

Meeting of the Cabinet – 25th April, 2013

Report of the Director of Corporate Resources

Review of the Council's Scrutiny Arrangements

Purpose of Report

1. To consider recommendations on a review of the Council's scrutiny arrangements in advance of the 2013/14 municipal year.

Background

2. On 13th November, 2012, the Cabinet considered a report on the annual review of the Constitution. The Cabinet agreed, amongst other things, that the Council's existing overview and scrutiny arrangements and Scrutiny Committee structure be reviewed and that recommendations be presented in advance of the 2013/14 municipal year. This report presents the outcomes of the review undertaken by Scrutiny Chairs.
3. The principles of the review are to strengthen the Council's overview and scrutiny arrangements; to ensure proper democratic accountability and to promote confidence in the conduct of the Council's business. The review is also set in the context of significant financial pressures faced by the Council and the need to focus limited resources in the most effective way.
4. As part of the review, Scrutiny Chairs endorsed a series of principles:
 - That the existing informal "Chairs of Scrutiny Committees" meeting be formalised into an "Overview and Scrutiny Management Board".
 - That a revised structure of Overview and Scrutiny Committees be adopted as set out in Appendix 1. This includes Scrutiny Committees to carry out detailed scrutiny reviews and a separate Scrutiny Committee with a remit for Corporate Performance Management, Efficiency and Effectiveness.
 - That the role of Scrutiny Committees be developed further to comprise:-
 - The adoption of the "Parliamentary Select Committee" model by undertaking single item in-depth scrutiny investigations/inquiries with reports from the Scrutiny Chair being presented to the Cabinet/Council.
 - One Committee to pilot an "in-depth single item scrutiny" during the current municipal year.

- Being more strategic and selective in selecting topics for scrutiny with Scrutiny Committees focussing on in-depth investigations. The Overview and Scrutiny Management Board will have a role in overseeing and co-ordinating the annual scrutiny programme.

- Enhancement of the role of Scrutiny Committees in policy development by carrying out the in-depth scrutiny reviews as referred to above.

- All scrutiny "Call-ins" to be determined by the Management Board (with provision for inviting statutory co-opted members in the case of Education matters).

- Cabinet Members/Chief Officers and others to attend scrutiny meetings to give evidence/reports if required by the Scrutiny Committee (given advance notice).

- The retention of statutory co-opted members on the Scrutiny Committee that considers "Education" matters (ie: Children's Services).

- The Chair of the Overview and Scrutiny Management Board to submit an annual report to the Council on corporate scrutiny activity.

- The Minutes of the Overview and Scrutiny Management Board and individual Scrutiny Committees to be submitted to Council.

5. On 30th January, 2013, Scrutiny Chairs discussed the recommendations to be made to the Cabinet and Council as summarised in this report. The proposals aim to enhance the involvement of elected Members in detailed scrutiny reviews and policy development activity.
6. The role of the Management Board, as reflected in the terms of reference (Appendix 2), will avoid duplication between the work of the Board and individual Scrutiny Committees. The Board will have an ongoing role throughout the year to monitor progress of the annual scrutiny programme; identify/resolve any difficulties and approve variations in the scrutiny programme to reflect changes in circumstances. The Board will also monitor the implementation of specific scrutiny recommendations and have the facility to raise items on the Cabinet agenda. The terms of reference of the Committees (Appendix 2) also give a clear indication of the Cabinet portfolios and Directorate functions within the remit of each Scrutiny Committee.
7. Scrutiny Committees will have discretion to set their own programme of meetings to carry out the reviews that are allocated to them. The Management Board will be programmed in the Council calendar to broadly coincide with the dates of Cabinet meetings. The Performance Management, Efficiency and Effectiveness Scrutiny Committee will be programmed to coincide with the quarterly performance management report being presented to the Cabinet. Additional meetings may be necessary to carry out other reviews. The Health Scrutiny Committee will continue to be programmed as required, in consultation with the Chair, to carry out its work programme and associated functions.

8. In the light of the severe financial pressures, any new structures will have to be implemented from within existing resources. The Management Board and each Scrutiny Committee will have a designated lead officer (at Assistant Director level) and be supported by Democratic Services. With the exception of health scrutiny, where there is a designated support officer to undertake research, all of the other Scrutiny Committees will have to be serviced from within existing resources across the five Council directorates. Ongoing support for the scrutiny function will need to be contained within available resources.
9. The proposal to retain a 'stand alone' Health Scrutiny Committee will assist the Council to fulfil statutory scrutiny functions and respond to the provisions of the Health and Social Care Act 2012. The work of this Committee is 'cross cutting' in nature and embraces activities carried out by Council Directorates (including Public Health from April 2013) and other providers. The Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 have now been published and these Regulations will be reflected in the future work of the Health Scrutiny Committee. The implications for the Dudley Health and Wellbeing Board will be the subject of a separate report to the Council.
10. Scrutiny Chairs have been considering the development of an Annual Scrutiny Plan, involving Cabinet Members and Directors in informing the process regarding key issues and policy developments alongside the Cabinet/Directorate business planning process. The final decision on topics for inclusion in the Annual Scrutiny Plan will remain with Scrutiny Chairs and the Overview and Scrutiny Management Board in the future.
11. Scrutiny Chairs have started to consider the development of a draft Annual Scrutiny Programme for the 2013/14 municipal year taking account of the views of Cabinet Members and Directors as part of their business planning cycle. The Children's Services Scrutiny Committee was asked to carry out a pilot "single item" scrutiny at its meeting on 21st March in relation to school performance, the outcome of which is also being reviewed by Scrutiny Chairs.
12. The recommendations of Scrutiny Chairs can be summarised as follows:
 - That an Overview and Scrutiny Management Board be established on the basis set out in this report, with 11 elected members, comprising the Chairs/Vice-Chairs of the five Scrutiny Committees and one additional Member to comply with overall political proportionality requirements.
 - That the revised structure of overview and scrutiny committees, as set out in Appendix 1, be approved and adopted and that each Scrutiny Committee comprise 11 elected members (with co-opted members in the case of Children's Services and the possible future appointment of a co-opted member on the Health Scrutiny Committee).
 - That the future role of Scrutiny Committees be developed on the basis set out in this report.

- That the terms of reference of the Overview and Scrutiny Management Board and the five Scrutiny Committees be as set out in Appendix 2 to the report and that all Scrutiny Committees retain the discretion to include a “Public Forum” on their agenda.
 - That the proposed servicing arrangements referred to in paragraph 8 be noted and that the Director of Corporate Resources confirm the nomination of lead officers for the Scrutiny Committees along with the ongoing Democratic Services support.
 - That the Director of Corporate Resources consider the nomination of a lead officer in respect of the Overview and Scrutiny Management Board to replace the former statutory role of Scrutiny Officer and that the level and quality of support to the Scrutiny Committees be considered as an ongoing issue as part of the implementation of the revised structures.
 - That the scrutiny of the Council’s revenue budget proposals continue on the basis of reports to the individual Scrutiny Committees.
 - That development sessions be held for members and officers to discuss the revised overview and scrutiny arrangements.
 - That the Director of Corporate Resources undertake a review of Article 6 of the Constitution (Scrutiny Committees) and the Scrutiny Procedure Rules and Protocols to give effect to the recommended changes.
 - That the revised arrangements be subject to ongoing review and further consideration by the Overview and Scrutiny Management Board in December, 2013.
13. A draft calendar of Council, Cabinet and Committee meetings for 2013/14 has been produced and is set out in Appendix 3. Subject to the decisions of the Cabinet at this meeting, it is recommended that the calendar be submitted to the annual meeting of the Council on 16th May, 2013.
14. On 26th November, 2012, the Council decided that, pending a review of the Members' Allowances Scheme in 2013, no special responsibility payments be made to the Chairs and Vice-Chairs of Community Forums. A similar decision was made on 25th February, 2013 in relation to the Ernest Stevens Trust Management Committee. Under the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council has a duty to review the indexing arrangements in its Allowances scheme every 4 years. This was last undertaken in July 2009. There have been no increases in Members' Allowances since 2009 as the Allowances are linked to pay awards for Council staff. The Council has a duty to have regard to recommendations made by an Independent Remuneration Panel when reviewing the Members' Allowances Scheme. The Council has previously appointed 4 Independent Persons in line with the standards provisions of the Localism Act 2011. In view of the changes to governance arrangements, it is recommended that the Council request the 4 Independent Persons to form the Independent Review Panel and that the Panel submit its recommendations to the Council in July, 2013.

Finance

15. The costs of operating the revised scrutiny arrangements will be contained within existing budgetary allocations.

Law

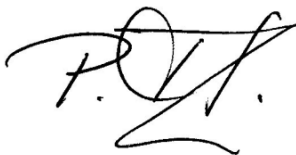
16. Scrutiny Committees are established in accordance with the provisions of the Local Government Act 1972 and the requirements of the Council's Constitution, which was adopted under the Local Government Act 2000, subsequent legislation and associated Regulations and Guidance.
17. Scrutiny powers relating to health are included in the Health and Social Care Acts 2001 and 2012 and associated Regulations and statutory guidance. The Police and Justice Act 2006 gives the Council powers to scrutinise the work of the Crime and Disorder Reduction Partnership and the Local Government and Public Involvement in Health Act 2007 enables local authorities to scrutinise other partners. Much of this legislation has now been consolidated in the Localism Act 2011.

Equality Impact

18. Provision exists within the recommended scrutiny arrangements for overview and scrutiny to be undertaken of the Council's policies on equality and diversity.

Recommendations

19. That the Cabinet consider the recommendations set out in paragraphs 12 to 14 of this report with a view to these recommendations being submitted to the annual meeting of the Council on 16th May, 2013.



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List of Background Papers

Reports and minutes of Scrutiny Chairs meetings dated 5th December, 2012 and 30th January, 2013