



Committee and Date

Council
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Item

Public



Update on Scrutiny Arrangements

Responsible Officer:	Andy Begley		
email:	Andy.Begley@shropshire.gov.uk	Tel:	01743252756
Cabinet Member (Portfolio Holder):	Lezley Picton		

1. Synopsis

1.1 - This report seeks approval from Council for amendments to the Overview and Scrutiny Procedure Rules following the review conducted by the Centre for Governance and Scrutiny. In particular, the role of the Scrutiny Chairs Group has been strengthened.

2. Executive Summary

2.1 - At March Council it was agreed, following the review undertaken by the Centre for Governance and Scrutiny, to reduce the number of Overview and Scrutiny Committees from five to four and to increase the number of members on each from ten to eleven. This report proposes further constitutional amendments the detail of which is set out in the Appendix. This reproduces, with tracked changes, the current parts of the Constitution where overview and scrutiny are referenced.

2.2 - It is proposed that the Scrutiny Chairs Group, which is already referenced within the Overview and Scrutiny Procedure Rules (“the Rules”), should be strengthened and include attendance by Group Leaders and the Vice-chairs. It is envisaged that a review of the way in which the new overview and scrutiny arrangements are working should be undertaken after six months (roughly two meetings of each Committee) and the results of that review will be reported to the SCG before further recommendations are made to full Council. In addition, it is anticipated that the SCG will assist in the further development of the Rules by advising the Chief Executive how best to deal with such issues as where matters fall within

the remit of more than one Overview and Scrutiny Committee and the consideration of green papers etc.

2.3 - The Rules have been revised to clarify that the SCG is not a formal decision-making meeting and that its primary role is to advise the Chief Executive on overview and scrutiny arrangements including which Committee should consider an issue that has implications which cover the remit of more than one Committee.

2.4 - The titles, roles and remit of each of the four new Committees are set out in the Appendix and Members are asked to review those and comment if necessary. Each committee will perform the full functions of an overview and scrutiny committee rather than there being a split between “overview” (i.e. policy development) and “scrutiny” (i.e. reviewing how policy has been implemented)

2.5 - There are a number of other proposed amendments to the Rules which include:

- Clarification that minority reports only apply to policy review and development but not to call-in because if the latter is rejected the original Cabinet decision will come into effect immediately and there will be no meeting for the minority report to be considered at.
- Each Overview and Scrutiny Committee will be responsible for agreeing its own work programme.
- The amalgamation of the three T&F Group Protocols into one.

3. Recommendations

3.1 - That Members consider and approve the proposed amendments to the overview and scrutiny arrangements within the Constitution as set out in the Appendix.

Report

4. Risk Assessment and Opportunities Appraisal

4.1 - Effective Overview and Scrutiny is a feature of the Council’s governance arrangements, where the Council is operating executive arrangements. There are a range of factors that could result in risks to the Council of not doing Overview and Scrutiny effectively. These include the failure to:

- challenge and hold decision makers to account.
- link O&S work to the delivery of the council’s priorities and risk management – failure to demonstrate added value
- carry out thorough and appropriate research to make evidence-based recommendations.
- engage partners and providers.
- ensure that structures and models of operation are fit for purpose and match ambition and available resources.
- ensure that O&S can operate as the voice of communities.
- draw on member knowledge and experience to inform policy development.

4.2 - To mitigate, tolerate or eradicate these risks, enablers for effective scrutiny include:

- Operating in an apolitical manner.
- Clarity of vision and purpose
- Overview and Scrutiny support availability, capability and capacity
- Effective engagement and commitment by Members and officers at all levels, including Cabinet, Opposition Leaders, Scrutiny Chairs and Senior Officers who play a central role in setting the tone and direction
- Robust Work programming and prioritisation of topics with clear objectives and expected impacts
- Ensuring that Overview and Scrutiny work will add value to the Council and communities e.g., through strong links between work programme topics and the integrated strategic plans that set out the actions and timescales to deliver the priorities in the Shropshire Plan
- Access to and availability of robust data and intelligence
- Good relationship with partners and providers

4.3 - The Centre for Governance and Scrutiny identifies 4 principles for good scrutiny:

- provide constructive “critical friend” challenge;
- amplify the voice and concerns of the public
- be led by independent people who take responsibility for their role
- drive improvement in public services.

It is proposed to add these principles into the Constitution.

4.4 - Overview and Scrutiny Committees have remits that cover the breath of the work of public services, from looking internally at the Council to looking externally including Health Services and provision through Health Overview and Scrutiny requirements.

4.5 - The new structure for the Overview and Scrutiny Committees confirmed by Council on the 30 March 2023 provides strong links to the priorities in the Shropshire Plan to support an outcome focus to their work, as well as ensuring that, where required, the committees can be sighted on a specific directorate.

4.6 - Topics for Overview and Scrutiny Committee work programmes are identified by the respective committee itself and based on a number of different considerations. These include an understanding of risks to the Council (e.g. failure to deliver the Shropshire Plan), employees, to service users themselves, and to communities. These may be identified through reviewing performance information and comparing with others, changes to national and local policies, budget information, feedback from customers/service users, feedback from partners/providers, and reports from regulators.

4.7 - During overview and scrutiny work evidence will be gathered that builds on this understanding to inform the development of conclusions and evidence-based recommendations.

5. Financial Implications

5.1 - Effective overview and scrutiny produces evidence-based recommendations. These can be informed by learning from best practice and an understanding of “what works” at other similar local authorities, as well as developing a robust picture of what the situation is locally, based on data, intelligence and insights. Where adopted, recommendations can help with the efficiency and effectiveness of services that can be delivered differently, as well as informing the development of current and new policies.

5.2 - There are no direct financial implications associated with this report. However, opportunities to develop how the Council undertakes overview and scrutiny in the future may benefit from a small budget. Whilst this will depend on how the development takes place this may include seeking input from external experts, carrying out meetings and engagement in communities and at venues relevant to topics, overview and scrutiny specific training and development, and accessing additional data and information that may need to be purchased.

6. Climate Change Appraisal

6.1 - All reports to Overview and Scrutiny committees, as with all council committees, include appraisals of the impact of the report content on climate change.

6.2 - Overview and Scrutiny Committee work programmes directly link to the Shropshire Plan priorities, including Healthy Environment which is built around climate change and carbon reduction, and the natural and historic environment.

6.3 - Climate change and carbon reduction related issues are directly identified in the remit and therefore focus of the Place Overview Committee i.e.

- delivery of the agreed lower carbon footprint and emissions targets, including air quality, by the Council and its partners;
- actions to protect, enhance and value Shropshire’s our natural resources and respect the historic environment;
- arrangements to safeguard and promote a clean and green environment;
- the delivery of work to reduce landfill and waste;
- management and development of the physical and digital infrastructure

7. Background

7.1 - During the Autumn 2022 the Council invited the Centre for Governance and Scrutiny (CfGS) to carry out a Scrutiny Improvement Review (SIR). The SIR report and proposals to change the number of overview and scrutiny committees from 5 to 4, and for there to be 11 Members on each committee was agreed by Council at their meeting on the 30 March 2023.

7.2 - Whilst work is underway to address all of the recommendations in the SIR report, there are some developments highlighted in this paper that will benefit from the mechanics of Overview and Scrutiny being updated, including within the Constitution.

7.3 - Collaborative working between the Group Leaders and Scrutiny Chairs has identified the opportunity to re-energise the ‘Scrutiny Chairs Group’ with a strong focus on the continuous improvement of Overview and Scrutiny, and to inform options to coordinate the work of the committees e.g. where more than one committee will be looking at the same

topic. It is important to remember that the Scrutiny Chairs meeting is not decision-making but has a key role in advising the Chief Executive on effective changes to scrutiny arrangements that the Council could implement.

7.4 - Each committee sets their own work programme and will identify and prioritise strategic, cross-cutting system focused topics where they are able to add value and support the delivery of the Shropshire Plan and statutory requirements. Whilst work programmes can and will be revisited by committees, the aim is to set them at the start of each year and that they inform the timing of work, and the resource requirements to support the work.

7.5 - The emphasis will be on the Members being supported to deliver the work programme, using approaches such as task and finish groups to investigate the topics and develop evidence-based recommendations. This is underpinned by fewer meetings of the committees, providing more time for the Members to look into the work programme topics; linked directly to the decision-making timescales set out in strategic plans and the forward plan.

7.6 - Topics that are included in the previous Overview and Scrutiny Committee work programmes, but have not started as pieces of work, can be included in the topics that will be considered and prioritised by the new committees, if those committees choose to do so.

7.7 - Where work is already underway through existing overview and scrutiny investigations, e.g. through task and finish groups, these pieces of work should be completed and reported back into the relevant committee. There are currently three ongoing live pieces of overview and scrutiny work underway:

- Rural Proofing in Health and Care Services (Health and Adult Social Care Overview and Scrutiny Committee to Health and Adult Social Care Overview and Scrutiny Committee)
- Social Housing Needs Assessment (Communities Overview Committee to Economy and Environment Overview and Scrutiny Committee)
- River Water Quality (Place Overview Committee to Economy and Environment Overview and Scrutiny Committee)

7.8 - The process of the committees setting their work programmes will include the identification of items for Member briefings that will form the Member Development programme. These will be topics and developments that Members and officers identify which Members need to be informed about and understand. Members may identify topics that can be considered for the committee work programmes as a result of the briefings.

7.9 - The new structures and approach to Overview and Scrutiny will be reviewed after 6 months of operation. This will fall during quarter 3 in 2023, and this timing would enable the outcomes of the review and options to continuously improve overview and scrutiny to be confirmed and in place from April 2024.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Local Member: All

Appendix

Proposed Amendments to the Constitution as it relates to Overview and Scrutiny.