

Overview and Scrutiny Management Board

9th February 2017



Report of: Anna Klonowski, Interim Strategic Director: Business Change

Title: Scrutiny Structures and Ways of Working

Ward: Not applicable

Officer Presenting Report: Andrea Dell – Service Manager, Democratic Engagement

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Recommendation

1. That Members consider and comment on the proposal to review the current arrangements for Overview and Scrutiny in Bristol and agree to receive a report to confirm their findings at the meeting on 13th March 17.
2. That Members note that a Parliamentary Select Committee to review the efficacy of Overview and Scrutiny in local government has been established; and
3. That Members agree whether to submit evidence to the Parliamentary Select Committee by the deadline of 10th March 17.

Summary

Members have requested that a review be conducted to ensure Scrutiny continues to operate in the most effective way. Following discussions with the Scrutiny Chairs and Members of the Overview and Scrutiny Management Board, a number of ideas have been informally gathered for ways in which to remodel the function. This report sets out some options.

The significant issues in the report are:

Proposed changes to the scrutiny function and the Parliamentary Select Committee review of Overview and Scrutiny in local government.



Policy

Under the Local Government Act 2000, Bristol City Council is required to establish an Overview and Scrutiny function.

Consultation

Internal

The request to review the Scrutiny function was made by the Scrutiny Chairs (Councillors English, Gollop, Massey, Morris and Negus). A meeting to discuss their ideas took place in December 16 with Councillor Mead as Chair of the Audit Committee also in attendance. A further discussion took place at an informal OSM meeting in January 17.

External

There are a number of statutory requirements in relation to scrutiny:

- a) Health Scrutiny (currently the remit of the People Scrutiny Commission) - often referred to as the Health and Overview Scrutiny committee (HOSC)
- b) Joint Health Scrutiny Committee (JHSC) – Health bodies have a duty to consult Health Scrutiny Commissions on proposals to substantially vary or develop the health service. If the proposal affects more than one Local Authority area a Joint Health Scrutiny Committee is legally required.
- c) Scrutiny of Crime and Disorder (currently the remit of the Neighbourhoods Scrutiny Commission)
- d) Scrutiny Commissions that cover Education are required to co-opt from governing bodies, which includes parent-governor and diocesan representation in respect of voluntary aided faith schools.

In addition, the People Scrutiny Commission currently receives a number of annual reports, some of which involve key external partners:

Service area	Report title
Care and Support – Adults	<ul style="list-style-type: none"> • Annual Safeguarding Adult's Report
Care and Support - Children and Families	<ul style="list-style-type: none"> • Corporate Parenting Panel Annual Report • Annual Safeguarding Children's Report
Education and Skills	<ul style="list-style-type: none"> • Annual Education Performance – All Key Stages • The Learning City Board work programme
Health Scrutiny – joint with the Neighbourhoods Scrutiny commission	The Health and Wellbeing Board Work Programme
Health Scrutiny	Health Providers - Quality Account Reports

Partners will be advised of any changes to Scrutiny at the appropriate juncture.

Background

- The Executive and Scrutiny model of local government was introduced in 2000 via the Local Government Act.
- Following a referendum in 2012, Bristol voted to move to a Mayoral model of leadership.
- In 2013, the Centre for Public Scrutiny (CfPS) conducted an external review of the Scrutiny function in Bristol and recommended that increased emphasis be placed on Scrutiny's role in early policy development and less on holding the executive to account.
- In 2014, a new approach to Scrutiny was introduced which mirrored the executive i.e. a Commission for each directorate and more resources allocated to policy development activities.
- CfPS conducted a follow-up review in 2015 to assess implementation of the new arrangements.

Context of the Review - local

- Scrutiny needs to continue to evolve to deliver a best practice service. Since the current model was introduced in 2014, a number of changes have taken place which mean it is appropriate to take another look at provision and refocus resources. These include;
 - Introduction of 'all out' elections in 2016 – now that elections will only take place in Bristol every four years there is no longer the requirement to cease (most) scrutiny activity between April and June to accommodate the pre-election period and annual Full Council meeting.
 - A desire from the current elected Mayor to ensure that policy is Member led
 - An increased number of Cabinet Members with cross cutting portfolios – the reporting lines between Scrutiny Commissions and the Cabinet are less clear now that the structures no longer match.
 - Revised Corporate Strategy – A new Corporate Strategy for the city has recently been launched. The work of Scrutiny is closely tied to the Strategy and the Work Programme should be reviewed accordingly.
 - Sustained financial pressures – Bristol City Council is a shrinking organisation and as the officer core reduces its appropriate to review the support available for Scrutiny.

Context of the review - national

The Communities and Local Government Committee has recently launched an inquiry into overview and scrutiny in local government in order to consider whether the arrangements in England are working effectively and whether local communities are able to contribute to and monitor the work of their Councils. Additional details can be found here; [Review of Overview and Scrutiny](#). The outcomes of this review could have a significant impact on scrutiny and Members may wish to consider whether to submit written evidence by the deadline of 10th March 17. The Committee are interested in the following areas;

- Whether scrutiny committees in local authorities in England are effective in holding decision-makers to account
- The extent to which scrutiny committees operate with political impartiality and independence from executives

- Whether scrutiny officers are independent of and separate from those being scrutinised
- How chairs and members are selected
- Whether powers to summon witnesses are adequate
- The potential for local authority scrutiny to act as a voice for local service users
- How topics for scrutiny are selected
- The support given to the scrutiny function by political leaders and senior officers, including the resources allocated (for example whether there is a designated officer team)
- What use is made of specialist external advisers
- The effectiveness and importance of local authority scrutiny of external organisations
- The role of scrutiny in devolution deals and the scrutiny models used in combined authorities
- Examples where scrutiny has worked well and not so well

Examples from Elsewhere

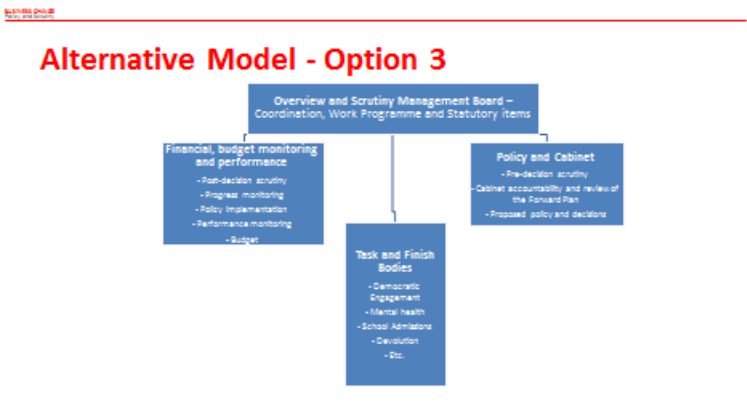
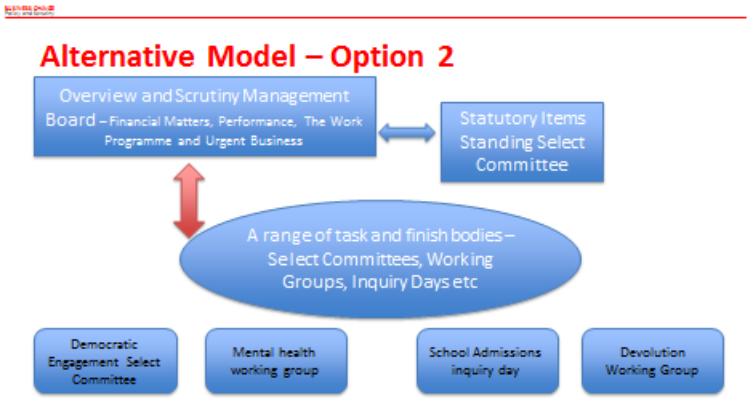
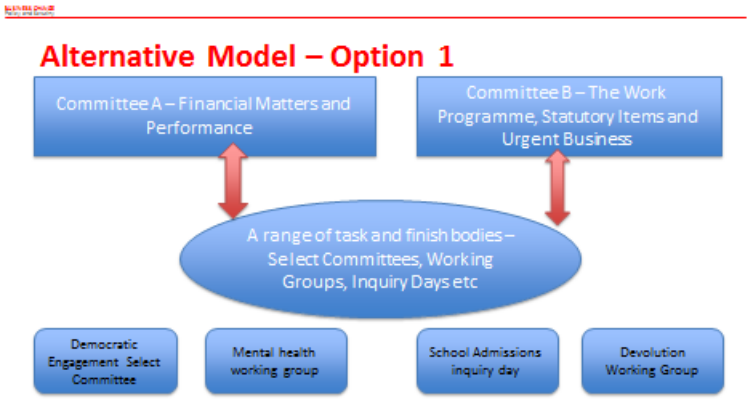
In the course of preparing this report, we have contacted a number of other comparative Councils to find out how scrutiny is delivered in their areas, including the Core Cities. A wide range of scrutiny structures operating via a commission based model are prevalent but arranged in a variety of ways to reflect local needs.

Proposals

The Scrutiny Chairs have identified the following factors to underpin the review of scrutiny;

- Do more policy development activity and less pre-decision scrutiny.
- Make the best use of limited resources and prevent duplication (particularly with Audit Committee).
- Move away from the directorate based scrutiny structure, which is no longer fit for purpose.
- Increase the use of outcome based style scrutiny.
- Consider future use of Inquiry Days i.e. are there more cost effective ways of achieving the same outcomes such as Working Groups?
- Re-establish the Overview and Scrutiny Management Board's role in overseeing the Scrutiny Work Programme.
- Reduce the number of reports for noting/briefing.
- Ensure the Work Programme reflects priorities for the residents of Bristol as the first step towards improving engagement.
- Consider ways to reduce the administration around scrutiny, for example could minutes and scrutiny reports be streamlined?
- Liaise with the Constitution Working Group to agree whether the Constitution could be modified to make aspects of scrutiny more efficient e.g. can the requirement that Cabinet Members report to Scrutiny on a regular basis be reinstated, and can public forum arrangements be improved?

Examples of Alternative Models



Public Sector Equality Duties

8a) 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.
- iii) 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.

8b) The Scrutiny function plays an important part in assisting the Council in meeting its public sector equality duties and ensuring that the views of different communities and members of the public are taken into account in the development and delivery of services. Scrutiny work streams need to ensure that assessments of equalities impacts are an integral part of their work both in terms of scoping topics, gathering evidence and formulating recommendations.

Proposed Next Steps;

- If Members wish to change the structure of Scrutiny then those amendments would ideally be taken forward as part of the review of the constitution that is likely to be considered at the annual Full Council meeting in May 17.
- It is therefore suggested that Members agree draft proposals and that a report to confirm details be brought back to OSM for consideration at the meeting on 13th March 17. Once the recommendations have been agreed, they would then be referred to the Constitution Working Group and onto Full Council.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

Background Papers: None