

Scrutiny Review

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1. Summary

- 1.1 The purpose of this report is to present to Council a suite of recommendations from the Scrutiny Review conducted by the 5 Scrutiny Committee Chairs, following endorsement at the Corporate and Resources Scrutiny Committee on 25 April 2024 and Executive on 8 May 2024 and to seek agreement for the recommendations.

2. Recommendations

- (1) The current structure of 5 scrutiny committees to remain in place, with a further scrutiny review to be conducted by the scrutiny chairs in late 2024/early 2025 following any potential service restructure.**
- (2) The scrutiny manager is tasked with preparing a revised and improved scrutiny report template, which enables clearer and more concise presentation of reports, a standard consistency of reports across all 5 scrutiny committees, a clearer link between committee recommendations onto the Executive/Executive Member(s) and ensuring service areas clearly demonstrate where scrutiny is able to add value.**
- (3) That all 5 scrutiny committees adopt a consistent approach to dealing with information only items, in order that agendas are kept clear for items with specific recommendations and the opportunity for the committees to add value. This information also to include details of any delegated decisions the scrutiny chair has been consulted on.**
- (4) To bolster the links between all 5 scrutiny committees and the Executive by ensuring clear communication between the parties and encourage**

increased opportunities for committee chairs to update the Executive on areas of focus and present any recommendations/proposals the committee have agreed. Also for the Democratic Services team to establish a central record of all formal scrutiny recommendations and the responses to them.

- (5) The scrutiny manager to liaise with the 5 Group Leaders in advance of the AGM Council meeting (May 2024) in order to provide detailed attendance information on each of the Committee's membership, to ensure committee membership and substitutes reflect maximum engagement and consistency.**
- (6) The scrutiny manager to liaise with the 5 Group Leaders to ensure a consistent, timely and wherever possible consistent approach to scrutiny substitutes.**
- (7) Elected committee membership to remain as 13 individual members.**
- (8) To continue with the monthly meetings of the 5 Scrutiny Chairs, Vice Chairs and scrutiny manager.**
- (9) To continue with the model of an Executive Director aligned to each Committee as the lead service officer and to encourage continued attendance from all relevant Executive Members.**
- (10) To support the continuation of a dedicated scrutiny resource from the Democratic Services team, to allow for more effective and efficient scrutiny and increase scrutiny opportunities, whilst ensuring resilience within the officer cohort.**

3. Background

- 3.1 Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities. Scrutiny committees and the scrutiny function are key part of the Council's governance framework. Any external assurance will look at how effective a council's scrutiny function is.

Scrutiny is the primary opportunity for councillors who are not part of the council's executive to play an influential role in the shaping of policy and decisions that will have a real benefit on behalf of the community they represent. It is an essential part of ensuring that local government remains transparent and accountable, resulting in improved public policies, services and outcomes.

- 3.2 Ahead of vesting day in February 2023 Somerset County Council considered and agreed a series of recommendations proposed by a cross-party, cross-scrutiny

Task and Finish Group. The recommendations followed an intense piece of work in December 2022 and January 2023, following a tasking to work with the County Council's then 4 Scrutiny Committees to establish views, suggestions and ultimately formal recommendations on how the scrutiny function should operate at Somerset Council post Vesting Day

- 3.3 While everyone in an authority can play a role in creating a culture and environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority. Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.
- 3.4 One of the 7 recommendations set out that the 5 scrutiny chairs within the Somerset Council structure would conduct a review of the scrutiny function within 12 months of Vesting Day and report back to scrutiny and Full Council. This report documents the first stage of that process.
- 3.5 The 5 scrutiny chairs convened with the scrutiny manager on several occasions in February and March 2024 and have formulated 10 recommendations, which were considered and supported by the Corporate and Resources Scrutiny Committee on 25 April 2024 and Executive on 8 May 2024.
- 3.6 The first review meeting concluded that the cross-party, cross-scrutiny reaction and debate to the initial budget saving proposal of reducing the scrutiny committees from 5 to 3, demonstrated that the current scrutiny structure was appropriate and working well and should remain as is until the next review is conducted.
- 3.7 At the group's second meeting, there was discussion about committee engagement and several of the chairs reflected that there was at least 1 member on each of their committees whose attendance or engagement at the meetings was not sufficiently strong or consistent. The discussion also reflected that there has been an inconsistent and sometimes ad hoc approach to substitutes, which the Chairs were keen to address in discussions with the Group Leaders and for the scrutiny manager to explore the possible feasibility of named substitutes.
- 3.8 The group's third meeting provided them with the opportunity to reflect on agendas and reports. There was a consensus that with meetings having been on an 8-week cycle (likely to move to a 6-week cycle during 24/25) that formal committee time was too valuable to consider only the most critical information reports. An approach to dealing with information items was suggested by a scrutiny chair, which involves reports being circulated between formal meetings and then reflected on the next formal agenda for any specific member comments, was agreed as a best practice for all of the scrutiny committees to adopt.

- 3.9 This meeting also included a discussion about the perception that scrutiny can sometimes feel like a ‘rubber stamping’ exercise for officers and that the chairs and wider committee were keen for the purpose of all reports coming to scrutiny to be clearly identifiable and also to set exactly where they would like scrutiny to add value and engage in one of their core functions of policy development. It was agreed this could be better achieved by a revised report template that clearly highlighted this information and made the process easier for both the committee and presenters.
- 3.10 An overarching aim is that our scrutiny committees should be non-political and be able to constructively challenge the ‘issues’ for the Council and Somerset and make recommendations to the Executive or other partners e.g. NHS. 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.
- 3.11 As part of the review discussions the scrutiny Chairs wished to have their appreciation noted of the democratic services support they receive. There was consensus that a consistent scrutiny staffing allocation was proving hugely beneficial, however the group requested that even with acknowledging the current financial climate a full complement of the scrutiny resource, agreed by Council in February 2023, would only improve the work of the committees further. The previously agreed dedicated scrutiny staffing resource was 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.

3.12 Other Options considered

Detailed consideration has been given over the past few months regarding the structure of the scrutiny function and how best to support the administration in very challenging circumstances for the Council. In light of anticipated change in Council structures and services, it was considered prescient to conduct a more detailed review later in 2024 or early 2025.

4. Implications

- 4.1 Legal – The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.

- 4.2 Risk – Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

There is a corporate risk in the Council having insufficient scrutiny of the decision and policy making process, which these recommendations intend to mitigate, in addition to the scrutiny processes already established.

Risk: Insufficient and untimely member scrutiny of Council Executive’s decision and policy making process.					
Likelihood	2	Impact	4	Risk Score	8
Mitigation here: Continued commitment to the Council’s current scrutiny model and approach to improving the scrutiny function.					

- 4.3 There are no specific legal, HR or equalities impacts as a result of these recommendations.
- 4.4 The financial implications arising from recommendation 10 in this report can currently be accommodated within the Democratic Services budget for 2024/25. However, this will need to be revisited as part of the Council’s Transformation and Improvement Programme and the determination of future resources for Democratic Services to support delivery of the Council’s priorities.

5. Background Papers

- 5.1 The background papers to this report are:-
[Scrutiny Review report to Corporate and Resources Scrutiny Committee 250424](#)
[Scrutiny Review report to Executive 080524](#)

Note For sight of individual background papers please contact the report author