# Overview and Scrutiny Management Board
# 6 June 2019

**Report of:** Service Director, Legal & Democratic Services

**Title:** Overview and Scrutiny Management Board Work Programme 19/20 and Ways of Working

**Ward:** N/A

**Officer Presenting Report:** Lucy Fleming, Head of Democratic Engagement

**Contact Telephone Number:** 0117 92222483

## Recommendations

a. To approve the Scrutiny Work Programme for 19/20

b. To note the key principles for ways of working

## Summary

This report sets out the Scrutiny Work Programme for 19/20 as well as some key principles about ways of working.

**The significant issues in the report are:**

The scrutiny work programme for 19/20.

**1. Policy**

N/A

**2. Consultation**

N/A

**3. Context - Scrutiny Work Programme Setting**

Scrutiny Members will attend a workshop on 6th June 19 in order to agree the Scrutiny Work Programme for 19/20. The outcomes from the workshop will be formally adopted by the Overview and Scrutiny Management Board at their meeting at 5pm on 6th June 19.

**4. Structure of Scrutiny**

Members regularly review the structure of scrutiny and frequency of meetings in order to ensure the best use of the available resources. For 19/20, Members have agreed that the number of formal meetings should be increased and the informal activities (Task Groups etc) reduced in order to keep within the budget envelope. The revised details are set out below;

| OSMB | | | | |
|---|---|---|---|---|
| • Up to 6 meetings per year<br>• Responsibility for the overall scrutiny work programme including commissioning working groups (or select committees, task groups, inquiry days etc) | | | | |
| **G&R Scrutiny Commission** | **Resources Scrutiny Commission** | **Communities Scrutiny Commission** | **People Scrutiny Commission** | **Health Scrutiny** |
| 4 meetings | 3 meetings; and<br><br>2 meetings specifically for budget scrutiny; and;<br><br>1 Budget/ MTFP related Working Group | 4 meetings per year | 4 meetings per year | 2 meetings of the Health Sub-committee (carries out the statutory health scrutiny function)<br><br>*Note – the Joint Health Overview and Scrutiny Function is separate* |
| Key features:<br>• 25 formal meetings<br>• Up to 3 working groups and 2 Inquiry Days over the course of the year (including Budget/MTFP)<br>• A mix of both regular public and informal scrutiny | | | | |

**5. Ways of Working**

Key principles set out below;

Role of the Chairs:
- To lead the Commission/Task Group/Inquiry Day to achieve its objectives.
- To promote collaborative working.
- To ensure best use of resources.

Membership and Attendance
- Names nominated by the Whips in accordance with political proportionality.
- Cabinet Members and officers are to be asked to attend meetings as/when appropriate.
- Expert witnesses or other stakeholder may also be invited to participate.

Work Programme
- There is one scrutiny work programme which is managed and overseen by OSMB.
- Topics are to be carefully selected to reduce duplication and ensure the best outcomes.

Meetings, dates and frequency
- For formal meetings, dates and times are set at the start of the Municipal Year; typically 4 per Scrutiny Commission (see table above) and a maximum of 6 for OSMB. Recommended duration of 2 to 3 hours.
- For Task Groups, new statutory guidance (see Appendix B) states that effective scrutiny can be conducted;

    *- At a task and finish review of two or three meetings – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;*

    *- Via a longer-term task and finish review – the 'traditional' task and finish model with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and*

    *- By establishing a 'standing panel' – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.*

    All meetings are to be arranged in conjunction with the Scrutiny team and will be informal (not public) unless otherwise agreed by members of the group, therefore they will not have formally published papers or minutes.

Agendas
Formal Meetings;
- Prioritisation exercise for agenda items.
- Planned well-in-advance.

- Themed where possible.
- Recommend no more than 4 substantive items per meeting.

Task Groups and Inquiry Days;
- Well-defined parameters, aims and objectives, including Terms of Reference for the Task Groups.
- Scheduling and timing are crucial and must be checked before initiating work.
- Work to be agreed by OSMB in advance.

Papers, presentations and briefings;
- Formal reports to be kept concise with use of appendices where appropriate for very technical and/or background information.
- Consider use of 'information only' reports on agendas i.e. those that are not discussed at the meeting.
- Briefings to be arranged separately and open to all Members where possible
- Presentations at meetings are to be kept brief to allow maximum time for Member questions and discussion.  Where possible slide decks are to be circulated in advance, in addition to the formal report.
- Minimise the use and length of presentations (allow short slide deck only if accompanied by a written report).

Planning Meetings
To take place before each formal Commission meeting. Purpose is to;
- Plan future agenda items.
- Consider key lines of inquiry to improve the quality of questioning.
- Confirm desired outcomes for each item.
- Agree senior officer and/or Cabinet Member involvement.

## 6.  Statutory Scrutiny Guidance

The Department for Housing, Communities and Local Government produced statutory guidance regarding Scrutiny in Local Government and Combined Authorities in May 19 which can be found at Appendix B.  The Centre for Public Scrutiny has prepared the following summary, which may be of particular interest to Members ahead of the Work Programme setting workshop;

*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.*

*Creating a strong organisational culture that supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services.*

*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*

*Prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority.*

*Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.*

*Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time.*

*Shortlisting topics*

• *Do we understand the benefits scrutiny would bring to this issue?*
• *How could we best carry out work on this subject?*
• *What would be the best outcome of this work?*
• *How would this work engage with the activity of the executive and other decision-makers, including partners?*

*Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted to evaluate and rank work programme proposals, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.*

*Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.*

## 7. Reporting arrangements for Task Groups

Scrutiny Task Groups and Inquiry Days generally report to OSMB, unless different arrangements are agreed at a formal OSMB meeting or by the OSMB Lead Members.

## 8. Budget Scrutiny Process

The following procedure around budget scrutiny for 19/20 has been prepared by Members in consultation with officers;

- Budget & MTFP T&F / Working Group;

    - To start meeting mid / end of September so Members can help identify what's scrutinised later in the year.  Focus attention on areas where the budget is under pressure and to identify the areas that scrutiny may wish to look at in detail

- Task Group to feed in comments to a formal meeting of the Resources Scrutiny Commission.

- Budget Scrutiny Meetings;

    - Process to be led by the Resources Scrutiny Commission with a meeting of OSMB to take place if necessary to finalise comments to Cabinet.
    - To be scheduled following the Cabinet budget meeting, currently due to take place on 21st January 20.
    - Intention to plan ahead so that the Executive Members and/or Executive Directors are able to attend the meetings.
    - Particular focus on capital spending, rather than just revenue.

## 9. Proposal

OSMB is asked to;

Agree the Scrutiny Work Programme that has been prepared by Members at the workshop on 6th June 19.

*Details will be tabled at the meeting.*

## 10. Other Options Considered

N/A

## 11. Risk Assessment

N/A

## 12. Public Sector Equality Duties

Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following "protected characteristics": age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:

i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.

ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --

- remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;

- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled

people, this includes, in particular, steps to take account of disabled persons' disabilities);

- encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

ii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
   - tackle prejudice; and
   - promote understanding.

## 13. Legal and Resource Implications

N/A

**Appendices:**

Appendix A   Scrutiny Work Programme - *TO FOLLOW AFTER THE WORKSHOP ON 6TH JUNE 19*
Appendix B   The Department for Housing, Communities and Local Government Statutory Guidance regarding Scrutiny in Local Government and Combined Authorities

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**
**Background Papers:** None