scrutiny Committee (JOSC) is expected to continue to meet throughout 2010/11, depending on progress in this project. At the workshop members indicated three key areas for future possible task and finish group investigations in the coming year; drainage and flooding, road issues e.g. speeding, traffic and rural road conditions, and anti social behaviour.

Options

3.21 To approve/not approve the proposed 2010/11 work programme (Appendix 1)

3.22 To approve/not approve the establishment of an informal filter group which can better manage and co-ordinate the activities of the OSC and its task and finish groups

3.23 To approve/not approve the use of new Scrutiny Commission Evidence Document template in place of the standard committee report format to OSC in future

3.24 To approve/not approve in principle the inclusion of co-opted members onto scrutiny task and finish groups and/or the OSC sitting as the “crime and disorder committee”

Reasons for Recommendations

3.25 The proposed work programme represents a balanced and organised approach to the work of the Commission in the coming year, is member-led and also retains the flexibility to incorporate unforeseen future items.

3.26 An informal filter mechanism will retain a member-led aspect to the effective co-ordination of the OSC’s activities, ensuring that its workload is well managed and assisting in overseeing the development, operation and progress of task and finish groups.

3.27 A new SCED template document will enable members to receive core information prior to any item coming forward to the Commission and promulgate information and knowledge helping contextualise the issues.

3.28 Take-up of places on task and finish groups has generally tended to attract the same members and as a way of re-invigorating scrutiny the co-option of appointees into such groups as well as a direct community-link on crime and disorder may be advantageous.

4. RISK AND FINANCIAL IMPLICATIONS

4.1 There is a risk that not implementing these improvements to the Scrutiny function will result in a failure to improve its robustness and value adding properties. There are no significant financial implications.

5. LEGAL IMPLICATIONS

5.1 None

6. OTHER IMPLICATIONS

6.1 Equalities, S17 Crime & Disorder Act 1998, S40 NR&RC Act 2006, Human Resources, Human Rights, other: None

7. ALIGNMENT TO COUNCIL PRIORITIES

7.1 Your Council, Your Services (Help you councillor to act as your community leader, champion and advocate; Strengthen community consultation and involvement)

8. WARD/COMMUNITY AFFECTED

8.1 All

Background Papers
DCLG Regulations on Co-option

Appendices

Appendix 1 – Specimen Work Programme for 2010/11

Appendix 2 – SCED document template

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