Review of the Council's Scrutiny Function

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1. Summary / Background

1.1. The Peer Challenge in 2018 identified, as one of the key recommendations, that 'Somerset County Council should review its scrutiny arrangements as part of making it more effective'. In support of the Council's organisational transformation, the Council commissioned the nationally renowned Centre for Public Scrutiny to carry out an independent review of the scrutiny function at SCC between March and May 2019. Their findings and recommendations can be seen in Appendix A. The report recognises that we have a good platform from which scrutiny can successfully develop.

1.2. It is important to recognise that Somerset is not alone on its journey to improve its scrutiny function. The Government published new Statutory Guidance on Overview and Scrutiny in May 2019 in order to support councils. It should be highlighted that the Centre for Public Scrutiny assisted the Government with the new guidance.

1.3. A key question throughout the review has been "what makes good scrutiny". The following are seen as a guide for good scrutiny :

1. Provides critical friend challenge to executive policy and decision makers
- Constructive, robust and purposeful challenge
- Non-aggressive to create optimum conditions for investigative evidence based approach.

2. Enables the voice and concerns of the public
- Meetings conducted in public
- Good communication, consultation and feedback.

3. Carried out by independent minded councillors
- Councillors actively engage in the scrutiny function to drive improvement
- Areas are reviewed in an a-political atmosphere.

4. Drives improvement and better outcomes
- Promotes community well-being and improves the quality of life
- Strategic review of corporate policies, plans, performance and budgets.

The three Scrutiny Committees and the Cabinet have endorsed the proposed recommendations in this report to go forward to the County Council meeting on 22 January for consideration and approval.

Constitution and Standards Committee is also being consulted since there will be some technical amendments required to the Council's Constitution as part

of implementing the proposed improvements.

2. Recommendations

2.1. The Constitution and Standards Committee is asked to consider the proposals in this report and make any further recommendations it considers appropriate to include as part of the Scrutiny Review with reference to the Government's new statutory guidance, best practice from other councils and the members workshop held in September 2019. Subject to any additional recommendations being identified, the Committee is asked to recommend to Full Council:

1. **that the Council agrees to implement a programme of cultural transformation and improvements to its scrutiny arrangements by March 2021, including the provision of additional resources in the Democratic Services Team and members training budgets to deliver the enhanced scrutiny arrangements;**

2. **that the Monitoring Officer is authorised to undertake any necessary technical amendments to the Council's Constitution to support the implementation of the proposed improvements to the Council's scrutiny arrangements; and**

3. **that the Monitoring Officer undertakes further work regarding the proposals for co-opted members (with non-voting rights) to be potentially included within the membership of the Scrutiny Committee Policies and Place and the Scrutiny Committee for Adults and Health with a view towards reporting these proposals to the Council's Annual General Meeting.**

3. Reasons for recommendations

3.1 Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the Council and, if done well, amongst other public service providers too. Whilst the scrutiny function has matured in Somerset over the years, it still faces challenges and opportunities to improve.

3.2 As part of organisational transformation and taking forward peer challenge recommendations, the Council has undertaken a thorough review of its scrutiny function. This review has considered best practice from other councils (including Devon County Council) and the latest Government statutory guidance published in May 2019 which has informed our recommendations for the council to endorse a programme of cultural transformation and improvements for its scrutiny function over the next 14 months. Our review has also involved working with the Centre for Public Scrutiny (CfPS). Their final review report (attached as Appendix A) provides the Council with an opportunity to consider a series of recommendations and suggest any further developments they consider appropriate.

3.3 The recommendations in this report therefore combine both the recommendations that can be taken forward in the short term from the CfPS report along with recognising that the necessary cultural improvements for elected members and officers to develop and embed better scrutiny form part of a longer term programme of work up to be taken forward during 2020/21.

3.4 The proposed amendment to one of the 11 recommendations from CfPS was unanimously endorsed by all three Scrutiny Committees in November as this more accurately reflects the current position of the Authority and the size of the workload. It should be highlighted that the proposed maximum of four agenda items would include Scrutiny's ongoing review and assurance of the council's improved financial position.

4. Other options considered

4.1. There were no other options considered. The recommendations are being brought forward as a part of the Council's annual review of its democratic arrangements and following consideration of the new statutory Scrutiny Guidance and the Centre for Public Scrutiny review.

5. Links to County Vision, Business Plan and Medium-Term Financial Strategy

5.1. Effective scrutiny plays a key role in the efficient delivery of public services and drives improvements within the Council, this underpins the Council headline vision ensuring 'improving lives' is prioritised. The work of the Council's Scrutiny Committees covers the breadth and depth of the Council's business plan, encompassing the four key aims – better infrastructure, safer communities, fairer opportunities and healthier lives, therefore improvements in the Council's scrutiny function will directly impact on the delivery of the plan.

6. Consultations and co-production

6.1. Page 11 of the Centre for Public Scrutiny's final report details the Members and officers who were met with on an individual basis.

6.2. All Members were invited to take part in an online Scrutiny survey. Over 40% of Members completed the survey, the results of which form part of the Centre for Public Scrutiny's final report.

6.3. 20 County Councillors attended the Scrutiny review Member workshop in September.

7. Financial and Risk Implications

7.1. While there are no direct budget implications within the CfPS recommendations, the review of other councils and the new statutory guidance identifies the need for more scrutiny training and development for members and officers, the possibility of conducting scrutiny in different ways, including increased use of visits and travel around the County. These recommendations will result in a moderate increase of expenditure relating to Member expenses and training budget requirements compared to 2019/20 levels. However this should be considered alongside a reduction in officer demand, especially at a senior level, to prepare reports, briefings and member and officer attendance as a result of a reduced number of formal Committee meetings from 2020.

7.2. The cultural transformation required, improved work planning and policy advice support will require dedicated officer resources in addition to what the council provides currently through the Democratic Services Team. The Strategic Manager-Governance and Democratic Services has reviewed other comparable councils and together with the CfPS recommendations has identified, as a minimum, the need for an additional scrutiny support officer within the Democratic Services team. This additional officer support together with additional training resources for members and officers are an integral part of the recommendations as they will be essential to support successful implementation by March 2021.

8. Legal and HR Implications

8.1. There are no legal implications. The Council undertakes an annual review of its democratic arrangements and its Constitution to ensure they remain fit for purpose for the organisation and meet its legal duties.

8.2. Implementation of the Centre for Public Scrutiny recommendations would require additional dedicated scrutiny support officer and member training support capacity in the Democratic Services Team.

9. Other Implications

9.1. Equalities Implications

There are no equalities implications.

9.2. Community Safety Implications

There are no community safety implications.

9.3. Sustainability Implications

There are no sustainability implications.

9.4. Health and Safety Implications

There are no health and safety implications.

9.5. Health and Wellbeing Implications

There are no health and wellbeing implications.

9.6. Social Value

Not applicable.

10. Scrutiny comments / recommendations:

10.1. During November, all three Scrutiny Committees have been consulted on the proposals and have endorsed the recommendations. No additional recommendations have been suggested by these Committees. As part of the debates the following points and topics were discussed:

- There is clear agreement that the Committees are keen to be involved early in policy development and wholly support the proposal to move away from the current solely meeting based structure of scrutiny and make relevant visits to frontline services and staff. However there was discussion regarding the scaling back of formal Committees to a 5/5 ratio of formal and informal and perhaps a ratio of 7 formal and 3 informal during a year would work better initially.
- The Committees expressed an interest in securing co-opted Members with relevant expertise, including those with health, carers and environmental backgrounds.
- All 3 Committees strongly endorsed the 'no information' items rule for agenda items and for these to be circulated and considered electronically.
- There was also strong support for Committee meetings to have a slightly later start time in order that the Committee can receive a briefing for an hour prior to the meeting from relevant officers on the areas to be

discussed or for the time to be used as a training session, similar to the Select Committee style format.

11. Background

11.1. The Council's scrutiny structure currently comprises three committees. The Council is also the host authority for the Police and Crime Panel, a joint scrutiny committee comprising Councillors representing the various councils in the Avon & Somerset police area and several Independent Members. The Council also hosts further partnership scrutiny panels in relation to the Joint Waste Scrutiny Panel and the Somerset Rivers Authority Joint Scrutiny Panel.

11.2. While Scrutiny has matured in Somerset over the last decade and there is lots of activity, it still faces challenges and opportunities to improve. Areas to improve include officer driven agendas, Scrutiny Committees being used as a 'tick box' for agreeing new policy and not adequately providing the Committees the early opportunity to add value, improved partnership scrutiny, limited wider member engagement in scrutiny work, overcrowded agendas, the need to improve opportunities for joined up scrutiny activity across the committees, better forward work planning and an increased focus on commissioning activity.

11.3. As noted above, The Peer Challenge in 2018 identified, as one of the key recommendations, that 'Somerset County Council should review its scrutiny arrangements as part of making it more effective, ensuring all councillors are equipped to play an active role and contribute to the policy making and key decisions affecting the future of Somerset's residents and the council, and that its governance arrangements are reflective of this.'

11.4. The Communities and Local Government Select Committee undertook an inquiry into the effectiveness of scrutiny in local government in 2017. The select committee's report identified a number of areas for improvement. This work has led to the development of the new statutory Scrutiny Guidance which was published in May 2019. That guidance recognises that authorities have democratic mandates and are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

11.5. As part of the organisational transformation work it was recognised there was a need to improve the Council's scrutiny arrangements. The Council commissioned the nationally renowned Centre for Public Scrutiny to carry out an independent review of the scrutiny function at SCC between March and May 2019. This involved attending all 3 Scrutiny Committees (Place, Adults and Health and Children and Families) during April and conducting a Member survey, before producing an initial draft report in late May. This was subsequently reviewed with the Leader, Deputy Leader and Scrutiny Chairs and Vice Chairs in June.

11.6. Following receipt of the draft Scrutiny Review report the Leader and the 3 Scrutiny Chairs agreed that the next step should involve an all member workshop to discuss the report, the recommendations within and consider these alongside the recent issued national guidance and the council's transformation work. The workshop was held in September, where members received an introductory briefing on the recently published statutory Scrutiny guidance for councils (Appendix B), an appraisal of the scrutiny arrangements and scrutiny resources at Devon County Council, provide a valuable opportunity for members to discuss the ideas and opportunities to make scrutiny more effective. The workshop also provided the opportunity for members to discuss the Centre for Public Scrutiny's report and other ideas that members had for improving scrutiny prior to the report formally considered at all 3 Scrutiny Committees in November, as well as Cabinet, ahead of the recommendations being presented to Full Council in January 2020. The workshop was facilitated by Ian Parry, from the Centre for Public Scrutiny who wrote the CFPS's report.

11.7. The report of the Centre for Public Scrutiny, attached as Appendix A, gives a comprehensive analysis of the current arrangements and contains 11 specific recommendations for how scrutiny might be improved at the Council. Several of these recommendations can be defined as logistical or practical changes and therefore are relatively easy and straightforward to implement. Other recommendations are more cultural and these will take longer to embed and will require a change of approach throughout the Council and new ways of working by Members and officers.

The easier to implement changes include reducing the number of formal committee meetings in order to provide each scrutiny committee with the opportunity to focus its available resources on areas such as the development of commissioning plans, undertaking more partnership scrutiny, review opportunities for services improvements and doing more scrutiny outside of formal committee meetings e.g carrying out visits to frontline services and greater use of task and finish groups. Improvements to work planning (including quarterly joint work planning meetings across the committees), more focused agenda setting, improved meeting layouts, as well as a strict adherence to no 'for information' report as part of any formal agenda, would be relatively straightforward to implement during the course of 2020.

11.8. The cultural work as part of organisational transformation that has been identified will require a more gradual introduction, as members assume more ownership with the work programme and actively suggest and pursue items they wish to be considered, as well as Cabinet and officers making greater use of utilising Scrutiny as a sounding board early in policy and commissioning development and consider their recommendations when shaping decisions and focusing on outcomes. This gradual introduction will take time and the intention is to have embedded all of the recommendations in time for the new council from May 2021. A project plan for implementing the CfPS recommendations and cultural improvements is being developed and will be

agreed in consultation with the Chairs of the Scrutiny Committees ahead of the 2020 financial year. That plan will be shared with all elected members.

11.9. An overarching aim has to be that our Scrutiny committees should be non-political and feel able to constructively challenge the 'issues' and outcomes. There is an important role for the chair, vice-chair and support officers in ensuring that there is an outcome for items considered at scrutiny committees. The question should always be 'Why is this coming to scrutiny and what is its purpose?'. Topics that do not require scrutiny can be covered by member information sheets, briefings or incorporated within the Member Development Programme.

11.10. Key to driving the cultural change and improvements will be the improved support, additional resources and training for members and officers. This is not restricted to just the committee members as the scrutiny function is open to all members to engage and participate. One of the foundations for these improvements will be ensuring that members have a good understanding and awareness of both the statutory guidance for councils which helps set out what makes effective scrutiny together with the CfPS findings and recommendations. Training and development for members is essential for the improvements to be sustained. This needs to include taking further opportunities over the next 14 months to look at best practice from other councils, together with keeping under review and learning from the changes that are recommended to our scrutiny function.

12. Background Papers

12.1. Appendix A - Supporting governance, scrutiny and member support in Somerset County Council – Centre for Public Scrutiny - May 2019.

12.2. Appendix B - Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities – Ministry of Housing, Communities and Local Government – May 2019.