



## Council – 18<sup>th</sup> January 2010

<b>Report Title</b>	<b>PROPOSED NEW OVERVIEW AND SCRUTINY STRUCTURE</b>
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### Agenda Status: PUBLIC

#### 1. Purpose

- 1.1 To submit a report to full Council detailing the option for the proposed new Overview and Scrutiny structure, as recommended by the Overview and Scrutiny Management Committee, as suggested by the Overview and Scrutiny Structures Workshop.

#### 2 Recommendations

- 2.1 That full Council notes the proposed new Overview and Scrutiny structure, as recommended by the Overview and Scrutiny Management Committee, as detailed in paragraph 5.2.
- 2.2 That full Council notes that details of the proposed new Overview and Scrutiny structure have been referred to the Constitution Working Party for consideration, and for the Working Party to make proposals for Constitutional change.

#### 3. Background and Issues

- 3.1 A self-evaluation of the Overview and Scrutiny function at Northampton was completed in January 2009, with support from Local Government peers. The evaluation had some very positive outcomes, acknowledging the achievements made in Overview and Scrutiny, some of which have been noted as examples of best practice. Challenges and areas for improvement were also suggested and these were the subject for debate at an Overview and Scrutiny Improvement Plan workshop. This led to the adoption of an Overview and Scrutiny Improvement Plan in July 2009.
- 3.2 The need to review the structure of Overview and Scrutiny was identified at the same time, with a view to ensuring that the Improvement Plan could be delivered within available resources. This was pursued through workshops to which all Councillors were invited. This report presents the outcome of those workshops.
- 3.3 The current Overview and Scrutiny structure comprises an overarching Management Committee with three parent Overview and Scrutiny Committees – Overview and Scrutiny Committee 1 (Regeneration, Partnerships, Community Safety and Engagement), Overview and Scrutiny Committee 2 (Housing and Environment) and Overview and Scrutiny Committee 3 (Performance, Finance and Improvement). Meetings of the Overview and Scrutiny Committees are scheduled on a quarterly basis. Task and Finish Groups are set up by the [Overview and Scrutiny Committees to pursue in-depth review work, which is of interest to both the Council and the public of Northampton.

## **4 Structure of Overview and Scrutiny Workshop**

- 4.1 A workshop, open to all Councillors, was held on 3rd August 2009 to investigate the current Overview and Scrutiny structure and to ascertain whether there was the need to propose a non-complex, flexible Overview and Scrutiny structure to full Council.
- 4.2 Thirteen Councillors were in attendance. Councillors broke into three groups, which in turn each suggested a potential alternative Overview and Scrutiny structure.
- 4.3 Stage 2 of the Overview and Scrutiny Structures Workshop was held on 15th September, the purpose of which was to look at issues in respect of the three proposed Overview and Scrutiny structures that had been put forward at the Workshop on 3<sup>rd</sup> August and recommend a fit for purpose Overview and Scrutiny structure at Northampton.
- 4.4 The consensus of the workshop was that the proposed structure for Overview and Scrutiny comprise: -
- One Overview and Scrutiny Committee – (12 Members)
  - Three standing Scrutiny Panels – Housing, Regeneration & Planning and Environment. (Nine Members on each Scrutiny Panel)
- 4.5 The Workshop agreed that the new Overview and Scrutiny structure should be introduced at the start of the Municipal Year 2010/11. This would allow for any training needs to be met. It would also mean that current Task and Finish Group programme, and any scheduled Reviews due to commence would be completed by approximately March/April 2010. The new Overview and Scrutiny structure could then begin with a new work programme, the basis of which would be compiled at the Overview and Scrutiny Work Programming day. The Leader of the Council and the Portfolio Holder's priorities would also inform the Overview and Scrutiny work programme.
- 4.6 It was the consensus of the Workshop that performance monitoring and finance should be the sole responsibility of the Audit Committee and that it be recommended that Overview and Scrutiny would no longer undertake this role.
- 4.7 The Workshop agreed that the Overview and Scrutiny Management Committee, (currently made up of the Chairs and Vice Chairs of the existing standing Overview and Scrutiny Committees) in its current form, should be deleted.
- 4.8 It was agreed that it be suggested that the Overview and Scrutiny Committee and the three standing Scrutiny Panels would meet approximately every six weeks, seven meetings of each body, equating to 28 meetings per year.
- 4.9 The need for administrative support to Overview and Scrutiny was noted. Investigations should take place regarding how this could be possible.

## **5 Option as recommended by the Overview and Scrutiny Management Committee**

- 5.1 Following discussions with the Borough Solicitor regarding the legal viability of the proposed Overview and Scrutiny structure it was suggested to the Overview and Scrutiny Management Committee that there were two options for consideration: -

## 5.2 Option A

- 5.2.1 The Overview and Scrutiny Committee could undertake an overarching management role, its remit would therefore include: -
- Cross cutting Reviews that are not under the remit of the Scrutiny Panels
  - Scrutiny of Crime and Disorder, Councillor Call for Action, Call ins requests and Hearings
  - Northampton Borough Council's representatives on the Northamptonshire Countywide Scrutiny Forum to provide regular progress reports to the Overview and Scrutiny Committee
  - Northampton Borough Council's representative on Northamptonshire County Council's Health and Social Care Scrutiny Committee to provide regular progress reports to the Overview and Scrutiny Committee
  - Approve the terms of reference for the Scrutiny Panels
  - Approve and co ordinate Overview and Scrutiny Work Programme
  - Allocation of additional work that is not currently within the remit of the three standing Scrutiny Panels – the Overview and Scrutiny Committee could also conduct cross cutting Reviews that were not under the remit of the Scrutiny Panels
  - Training and Development needs
  - Approval of Overview and Scrutiny Annual Report
  - Approval of Overview and Scrutiny Protocols and Guidance notes
  - Approval of the Scrutiny Panel Review reports
  - Pre decision scrutiny and policy development
- 5.2.2 The Overview and Scrutiny Committee would exercise the Local Government Act 2000 powers and would be constituted as a Committee. Proportionality rules would therefore apply. The Overview and Scrutiny Committee would be chaired by a member of the main Opposition Party.
- 5.2.3 The Overview and Scrutiny Committee would convene on a six weekly cycle, with seven scheduled meetings per year.
- 5.2.4 The Scrutiny Panels would be constituted as Working Groups and would operate similarly to the current Task and Finish Groups, except that they would be 'standing' groups which could develop expertise over a number of reviews on related subjects. Scrutiny Panels would *normally* meet in public and when meeting in public proportionality rules would apply. The Scrutiny Panels would not have scheduled meetings but would set up meetings in accordance to the Overview and Scrutiny Work Programme. Membership of the Scrutiny Panels would not be set by full Council but could be made up of expert Councillors in accordance to the issue being reviewed as suggested by the Overview and Scrutiny Structures Workshop.
- ## 5.3 Option B
- 5.3.1 The Overview and Scrutiny Committee would have a monitoring role. There would not be the need for it to meet frequently. It could therefore meet at the start of the Municipal year to approve the Overview and Scrutiny work programme. An informal meeting of the Chairs of the three Scrutiny Panels could take place mid-term to report on progress to date. A further formal meeting of the Overview and Scrutiny Committee could be scheduled towards the end of the Municipal year to approve the Overview and Scrutiny Annual Report.

- 5.3.2 Under this proposed model, the Scrutiny Panels would be constituted as formal Committees and therefore rules in accordance to the Local Government Act 2000 would apply, for example proportionality and access to information. The Scrutiny Panels would meet on a six weekly cycle, consisting of seven scheduled meetings for each Scrutiny Panel. Agendas would have to be published at least five working days prior to the meeting of the Scrutiny Panels. Membership to the Scrutiny Panels would be set by Annual Council.
- 5.3.3 The remit of the Scrutiny Panels would include: -
- In-depth Reviews
  - Policy development and pre decision scrutiny
  - Call In requests and Hearings
  - Councillor Calls for Action
  - Monitoring of accepted recommendations in previous Scrutiny Reviews
- 5.3.4 Scrutiny of Crime and Disorder would be allocated to one of the Scrutiny Panels. It must be noted that any Crime and Disorder Councillor Call for Action (CCfA) must be considered by the designated` Crime and Disorder Committee/Panel.
- 5.4 The precise remit of the three panels, whether under option A or B, would need to be determined but in either case it is suggested that the remit be drawn so that between them they ensure coverage of all key public services.

## **6 Advantages and Disadvantages**

6.1 The Overview and Scrutiny Management Committee paid due regard to the advantages and disadvantages of the two options:

### **6.2 Option A**

6.2.1 Option A would allow for more flexibility, for example, the Scrutiny Panels could elect their own membership, inviting non Executive Councillors with a specific interest or expertise in the issue under review to be a member of the Scrutiny Panel. The Scrutiny Panels' main role would be to undertake in depth Reviews. Scrutiny Panels would be able to dedicate more time to each Review. Meetings would not be subject to access to information rules.

6.2.3 The Overview and Scrutiny Committee would have a defined role for example included within its remit, such as Call In requests and Hearings, Councillor Call for Actions, monitoring of previous Scrutiny Review recommendations and pre decision scrutiny.

### **6.3 Option B**

6.3.1 Option B provides a less flexible structure, with a less defined remit for the Overview and Scrutiny Committee. The Scrutiny Panels would have a weighty workload, which in turn could lead to less in depth Reviews being undertaken. For example, the Scrutiny Panels would have within their remit Call In requests and Hearings, Councillor Call for Actions, monitoring of previous scrutiny Review recommendations and pre decision scrutiny. Access to information would apply to the Scrutiny Panels, therefore, all meetings would be held in public, which could lead to the supply of evidence being less detailed. Scrutiny Panels' reports would be presented directly to Cabinet, the approval of the Overview and Scrutiny Committee would not be required.

## **7 Conclusions**

- 7.1 Successful Overview and Scrutiny is dependant upon a process of investigations, analysis and challenge which allows non-Executive Members to question the rationale behind Executive decisions and policies, and to assess how effectively the Council is meeting its legal obligations and policy objectives.
- 7.2 The Overview and Scrutiny Management Committee agreed that taking this into consideration, Option A is the preferred method to implement the new proposed Overview and Scrutiny structure as it provides for a more flexible structure and captures many of the issues suggested at the Overview and Scrutiny Structures Workshops. The Committee felt that it would be more open and transparent for the Scrutiny Panels to normally meet in public, with proportionality rules applying.
- 7.3 The Overview and Scrutiny Management Committee agreed that: -
- (1) That Option A be the preferred new Overview and Scrutiny Structure, with the proviso that the Scrutiny Panels would normally meet in public and in these cases proportionality rules would apply.
  - (2) That details of the proposed new Overview and Scrutiny structure be forwarded to the Constitution Working Group so that necessary proposed changes to the constitution can be investigated prior to the suggested structure being presented to full Council for approval.
  - (3) That it be recommended to the Constitution Working Group that the Chair of the Overview and Scrutiny Management Committee be invited to be included in discussions in respect of the proposed new Overview and Scrutiny structure and report back to the Overview and Scrutiny Management Committee.
  - (4) That it be recommended to the Constitution Working Group that the new structure for Overview and Scrutiny be implemented from the start of the Municipal year 2010/2011.
  - (5) That it be recommended to the Constitution Working Group that Overview and Scrutiny no longer undertakes the roles of the performance monitoring and finance roles and that these become the sole responsibility of the Audit Committee

## **8. Implications (including financial implications)**

### **8.1 Policy**

- 8.1.1 The work of Overview and Scrutiny plays a major part in the development of the Council's policy framework through its work programme. The structure and remit of the Overview and Scrutiny Committee and Scrutiny Panels is important in supporting the delivery of the Council's corporate objectives.

### **8.2 Resources and Risk**

- 8.2.1 In order for Overview and Scrutiny to effectively undertake its functions it needs to clearly identify how it would wish to organise its structure. The remit of the Overview and Scrutiny Committee and Scrutiny Panels needs to be clearly established so that there is not a potential risk in fulfilling the role of holding decision makers to account and supporting effective governance.

8.2.2 There are no financial implications arising. It is also anticipated that the work around Crime and Disorder and Councillor Call for Action can be incorporated within the proposed new structure for Overview and Scrutiny.

### **8.3 Legal**

8.3.1 Section 21 of the Local Government Act 2000 requires the establishment of one or more Overview and Scrutiny Committees for the adoption of executive arrangements.

8.3.2 Part 3, Section 19 of the Police and Justice Act 2006 states that every Local Authority shall ensure that it has a Committee with the powers to review or scrutinise decisions or actions taken in connection with the discharge by responsible Authorities of their crime and disorder functions.

### **8.4 Equality**

8.4.1 Effective Overview and Scrutiny is to the benefit of the citizens of Northampton. An initial screening suggests that a full Equality Impact Assessment is not necessary for this proposal.

### **8.5 Corporate Objectives**

8.5.1 This report has the potential to link with all the Council's Corporate Objectives.

## **9 Consultees (Internal and External)**

9.1 All Councillors were invited to attend the Overview and Scrutiny Structures workshop of 3 August 2009. Thirteen members were in attendance.

9.2 Five Councillors attended Phase 2 of the Overview and Scrutiny Structures Workshop on 15 September 2009.

9.3 The Borough Solicitor.

9.4 The Overview and Scrutiny Management Committee.

9.5 All Overview and Scrutiny Councillors have been informed of the Overview and Scrutiny Management Committee's decision.

## **10 Background Papers**

10.1 The key papers are:

- Overview and Scrutiny Improvement Plan
- Notes of the Overview and Scrutiny Structures Workshops held on 3<sup>rd</sup> August and 15<sup>th</sup> September 2009.
- Minutes of the Overview and Scrutiny Management Committee of 29 September 2009

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26 November 2009

