

# Report to Overview and Scrutiny Committee



26<sup>th</sup> November 2018

By the Engagement of Overview and Scrutiny Task and Finish Group

Not Exempt

## Final Report of the Engagement of Overview and Scrutiny Task and Finish Group

### Summary

At the Overview and Scrutiny Committee on 4<sup>th</sup> June 2018 the Committee discussed the success of the new structure of Overview and Scrutiny in terms of the introduction of time limited task and finish groups which were set up to review suggestions for the scrutiny work programme as they arose. It was agreed that a task and finish group be established to review the effectiveness of the changes which were implemented in 2017.

The Engagement of Overview and Scrutiny Task and Finish Group was formed with the following Members: Councillors Brian O'Connell (Chairman), Paul Clarke, David Coldwell, Leonard Crosbie, Jonathan Dancer, Nigel Jupp, Lynn Lambert, Michael Willett and met for the first time on 28<sup>th</sup> August 2018.

### Recommendations

1. Introduction of three standing Working Groups.

### Terms of Reference

The following Terms of Reference were agreed by Members at the Group's first meeting:

- 1) How Scrutiny has worked over the past 12 months and confirm whether this formula should be continued until the end of the year
- 2) Consider any other options in relation to major items on the Cabinet Forward Plan or work of the Council i.e. the Budget or major schemes such as the Hurst Road development

3) Recommendations for a future structure of Overview and Scrutiny for the new Council year.

A further item was added to the agenda at the request of a member

4) To review S106

## **Report**

The main thrust of the discussions resulted in a general consensus from the group that while the changes implemented last year in respect of Overview and Scrutiny (O&S) groups/procedures has resulted in an agenda for O&S meetings being too extensive to properly discuss and analyse the information provided in any meaningful depth. To this end the O&S committee is not fulfilling its duty properly. It was generally agreed that a meeting of this nature should last no longer than two hours. To this end as directed in recent Scrutiny training the Chairman of the meeting must manage the meeting to achieve this outcome and also cover the business of the meeting.

The net outcome of the discussion that a revised procedure encompassing a mix of Task and Finish (T&F) groups and the resumption of three standing committees that could report to the main O&S Committee and pick out relevant points would be more productive, better engage the main committee, offer an opportunity for greater member involvement and enable the O&S function to be carried out in greater depth and detail.

### **1) Finance and Performance group**

The Finance and Performance Working Group (F&P) traditionally carried out detail examination of the quarterly reports provided by the Finance department. The current report that is now used has evolved as a direct result of many late meetings and many questions and queries raised as to the information provided. It is now widely recognised as an excellent report which provides adequate data for the members to question any particular element which may be of concern.

However, the true function of an F&P group should be far wider than just reviewing historical data. It should be involved in reviewing progress during the year on the Medium Term Financial Strategy. An update could be given to the group at each meeting. It should also be involved in the preparation of the budget. Again this would be via giving a presentation to the group of current progress being made during the year, maybe of things being currently considered or of the current policy objectives of the cabinet. This would give the F&P group an opportunity to have an overview which would give the members an opportunity to have a greater input. A very positive outcome and a change to current practices as all the O&S seminars have advised that O&S is not just to review historical facts or data but to have a positive input to future policy decisions and planning.

The Chairman of this group would be key to its success in managing the work programme. There would probably in reality be six meetings a year. Each meeting at two hours. Each meeting should have a varied agenda to incorporate all of the above terms of reference over the year. The agenda for the first meeting might for example have the first hour reviewing the financial data, the second hour could be used for discussion in respect the ongoing budget work. The next meeting might

have the first hour reviewing data and the second hour on the MTFs. It would be the duty of the Chairman to ensure that the meetings do not last more than two hours but that work programme was covered over the year.

This working group would ideally consist of up to five members but could also be open to all members. The Chairman would report to the main O&S group meeting. A group with this broader remit would encourage better attendance, the meetings would be more interesting as the scope would be broader than just trying to audit data with limited powers.

Within the remit of this group there could also be the opportunity to initiate smaller task and finish groups to deal with or scrutinise any particular queries that may be brought to the attention of the group or deal with any other items that may be brought forward as work suggestion and approved by the main O&S committee.

## **2) Community**

This group would be a new group evolving from social inclusion and health which was clearly very important to the members of the group. It was suggested that this group should now incorporate crime and disorder, health and wellbeing, crime and disorder, leisure and any other community issues which may be relevant. The structure and operation of the group should be as per previous comments made in respect of F&P group.

With the forthcoming possible introduction of a new housing company, the overview function for this project this would fall within the terms of reference of this group.

As with the proposed F&P group there should be circa 6 meeting a year or as dictated by the work programme, with ideally up to five members. Again these group meetings could be open to any member who may have a particular interest in any agenda item. This group would have a very broad scope which should produce very interesting meetings.

## **3) B.I.W.G. (Business Improvement Working Group)**

This working group would be re-instated. The now redundant B.I.W.G had a very broad scope. It looked at practices and procedures employed by the council usually in line with a recent events or actions and thoroughly investigated this and brought its recommendations forward to the main O&S group. It's main purpose was to investigate why decisions were made, if protocols and procedures were followed and if so to scrutinise the particular protocols and procedures to establish if they were fit for purpose or needed updating/amending in line with changes to policies or current situations. These should also include the council's business with external bodies. This function is a crucial part of the role of the Overview and Scrutiny function.

## **Summary**

The review of the Overview and Scrutiny function carried out circa 18 months ago and the changes to the standing working groups have in reality only partly achieved the initial objective. Meetings were being held which went on for hours. Member attendance was intermittent. The new operating procedures introduced last year

were designed to address these issues and to make O&S more effective with specific task and finish groups formed to deal with a specific item in a short period of time.

But what has resulted is that the main O&S Committee meeting now has far too big an agenda and the topics are not covered in the detail that they should be or as used to be the case when there were standing working groups. The benefit of the standing working groups is that they had the time to get into the detail of an issue and then report in summary form to main committee, who could also give direction to the working group. This produced much more detailed and in depth work from the working groups. Also the members of each of the working groups would build an expertise over time on the issues of that group.

It is acknowledged and accepted that there were too many working groups but the new system seems to have relegated the Overview and Scrutiny group to a spectator group as opposed to a group carrying out an Overview Function and Scrutinising the work of the Cabinet and officers. It was introduced with the introduction of the Cabinet system to maintain balances and checks. To do this efficiently it needs to be recognised as the most powerful committee within the council structure. It needs to be consulted when decisions are made before they are finalised and before they go to Cabinet and Council.

The introduction of PDAGS was seen to be the answer to some of the above issues highlighted. However, having consulted with many members outside this T&F group it would appear that there is a consensus that PDAG members feel that at these meetings they are advised of what is happening as if attending a seminar and not that they have any actual input to new policies being brought forward.

It is right and proper for a portfolio holder to have a trusted advisory group, but this advisory group cannot replace the Scrutiny Committee in reviewing policy changes/ new policies as the Scrutiny Committee has a much wider membership which gives it a broader view of the members and it is able to bring forward suggestions or recommendations with much more authority than an advisory group. The authority of O&S Committee is set out in the Constitution of which a few extracts are detailed below to highlight this fact;-

4.1 The Council “is responsible for the determination of the Budget and the Policy Framework and regulatory functions which are not the responsibility of the Cabinet.  
**The O&S Committee is a “regulatory function” of the Council.**

6.1 O&S Committee makes reports or recommendations to the Cabinet or Council in connection with the discharge of any function.

6.3.2 Policy Development & Review by O&S Committee assist the Council and the Cabinet in the development of the Budget and Policy Framework.

6.3.3. The O&S Committee and it’s Sub Committees may subject to the procedure rules in Part 4 of the Constitution “review and scrutinise the performance of the Council in relation to it’s policy objectives and performance targets and/or particular service areas.

This group recognizes that there is a place for task and finish groups but not solely on their own. They should be used alongside the proposed 3 standing working groups, to deal with work suggestions that may arise or as part of a working group as was the case when the BIWG reviewed S106 procedures and the structures of the planning department a few years ago.

The Group briefly discussed S106 monies held by WSCC and the interaction between Horsham District Council and West Sussex County Council. It was concluded that given the extensive scope required to carry out this review, a new task and finish group should be established to do this.

**Councillor Brian O'Connell**  
**Chairman of the Engagement of Overview and Scrutiny Task and Finish Group**

**Contact:** Daniela Smith, Lead Scrutiny and Committee Support Officer 01403 215138.