

## **MINUTE EXTRACT**

### Cabinet Meeting – 9<sup>th</sup> October 2014

1. Title of Item/Report

Future Role of Scrutiny

2. Record of the Decision

Consideration was given to a report that provided an overview of the Council's scrutiny arrangements and discusses the future of scrutiny at Stockton. The proposals in the report fulfilled the Leader of the Council's commitment to review Cabinet and Scrutiny structures to contribute to the 15% efficiency savings target of £130,000. Agreement of this proposal would result in savings of £20,100 in addition to the Cabinet savings proposal which if agreed would save £24,120. Savings proposed by the Independent Remuneration Panel (15/16) and agreed by Council are part of a wider set of savings including e.g. Members. LGPS membership ending, budget savings total £103,560 not including £10,416 from freezing Basic Allowances for two years.

At Stockton, scrutiny had provided an excellent platform for non-executive Members to have direct involvement with policy review and development, performance review and championing of community issues. The development of collaborative scrutiny arrangements had ensured that the scrutiny work programme had supported delivery of the Council's priorities including the efficiency agenda. Scrutiny had proved to be particularly valuable when addressing sensitive issues or reviewing public facing services.

Scrutiny was a statutory requirement introduced under the provisions of the Local Government Act 2000. The Act required Councils operating Executive arrangements to have a scrutiny function. The main legislative provisions of the Local Government Act 2000 in relation to scrutiny enable Committees and their Members to:-

Review and/or scrutinise

- Decisions made by Cabinet and Council Officers in relation to key decisions
- Actions carried out within the remit of the Council
- The performance of the Council in relation to targets and policy objectives; and
- Have the right to call in and examine (in accordance with the agreed timescale), decisions made by Cabinet, before the decision is implemented

Local Authorities also had the power to scrutinise health issues and services, as introduced in the Health and Social Care Act 2001. The Health Select Committee may review any matter relating to the planning, provision and operation of health services. In relation to major health service re-design, the Health Select Committee must be consulted on proposals and Council had the power to refer a proposal to the Secretary of State.

Legislation also required the designation of a Committee to scrutinise crime and disorder matters. Housing and Community Safety Committee had been so designated at Stockton.

Legislation identified key partner agencies that had a duty to co-operate with the scrutiny process. In respect of health scrutiny, legislation had extended this power to cover all providers of NHS-funded healthcare.

The Police Reform and Social Responsibility Act 2011 established the Police and Crime Panel to scrutinise the Police and Crime Commissioner. Police and Crime Panels also undertake review work to complement their other roles.

The Localism Act gave Councils greater flexibility over governance models including a power to return to a Committee model (whilst allowing overview and scrutiny to operate within a Committee model). Other minor changes were introduced including the requirement for Executive members to respond to Scrutiny recommendations within two months and provision for Members of the Council who were not members of an Overview and Scrutiny Committee to refer an item to one of the Council's Overview and Scrutiny Committees as long as the matter was relevant to the functions of the Committee. The Act also removed the link between the scrutiny committee powers to scrutinise partner authorities and improvement targets in LAA. Partners were required to have regard to the reports and recommendations of the Overview & Scrutiny Committees that related to any of their functions exercised in relation to the committee's area or residents of that area. This widens the partners' activities that overview & scrutiny committees can scrutinise.

Councils must also appoint a Designated Scrutiny Officer to support the work of the Council's overview and scrutiny committees which in Stockton's case was the Head of Democratic Services

Increasingly, there was an expectation by external inspection regimes that Member scrutiny should play an integral part in self-regulation providing independent review and challenge of Council services.

In December 2005, Council approved new arrangements which sought to strengthen co-ordination of the scrutiny work programme. Key features of the new arrangements, which were still in place, included:

- Greater emphasis on policy review and development work
- Establishment of Executive Scrutiny Committee to co-ordinate the work programme
- Strengthened project management of in depth scrutiny reviews
- Establishment of a Scrutiny Liaison Forum to facilitate dialogue between scrutiny and Cabinet Members. This enables CMT and Cabinet Members to comment on priorities for the scrutiny work programme.
- Improved communication mechanisms, including regular "tri partite" discussions between Scrutiny Members, Cabinet Members and Officers during the course of reviews and the appointment of a Link Officer.

The Council's scrutiny function had consistently received positive feedback from external inspection. The last corporate assessment in 2008 stated that Scrutiny provided rigorous policy review and had made a significant

contribution to service improvement. However, the assessment commented that the scrutiny process would benefit from additional opportunities for challenge. In response to this and in reviewing best practice across the Region, annual overview meetings were established to provide Members with an overview of all the services reporting to the various Select Committees and to question Cabinet Members and Senior Officers on their performance.

In addition, arrangements to monitor the implementation of agreed scrutiny recommendations were introduced. Progress reports submitted to Select Committee monitor the implementation of recommendation but also helped the Committees to understand the impact of review work.

The function had also been praised in more recent inspections. In 2010, the Care Quality Commission Inspection stated that Overview and Scrutiny Committees were effective with Members giving detailed attention to key policy issues. The safeguarding inspection by OFSTED stated that good scrutiny arrangements were in place with good examples of the engagement of children and young people in reviewing processes leading to change and that scrutiny arrangements have had an impact on developing services and achieving cost effectiveness.

The Council's scrutiny function had proved itself to be flexible and adaptable to changing priorities. The Select Committee work programme from 2009 onwards played a key role in supporting the Council's EIT programme enabling non-executive Councillors to challenge services and had meaningful input into reviews. Close involvement of scrutiny with the EIT process at Stockton helped it to remain transparent, accountable and open to Stockton residents and enabled Councillors to have a meaningful input to reviews and inform difficult decisions on service priorities.

In response to high profile cases in the media relating to the quality and safety of health and social care services and the increased expectation on Councils to put in place internal mechanisms to undertake rigorous review and challenge, Children and Young People Select Committee receive quarterly performance reports in respect of children's services – this included a selection of performance indicators linked to priorities in the Council Plan, along with commentary on other performance issues arising during each quarter. In addition, reports were considered in respect of the challenges identified at the last overview meeting such as adoption timescales, School and Academy Performance and NEETs.

Adult Services and Health Select Committee also received six-monthly performance reports on adult social care issues and a range of other reports and updates were provided as part of the enhanced performance management arrangements. This ensured an increased focus on safeguarding and the quality of health and care services. These included Annual Reports from the Adult Services and CQC, SBC Quality Standards Frameworks for Care Homes, NHS Quality Accounts; and reports from Healthwatch including Enter and View Reports etc. In addition all relevant CQC inspection reports were circulated to all Members.

With the abolition of external inspection regimes, an increasingly important role had emerged for scrutiny to play in self-regulation. In addition, the quality and safety of health and care services (e.g. Mid Staffordshire Inquiry,

Winterbourne View, Rotherham Sexual Exploitation) had been a matter of intense public interest reinforcing the importance of robust scrutiny of health and social care and also children's services. Any future framework for scrutiny should seek to ensure greater focus on these areas utilising enhanced scrutiny powers to scrutinise all commissioners and providers.

It was essential that resources were deployed in the most effective way continuing to demonstrate the value added through scrutiny. It was therefore proposed that a scrutiny model be developed that continued to strengthen the role of scrutiny focusing on statutory functions, the quality and safety of services for vulnerable groups and holding services to account. It was proposed that in line with the reduction Cabinet Member posts that the number of Standing Select Committee's was reduced from seven to five whilst retaining Executive Scrutiny Committee as the co-ordinating scrutiny body. Attached to the report were details the existing and proposed scrutiny structure.

In the new model, Executive Scrutiny Committee would retain its co-ordinating role but would also be responsible for any task and finish reviews that arose in relation to corporate issues.

The Children and Young People Select Committee, Crime and Disorder Select Committee and Adult Services and Health Select Committee would be responsible for the priority issues for scrutiny and Members serving on these Committees would need to have / develop a robust knowledge of the services and legislative framework in relation to matters falling within their remit. These Committees would also need to have a detailed understanding of the performance framework within the context of their Committees. The Corporate Director of Children, Education and Social Care was continuing to work with the Head of Democratic Services and the Committees to strengthen this role particularly in relation to the role of Children and Young People Select Committee under the new OFSETD Inspection Framework.

Under the proposed structure, the People and Place Committees would undertake scrutiny reviews within these themes, for example, an issue relating to the arts or leisure could be considered by the People Select Committee whilst an issue relating to housing or the built environment could be considered by the Place Select Committee. This would continue to allow Councillors to opt to sit on Committees where they had a particular interest in the subject matter. However, it was proposed that the flexibility be retained for Select Committees to undertake review work outside of their remits where priorities dictate.

Although there had been an on-going programme of training and development offered to scrutiny Members to respond to national and local developments, this would again need to be reviewed to ensure that the Committees had the necessary skills and competencies to meet their new roles. Stockton had scoped and successfully lobbied to secure regional funding to develop a package of scrutiny training. The Regional Scrutiny Joint Member / Officer Network approved the use of funding to develop a programme which Councils would be able to use in-house within their own Committees.

In reducing the number of Select Committees, consideration could be given to increasing the size of the Committees (currently nine members per Committee).

However, retaining the size of Select Committees at nine, although this would mean that non-executive Councillors would sit on just one Select Committee, this would have the benefit of each Member being able to devote more time and attention to the work of their Select Committee. It may also alleviate the problems that had been experienced with Members' time and attention being spread too thinly, leading to attendance issues at some Committees. Increasing the size of the Select Committees may lead to problems with Committees being too large and unwieldy and giving Members less time to devote to the work of their Committee(s).

In addition Members would still be required to fulfil roles on quasi-judicial committees - Planning and Licensing, plus a range of other roles including outside bodies, Audit Committee, Health and Wellbeing Board, Appeals and Complaints etc.

Cabinet was requested to recommend to Council that the number of Scrutiny Committees be reduced by two as detailed in the attachment to the report.

**RECOMMENDED** to Council that the number of Scrutiny Committees be reduced by two as detailed in Appendix 1 to the report.