

Constitution and Governance Committee

Monday 30 January 2023

10.00 am Luttrell Room - County Hall,
Taunton



SUPPLEMENT TO THE AGENDA

To: The Members of the Constitution and Governance Committee

We are now able to enclose the following information which was unavailable when the agenda was published:

Item 6	The Scrutiny Arrangements for new Somerset Council (Pages 3 - 30) To consider report.
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Published on 27 January 2023

Democratic Service Team, County Hall, Taunton, TA1 4DY

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Somerset County Council

Constitution and Governance Committee

30 January 2023

Report of the Scrutiny at Somerset Council Task and Finish Group

Lead Members: Cllr Theo Butt Philip, Chair of the Task and Finish Group, Cllr Leigh

Redman, Vice Chair of the Task and Finish Group

Division and Local Member: N/A

Lead Officer & Author: Jamie Jackson – Scrutiny Manager

Contact Details: 01823 357040

1. Summary

- 1.1 In October 2022 the County Council’s Scrutiny Manager was tasked to work with the County Council’s current 4 Scrutiny Committees to establish views, suggestions and ultimately formal recommendations on how the scrutiny function should operate at Somerset Council post Vesting Day.
- 1.2 The Scrutiny Manager attended a meeting of each of the 4 scrutiny committees during late October and early November 2022, where he presented a report setting out the purpose of the Task and Finish Group, the intended structure of the group and the reporting timelines. As part of the report volunteers were sought for a cross-committee, cross-party Task and Finish Group.
- 1.3 The Task and Finish group subsequently met on 4 occasions during December 2022 and January 2023, considering various topics such as current structure, what happens elsewhere, possible scrutiny models and a Director’s perspective from David Carter, Deputy Director ECI and Commissioning.
- 1.4 At the final Task and Finish Group meeting on Wednesday 11th January 2023 following a number of detailed discussions and several opinions expressed, the Group agreed a series of 7 recommendations, which are detailed below in Paragraph 2.1 and were presented to Executive/SLT on 16th January. Following today’s meeting of the Constitution and Governance Committee it is intended the recommendations will be considered by Full Council on 22nd February.

2. Recommendation(s)

2.1 The Committee is asked to consider and comment on the following recommendations from the Task and Finish Group:-

- (1) There should be a full review of the revised scrutiny structure within 12 months of Vesting Day to ensure it is fit for purpose. This review should take place sooner if required.**

- (2) The Adults and Health Scrutiny Committee and the Children and Families Scrutiny Committees to remain as they are currently constituted.**
- (3) To create a Corporate and Resources Scrutiny Committee, whose portfolio will include Finance and Procurement, Strategic Asset Management, ICT, Partnerships and Localities and Strategy and Performance. This committee would have specific responsibility for budget monitoring and financial scrutiny.**
- (4) The new Corporate and Resources Scrutiny Committee will form part of an increase to 5 formal Scrutiny Committees – Adults and Health, Children and Families, Communities, Corporate and Resources and Climate and Place. The Task and Finish group have endeavoured to reflect the revised Senior Officer/Director’s structure within the Scrutiny Committee division of responsibilities. This is shown within Appendix A.**
- (5) The 5 Scrutiny Committee model will be supported by an informal 6th ‘committee’ which will comprise the 5 Scrutiny Committee Chairs and Vice Chairs who will fulfil an oversight and steering role for the 5 formal Committees to ensure no duplication, efficiency of meeting time and allocation of work to Joint Scrutiny Committees. This group will also assume the responsibility for the review detailed in Recommendation 1 and will meet initially on a bi-monthly basis.**
- (6) Specific Joint Scrutiny Committee meeting dates are to be established as part of the committee meetings calendar and an on-going forward work programme to be maintained for each of them.**
- (7) To Create a dedicated scrutiny resource from the post Vesting Day Democratic Services team, to consist of a minimum of 1 x Service Manager, 1 x Governance Specialist/Team Leader, 2 x Committee clerks and 2 x Scrutiny Researchers. This would allow for much more effective and efficient scrutiny and greatly increase scrutiny opportunities, whilst ensuring resilience within the officer cohort.**

3. Background

3.1 Developing the new Somerset Council’s function

The request for volunteers at the 4 Scrutiny Committee meetings resulted in the intended 12 elected Member volunteers, however not in the required

- numbers to equate to the correct political proportionality. Following a request the Leader of Council agreed to waive political proportionality with the understanding that a Liberal Democrat councillor would be appointed Chair. This enabled the creation of a group consisting of 12 elected Members - 4 x Liberal Democrats, 4 x Conservatives, 2 x Labour, 1 x Green and 1 x Independent plus 2 co-opted scrutiny members. There were multiple representatives from all 4 Committees including 3 of the current Scrutiny Committee Chairs
- 3.2 At the Group's first meeting on 14th December, Councillor Theo Butt Philip was elected Chair and Councillor Leigh Redman was elected Vice Chair. The group also agreed the dates for the following 3 meetings and requested a member of the Senior Leadership Team attend the next session. The group also agreed a Terms of Reference and an approximate timeline for consideration of the various topics required.
- 3.3 At the group's second meeting, there was consideration of how the role and responsibilities of scrutiny are detailed within many other Unitary authorities' constitutions and also members gave their experience of scrutiny from within Somerset County Council and also their experience from other Local Authorities. The group also had a very welcome Q&A session with David Carter, Deputy Director ECI and Commissioning, which proved very beneficial.
- 3.4 The group's third meeting provided them with the opportunity to reflect on what they had heard and considered so far, but also the chance to scrutinise the scrutiny committee structures and portfolios at 10 other Local Authorities, including other new Unitary councils and regional neighbours.
- 3.5 At the fourth and final meeting of the group had a further lengthy discussion on what was the best format of scrutiny committees for the new Council to commence with, however all members agreed that one of the most important recommendations is that there must be a review of the scrutiny arrangements within the first 12 months to ensure they are fit for purpose. The most debated area of committee structure related to the areas currently scrutinised by the Place and Environment Scrutiny Committees. The group eventually agreed on a 5 formal Scrutiny Committee model as detailed in paragraph 2.1 and a further 6 recommendations that would be presented to Executive/SLT meeting on 16th January 2023.
- 3.7 Cllr Butt Philip and the Scrutiny Manager presented the 7 recommendations to Executive and SLT on 16th January 2023 and there was broad agreement for all of the recommendations proposed and thanks was given to all of the members who had participated and engaged in a very enthusiastic, flexible and timely way.

4. Implications

4.1 Legal & Risk:

This report complies with all legal requirements. The only risk to the Council would result from the Council failing to fulfil its legal obligations.

4.2 Financial, equalities, sustainability and community safety implications:

There are no direct equalities implications arising from any of the proposals in this report. There are also no anticipated direct sustainability or community safety implications associated with the proposals in this report.

5. Background Papers

- 5.1 Council's Constitution
Local Government Acts 1972 and 2000

Appendix A - Scrutiny Committee for Climate and Place portfolio

Scrutiny Committee for Climate and Place portfolio

Executive Director Climate and Place ⁺

Climate and Sustainability

- Carbon Neutrality
- Climate Resilience
- EV infrastructure
- Renewable Energy
- Green Links
- Biodiversity
- Sustainability
- Waste Service
- Emergency Planning and Business Continuity
- Water Management
- LLFA
- Flooding Response
- Coastal Protection Authority
- Somerset Rivers Authority

Infrastructure & Transport

- Highways Authority
- Countryside and Rights of Way
- Parking
- Traffic Management
- Transport
- Public Transport
- Fleet Management
- Contracted Transport
- Strategic Transport Planning
- Highways Major Projects

Economy, Employment & Planning

- Economic Development
- Planning (conservation, enforcement, DM, local plan, waste and minerals, s106 allocations/CIL, Phosphates)
- City/Town Centre Management
- Trading Standards (Devon partnership)
- Skills
- Innovation Centres
- Regeneration (non-housing)
- Major Projects
- Nuclear Power

⁺ Lead Commissioner

Scrutiny Committee for Community portfolio

Executive Director of Community Services

Housing

- Strategy and HRA
- Homelessness (Rough Sleepers pathway, street support)
- Housing Options & Allocations
- Housing Management
- Housing Maintenance - Responsive and Planned (capital programme)
- Housing Development & Regeneration
- Tenant Services –Worklessness & Tenancy Management (new tenancies, anti-social behavior, debt and benefit support, tenancy compliance)
- Sheltered and Extra Care
- Rent collection and arrears recovery
- Direct Labour Organisation
- Affordable Housing Enabling,
- Partnerships and ALMO
- Gypsy and Traveller Support and Services
- People Displacement Schemes and Services

Customer Services

- Customer Service Strategy and Standards
- Corporate Customer Services
- Contact Centre
- Compliments & Complaints
- Local Service Centres
- Digital Services (inc. GIS, online content)
- Customer Engagement and Access

Cultural Services

- Libraries and Local Offer
- Museums
- Theatres
- Leisure Centres
- Sports Development
- Heritage
- Arts Development
- Culture Development
- Tourism Development
- Fairs and Market

Regulatory and Operational Services

- Environmental Health
- Registrars
- Coroners
- Environmental Protection
- Building Control
- Port Authority
- Licensing
- Community Safety (Partnership, CCTV, anti-social behaviour, other)
- Safety Advisory Group
- Private Sector Housing
- Street Cleansing
- Grounds
- Maintenance
- Country Parks
- Parks and Play Areas
- Public Toilets
- Dog Wardens
- Service to Partners
- Bereavement Services
- Scientific Services

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Part G – Overview and Scrutiny arrangements (Scrutiny Committees)

SCRUTINY FOR POLICIES, CORPORATE AND RESOURCES COMMITTEE, SCRUTINY FOR POLICIES, CLIMATE AND PLACE COMMITTEE, SCRUTINY FOR POLICIES, CHILDREN AND FAMILIES COMMITTEE, SCRUTINY FOR POLICIES, ADULTS AND HEALTH COMMITTEE AND SCRUTINY FOR POLICIES AND COMMUNITIES COMMITTEE

Every council with an executive management structure has to have an overview and scrutiny function. Somerset Council has appointed several scrutiny committees to perform this function. The Committees will operate in accordance with the Committee procedure rules in Part D.

The scrutiny committees each fulfil a check and challenge function for decisions and policies made by the Executive.

This section gives more details about these committees and the rules which govern how they work.

These rules are written in formal language. If you have specific questions our Democratic Services Team will be happy to help you.

Functions and terms of reference

- 1.1 The Council has appointed several Scrutiny Committees to fulfil the statutory “overview and scrutiny” functions of the

Council, to influence the decision makers and drive improvement in public services in Somerset.

- 1.2 The Committees have no decision-making powers but have responsibilities delegated by Council.
- 1.3 At the annual meeting of the full Council, the Monitoring Officer in consultation with the Chief Executive will propose for the agreement of the Council, the number of Scrutiny Committees, the Terms of Reference and the number of scrutiny seats required to perform the scrutiny function for the forthcoming year.

Corporate and Resources

Functional areas that are the responsibility of the Committee are as follows:

- Finance and Procurement
- Strategic Asset Management
- ICT
- Partnerships and Localities
- Strategy and Performance
- Budget Monitoring and Financial Scrutiny

Climate and Place

Functional areas that are the responsibility of the Committee are as follows:

- Climate Change & Carbon Reduction
- Environment services (and appointment of members to the Joint Waste Scrutiny Panel with the district councils)
- Planning Policy
- Property & Asset Strategy
- Flooding & Water Management
- Energy and Sustainability
- Scientific services
- Countryside and Areas of National Beauty

Children and Families

Functional areas that are the responsibility of the Committee are as follows:

- Investing in and improving school facilities
- Improving the health of children & young people
- Supporting educational achievement and improved outcomes for children & young people
- Improving young people's prospects and skills
- Delivery of Personalisation Agenda and Personal Budgets
- Protect and care for the most vulnerable
- Support and recruit more adopters and fosterers of children
- Improve prospects of disadvantaged children and young people and their families, and those at risk of being disadvantaged
- Specialist services for children with disabilities
- Special Educational Needs
- Safeguarding children
- School admissions
- Academy conversions.
- Youth offending and targeted youth work
- Early years and children's centres
- Appointment of school governors

Scrutiny for Policies, Adults and Health Committee

Functional areas that are the responsibility of the Committee cover personal services to individuals as follows:

- Health & Wellbeing (including Public Health Services)
- Education, Training & Skills
- Learning and Physical Disabilities
- Adult Care & Support Services
- Community Safety
- Somerset Armed Forces Community Covenant
- In addition the Committee considers any referrals made by Healthwatch.

Scrutiny for Policies and Communities

Functional areas that are the responsibility of the Committee cover personal services to individuals as follows:

- Economic Development and Growth
- Hinkley C development
- Transport and Connectivity
- Highways
- Traffic Management
- Trading Standards
- Infrastructure and infrastructure projects
- Cultural Services (eg, Libraries, Heritage)
- Corporate services (eg, ICT, Customers and Communities, Change Programme and Commissioning Development)

1.4 The Scrutiny Committees are committed to the developing of a respectful relationship between themselves, the Executive and external partners. The work of the Select Committees is underpinned by the following six principles:-

- a. To contribute to sound decision-making in a timely way by holding councillors and key partners to account as a 'critical friend'.
- b. Contribute to and reflect the vision and priorities of the Council.
- c. Enable the voice and concerns of the public to be heard and reflected in the Council's decision-making process.
- d. Engage in policy development at an appropriate time to be able to influence the development of policy.
- e. To be agile and able to respond to changing and emerging priorities at the right time with flexible working methods.
- f. For scrutiny to be a councillor led and owned function which seeks to continuously improve through self-reflection and development.

1.5 In addition to the principles set out at 1.2 above, in conducting its proceedings a Scrutiny Committee will have regard to the following principles:-

- a. At all times, while conducting its business in a tenacious matter, to do so with respect, equity, fairness, dignity and with regard to the principles of natural justice.
- b. To ensure that all Members are given the opportunity to contribute to and speak at Scrutiny Committee meetings and to ask questions of those attending.
- c. To conduct its business in a consensual, open, responsible and transparent manner across political divides and to avoid expressing views based purely on political considerations.
- d. To conduct its business so as to maximise its efficiency.
- e. Not to seek to hold Officers and non-Lead Members to account for decisions taken by the Leader, Executive or Lead Members.
- f. To recognise that any question of officer discipline which may arise is to be dealt with through the appropriate employment procedures.

1.6 In respect of their functions, each committee will:

- (i) Advise the Executive, on the formative stages of key service developments and reviews;
- (ii) Influence planned key decisions before they are taken and make recommendations to the decision maker;
- (iii) Hold Executive decision-makers (including Officers) to account for Key decisions;
- (iv) Question members of the Executive and/or committees and senior officers about their decisions and performance standards;
- (v) Ensure that all the Council's performance management and assessment systems continually improve the Council's service delivery;
- (vi) Assist the Executive / Council in budget and policy development;
- (vii) Review delivery of key action plans (including external inspection action plans) and Council objectives through the achievement of outcomes;

- (viii) Consider any matter affecting the County of Somerset or its inhabitants (specifically children in the case of Scrutiny Children and Families);
- (ix) Ensure active engagement of Members, the public, media, stakeholders, partners and Officers in the work of the Council and the Committee and to enable the voice of the wider community to be heard within the Council;
- (x) Make reports and/or recommendations to the Full Council and/or the Executive, Council, other Committees and/or partner bodies;
- (xi) Scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to discuss their activities and performance.

1.7 **FORM AND COMPOSITION:** Each Committee comprises 13 elected Members reflecting the political composition of the Council. In addition, the membership of the Scrutiny for Policies, Children and Families Committee includes 2 co-opted church representatives, 2 co-opted parent governor representatives, 2 school governor representatives and 1 representative from the Schools Forum, all with voting rights (which are full voting rights) on educational matters only. Members of the Executive cannot be members of these committees.

1.8 **JOINT HEALTH SCRUTINY:** For significant proposals, eg, regional matters and ambulance NHS Trust matters or County wide Broadband, a Joint Overview and Scrutiny Committee of the relevant councils is appointed to provide a collective response. The Chief Executive approves the terms of reference, constitution and arrangements for such a Joint Committee on behalf of the Council.

1.9 **QUORUM:** A minimum of 5 elected members are required to be present for a valid meeting to take place.

1.10 **CHAIR:** The appointment of a Chair for each of the 5 Scrutiny Committees will be a member of an opposition party.

1.10 **COMMITTEE BUSINESS:** The following can include items on scrutiny agendas:

- (a) The Committee itself;
- (b) Full Council;

- (c) The Leader;
- (d) The Executive collectively;
- (e) Any Member of the Committee. The non-elected Members of the Scrutiny for Policies, Children and Families Committee may include items on the Committee's agendas in relation to education;
- (f) Any other Member, for an issue affecting their division and where all other methods of resolution have been exhausted;
- (g) The Monitoring Officer;
- (h) Any Officer from the Senior Leadership Team;
- (j) The Scrutiny Officer.

In conducting its business a Scrutiny Committee may:

- a. Undertake in depth analysis of a policy issue;
- b. Receive briefings and presentations on issues under consideration;
- c. Undertake research, community and other public engagement, particularly in the analysis of policy issues and possible options;
- d. Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- e. Hold inquiries, workshops, public meetings and conduct public surveys;
- f. Invite advisors and assessors to assist them;
- g. Question Lead Members, Associate Lead Members and seek their views on issues and proposals affecting the Council's area;
- h. Question senior officers, and where appropriate suppliers and seek their professional views on issues, and / or their decisions and performance either in relation to service plans or in relation to particular decisions, initiatives or project;
- i. Liaise with national, regional or local external organisations operating in the Council's area so as to ensure that the interests of local people are enhanced by collaborative working;
- j. As part of any investigation, review and scrutinise the decisions made by, and performance of, the Executive, Lead Members and senior officers as regards both individual decisions and

over time;

- k. Question and collect evidence from any other person (with their consent) and invite witnesses to attend Scrutiny Committee meetings, proceedings or events.

CALL-IN OF KEY DECISIONS

1.11 "Call-in" is a facility which Members can use to challenge Key Decisions where a scrutiny committee has not been involved prior to the decision being taken or where a Member believes a decision has been taken without the proper process having been followed.

1.12 Call-in of Key Decisions is subject to the following rules:

- (a) General provisions:
 - (i) Call-in should be used on an exception basis and not to unnecessarily delay Council business;
 - (ii) An individual Key Decision should normally only be subject to scrutiny once, whether pre or post decision;
 - (iii) Key Decisions cannot be called in where the decision requires urgent implementation. Urgent implementation requires the approval of the Leader of the Council and the Chair of the relevant Scrutiny Committee;
 - (iv) Call-in only applies to decisions. Recommendations (for example, made by the Executive to Council) cannot be called-in.
- (b) Scrutiny of Key Decisions before they are taken: This should focus on ensuring that the decision-maker has all the necessary information, to take a fully informed decision and that any procedures have been properly followed. Any scrutiny review at this stage should not pre-empt the decision. The decision-maker must take the views of the relevant Scrutiny Committee into account before taking the decision.
- (c) Scrutiny of Key Decisions after they are taken but before they are implemented:
 - (i) Key Decisions are published to all Members and the public (via the website) within 2 working days of the decision date;

- (ii) Key Decisions (unless urgency is agreed) must be called-in within 5 working days of publication or the decision will be implemented automatically.
 - (iii) Any Member may request a call-in but the call-in must be supported by a Member of the relevant Scrutiny Committee and agreed by the Chair (or Vice Chair in their absence) of that Committee in order to be formally considered. The call-in must be submitted in writing or by email to the Chair of the relevant Committee;
 - (iv) The Chair of the relevant Scrutiny Committee will consider call-in requests against the principles of good decision-making and will either agree the request or detail their reasons for rejecting the request for report to the next available meeting of the relevant Committee;
 - (v) A call-in must specify the subject matter, the reason(s) for it, information required to enable full consideration and the preferred outcome;
 - (vi) Each call-in will be considered at the next meeting of the relevant Scrutiny Committee unless an alternative is agreed with the decision-maker;
 - (vii) The Scrutiny Committee having considered a call-in will report to the decision-maker. The Committee also has the option of reporting direct to the Council as well as or instead of the decision-maker;
 - (viii) Where an item has been subject to pre-decision scrutiny of the process, post decision call-in should normally only relate to the decision itself;
 - (ix) If there is no pre-decision scrutiny of an item then the process and/or the decision may be the subject of call-in.
- (d) Scrutiny of Key Decisions after implementation: This should only occur where the decision-maker was required to make a decision that was time critical or at a later stage to gauge the effect of the decision. Scrutiny in these circumstances is not part of the call-in process.

1.13 **REFERRAL OF NON-KEY MEMBER DECISIONS:** Non-key member decisions can be referred back to the decision-maker by Members prior to implementation as follows:

- (a) Non-Key Member Decisions are published to all Members and the public on the Council's website within 2 working days of the date of decision;
- (b) Any Member with the support of their Group Leader (or in their absence, the Deputy Group Leader) and the agreement of the Chair of the relevant Scrutiny Committee may refer a proposed decision back to the decision-maker within 3 working days of it having been published. The decision-maker will consider the referral prior to confirming the decision and its implementation.
- (c) If there is no referral the decision will be implemented automatically at the expiry of the 3 day notification period.
- (d) The only exception to this rule shall be 'urgent' decisions requiring immediate implementation. A decision will be urgent if any delay would, or would be likely to, significantly prejudice the Council's or the public interests. Urgent implementation requires the approval of the Leader of the Council and the Chair of the relevant Scrutiny Committee.

1.14 **MEMBERS AND OFFICERS ATTENDING SCRUTINY COMMITTEES:** A Scrutiny Committee can **require** a Member of the Executive, the Chief Executive and/or an appropriate Senior Officer or Officers (as agreed the Chief Executive) to attend a meeting in order to explain matters within their remit including any particular decision or series of decisions. Officers identified must attend.

1.15 **ATTENDANCE BY OTHERS AT SCRUTINY MEETINGS:** A Scrutiny Committee can **invite** others to address their meetings, discuss issues of local concern and/or answer questions. Attendance is optional.

1.16 **REPORTING:** A Scrutiny Committee can report and make recommendations to the Leader, the Executive or the Council, as appropriate, and to partner public bodies involved with Community Safety or the NHS. Each Committee presents a summary of its work to each Full Council meeting and reports annually to Full Council on its work, its future work programme

and recommendations for improving the way it carries out its functions, if appropriate.

1.17 **FORWARD WORK PLANS OF BUSINESS:** The chairs and vice-chairs of each committee meet as and when required to organise and co-ordinate the forward work programmes of business.

1.18 **Call for Action**

1.19. Any councillor shall be entitled to ask the Proper Officer for Scrutiny in writing to include any issue of concern to that councillor on the agenda of the next meeting of the appropriate Scrutiny Committee. In normal circumstances such a request must be made at least 10 clear working days before the meeting of the appropriate Scrutiny Committee.

1.20. At the meeting the councillor who has put the matter on the agenda may address the Committee on the matter. Members of the Committee should consider whether the issue raised is best addressed under the Councillor Call for Action (CCfA) procedure or another procedure (for example Call-In). In normal circumstances, the same issue will only be considered under one of these procedures. The Proper Officer for Scrutiny can advise Members of the Committee on this matter if requested.

1.21. Once determined as a CCfA matter, the following, in the order they appear on this list, (and if present) shall then respond:

- a. The relevant Lead Member and/or the Associate Lead Members;
- b. Another Lead Member;
- c. A senior officer with functional responsibility for the matter.

All speakers may address the Committee for up to five minutes as determined by the Chair unless otherwise agreed by the Chair. The Chair shall then invite Members of the Committee to discuss the matter to question and to consider any recommendation which has been submitted by the councillor as part of the agenda item.

1.22. The Committee may then:

- a. Resolve not to consider the matter further;
- b. Resolve to take no further action as the issue is one where an individual or body has a statutory right to a review or appeal (including matters relating to a planning decision);
- c. Resolve to take no further action but at the meeting advise the councillor raising the matter what further action, if any, the councillor should take to resolve the matter;
- d. Refer the matter to the Lead Member or officer with responsibility for the matter to ask what can be done to resolve the matter;
- e. Place the item on its agenda for consideration by the Committee at a later meeting;
- f. Consider whether to commission a scrutiny task & finish group to consider the matter further;
- g. Make a report or recommendation to the Executive or Full Council, or to the appropriate executive body of any partner organisation.

Referrals from the Council or the Executive

1.23. The Scrutiny Committees will consider any matter referred to them by the Council or the Executive and recommend any appropriate action. The Executive may request a Scrutiny Committee to look at topics to assist and inform Executive decision-making.

1.24. In reviewing draft policies, plans strategies and the draft budget, a Scrutiny Committee will in particular consider:-

- a. Whether any appropriate criteria has been used;
- b. Whether consultation (if any) responses and engagement conclusions have been taken into account;
- c. Whether the decision is in accordance with the Council's policy framework;
- d. Whether the decision is within the powers of the Council;

- e. Whether the decision is lawful;
- f. Whether the decision contributes to the efficient, effective and economic performance of the function in question.

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Together we are delivering your

New Somerset Council

**Scrutiny at Somerset Council Task and Finish Group
Recommendations**

December 2022 to January 2023

Constitution and Governance – 30th January 2023

Context 1

- The County Council's Scrutiny Manager tasked to work with County Council's 4 Scrutiny Committees to establish views and recommendations on how scrutiny should function and operate at Somerset Council post Vesting Day
- The Scrutiny Manager sought volunteers for a cross-committee, cross-party Task and Finish Group during late October/early November 2022 meeting cycle
- The Leader of Council agreed to waive political proportionality and enabled creation of a group consisting of 12 elected Members (4 x Liberal Democrats, 4 x Conservatives, 2 x Labour, 1 x Green and 1 x Independent) plus 2 co-opted scrutiny members from across all 4 Scrutiny Committees, including 3 of the current Scrutiny Committee Chairs

Context 2

- The group met on 4 occasions during December 2022 and January 2023, considering various topics such as current structure, what happens elsewhere, possible scrutiny models and a Director's perspective,
- The group agreed on a series of 7 Recommendations at their meeting on 11th January, were presented to Executive/SLT on 16th January, followed by a formal report to be considered at the Constitution and Governance Committee on 30th January and by Full Council on 22nd February.

Recommendations 1-3

1. There should be a full review of the revised scrutiny structure within 12 months of Vesting Day to ensure it is fit for purpose. This review should take place sooner if required.
2. The Adults and Health Scrutiny Committee and the Children and Families Scrutiny Committees to remain as they are currently constituted.
3. Create a Corporate and Resources Scrutiny Committee, whose portfolio will include Finance and Procurement, Strategic Asset Management, ICT, Partnerships and Localities and Strategy and Performance. This committee would have specific responsibility for budget monitoring and financial scrutiny.

Recommendations 4 and 5

4. The new Corporate and Resources Scrutiny Committee will form part of an increase to 5 formal Scrutiny Committees – Adults and Health, Children and Families, Communities, Corporate and Resources and Climate and Place. The Task and Finish group have endeavoured to reflect the revised Senior Officer/Director's structure within the Scrutiny Committee division of responsibilities.

5. The 5 Scrutiny Committee model will be supported by an informal 6th 'committee' which will comprise the 5 Scrutiny Committee Chairs and Vice Chairs who will fulfil an oversight and steering role for the 5 formal Committees to ensure no duplication, efficiency of meeting time and allocation of work to Joint Scrutiny Committees. This group will also assume the responsibility for the review detailed in Recommendation 1 and will meet initially on a bi-monthly basis.

Recommendations 6 and 7

6. Specific Joint Scrutiny Committee meeting dates are to be established as part of the committee meetings calendar and an on-going forward work programme to be maintained for each of them.

7. Create a dedicated scrutiny resource from the post Vesting Day Democratic Services team, to consist of a minimum of 1 x Service Manager, 1 x Governance Specialist/Team Leader, 2 x Committee clerks and 2 x Scrutiny Researchers. This would allow for much more effective and efficient scrutiny and greatly increase scrutiny opportunities, whilst ensuring resilience within the officer cohort.

Areas to be maintained or strengthened

- Reinforce with Executive, SLT and wider officer cohort the importance of pre-decision scrutiny and ensuring the relevant Committee is given the opportunity to scrutinise effectively and in a timely manner
- Include within the new Council's Constitution that all Scrutiny Chairs should be a member of an opposition party.

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