

## PART A

**Report to:** Overview and Scrutiny Committee  
**Date of meeting:** 21 November 2012  
**Report of:** Committee and Scrutiny Officer  
**Title:** Scrutiny Review

### 1.0 SUMMARY

- 1.1 This report sets out details of the review carried out on the scrutiny structures introduced in May 2011.

### 2.0 RECOMMENDATIONS

- 2.1 that the Executive Decision Progress Report, attached as Appendix 1, be approved and included as a regular report to Overview and Scrutiny Committee with immediate effect.
- 2.2 that the revised Scrutiny Proposal Form, attached as Appendix 2, be approved and used with immediate effect.
- 2.3 that Overview and Scrutiny Committee reviews the information contained in this report and consider whether there is any further action required.

**Contact Officer:**

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**Report approved by:** Carol Chen, Head of Legal and Property Services

### 3.0 **BACKGROUND**

- 3.1 The current scrutiny structure was introduced for the first time in May 2011, following initial approval by Council at its meeting on 17 November 2010.
- 3.2 Following the Council meeting the Constitution Working Party was tasked with carrying out further consideration of a new scrutiny structure. The work was carried out over two meetings, where the discussion included the future structure of scrutiny and the remuneration of the various scrutiny Chairs and the Overview and Scrutiny Committee's Vice-Chair.
- 3.3 The final proposals for the new scrutiny structure were given final approval by Council at its meeting on 25 May 2011 and took immediate effect.
- 3.4 The new structure comprised the over-arching Overview and Scrutiny Committee, Budget Panel and the Community Safety Partnership Task Group, which is a statutory requirement.
- 3.5 Staffing arrangements
- Prior to 1 April 2011 there was a dedicated scrutiny team located in Corporate Services, which comprised the part-time Scrutiny Manager and a Scrutiny Support Officer, and a separate committee team, comprising the Democratic Services Manager and two Democratic Services Officers, located in Legal and Property Services.
- 3.6 Under this arrangement the scrutiny team prepared and presented the reports to the various scrutiny committees and Task Groups. The Democratic Services Officers published the agendas, circulated the agendas and reports and attended the scrutiny committees and produced the minutes for the meetings. With regard to Task Groups, the Democratic Services Officers were only responsible for publishing the agendas and minutes on the Council's website. They did not attend Task Group meetings.
- 3.7 As part of service prioritisation the scrutiny function was transferred to Democratic Services and combined with the committee posts. The number of officers was reduced from 3.5 full-time equivalent posts to 3. The new posts were one Committee and Scrutiny Officer and two Committee and Scrutiny Support Officers. The officers are responsible for all aspects of the scrutiny function, writing and preparing reports; collating and producing the agenda; attending the meetings; presenting reports; writing the minutes and carrying out any required actions. The officers are also responsible for managing other committees allocated to them.
- 3.8 Due to the combined roles, it is felt that a maximum of two Task Groups can be carried out at any one time. However, since the introduction of a new permanent Scrutiny Panel to look at Outsourced Services (see Section 4), the team's capacity only allows for one review to take place at a time. Officers together with the Democratic Services Manager monitor the team's capacity on a regular basis.

#### 4.0 **NEW SCRUTINY PANEL**

- 4.1 In 2011/12 a Task Group was set up to consider the Way Ahead for Council Services following a scrutiny topic suggestion by the Managing Director. The Task Group presented its final report, including three recommendations, to Overview and Scrutiny Committee on 7 March 2012 and it was forwarded to Cabinet for its meeting on 20 March 2012.
- 4.2 The Task Group's second recommendation proposed –
- "That there should be greater non-executive scrutiny of outsourced contracts. A politically balanced panel should be established to scrutinise all outsourced services on a regular basis. The panel would be a sub-group of the Overview and Scrutiny Committee."
- 4.3 This recommendation was subsequently endorsed by Cabinet at its meeting in March 2012.
- 4.4 The Committee and Scrutiny Officer emailed all Councillors on 22 May 2012 and invited non-executive members to express an interest if they wished to participate in the new Outsourced Services Scrutiny Panel.
- 4.5 The Committee and Scrutiny Officer presented a report to Overview and Scrutiny Committee seeking a decision on the number of Councillors making up, the membership based on political balance and the draft terms of reference.
- 4.6 Overview and Scrutiny Committee agreed that the new Scrutiny Panel would comprise five Councillors.
- 4.7 The first meeting of the Outsourced Services Scrutiny Panel took place on 18 September 2012. As it is a sub-committee, Overview and Scrutiny Committee is informed when meetings of the Outsourced Services Scrutiny Panel have taken place. The Scrutiny Panel's agenda and minutes are published on the Council's website.

#### 5.0 **THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012**

- 5.1 The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 came into effect on 10 September 2012. This effectively abolished the Forward Plan and replaced it with a 28 day notice of all Executive key decisions and Officers and all Executive Part B (confidential) decisions, including non-key decisions.
- 5.2 The Forward Plan has therefore been replaced with the 'Notice of Executive Key Decisions and Executive Decisions which are confidential under the terms of the Local Government Act 1972 Schedule 12A'.
- 5.3 The new Notice is published as necessary rather than the monthly basis for the Forward Plan; this is in order to ensure that proposed decisions are included in the notice in sufficient time. If a proposed decision misses the 28 day deadline, it can only

proceed following notification to the Chair of Overview and Scrutiny Committee or with their permission if the decision has to be treated as urgent.

- 5.4 The regulations also states that a member of an overview and scrutiny committee is entitled to any information relating to a decision-making body of the authority as soon as reasonably practicable and in any event no more than 10 days later. However, this does not apply to exempt or confidential information unless the Member is reviewing or scrutinising the decision. If the Executive determines that the member of Overview and Scrutiny Committee is not entitled to the information a written explanation must be given.
- 5.5 If the Overview and Scrutiny Committee considers that a decision was not classified as a key decision, it can require the Executive to submit a report to Council within a reasonable amount of time. The report should set out the particulars of the decision, the decision-maker and if the Executive consider the decision to be non-key the reason for that opinion.
- 5.6 The Council's Constitution has been updated by the Head of Legal and Property Services to reflect the new Regulations (Access to Information: Exempt Information Procedure Rules). The Council's Constitution is available on the Council's website.
- 5.7 Forward Plan report to Overview and Scrutiny Committee
- The Committee and Scrutiny Officer regularly produced a report setting out the changes to the Council's Forward Plan since the previous Overview and Scrutiny Committee meeting. The report was set out in the standard committee report format. It involved comparing between two and three editions of the Forward Plan and noting any new additions, any changes and any items that had been deleted. This was often a time consuming process.
- 5.8 Prior to the new Regulations being introduced, the Democratic Services Manager and Committee and Scrutiny Officer discussed changing the report and producing the information in a different format. The result of this work is the Executive Decision Progress report (attached as **Appendix 1**).
- 5.9 The new report sets out proposed key decisions to be taken by the Executive, all key and non-key decisions taken by Cabinet, key decisions taken by Portfolio Holders and officers and all exempt and confidential Executive decisions. The table includes a column where any comments about a decision can be included. For example, it will include confirmation whether or not an executive decision had been called in or if there were any changes to the planned date on which a decision was to be taken. It will also indicate when the Chair of Overview and Scrutiny Committee has been contacted to seek approval for an urgent decision to be taken by the Executive. All new items added to the report will have an indicator in the status column.
- 5.10 The new report will begin in May of each year and include any carried forward items from the previous year which still needed to be taken. It will finish at the end of the Municipal Year.
- 5.11 The new report will enable Overview and Scrutiny Committee to review proposed decisions to be taken and all decisions as set out in paragraph 5.9 above. In line with

the new Regulations it will also enable Members to consider whether the key decision procedure has not been followed and requires a report to be submitted to Council.

- 5.12 Overview and Scrutiny Committee is asked to consider this new report and approve it as a regular item on the Scrutiny Committee's agenda.

## 6.0 **SCRUTINY PROPOSAL FORM**

- 6.1 The Democratic Services Manager and the Committee and Scrutiny Officer have reviewed the Scrutiny Proposal Form which was introduced in May 2011. A number of changes have been made to the new form as shown in **Appendix 2** and explained in more detail below. The finished document will form a complete record of the scrutiny review.

### 6.2 Section 1 – Scrutiny Suggestion

Section 1 will be provided to anyone wishing to propose a topic for scrutiny. It is very similar to the current form, but does include a few changes. Examples have been added to aid the completion of the form. The additional requested information will help the Task Group should the proposal be agreed by Overview and Scrutiny Committee.

### 6.3 Section 2 – Consultation with relevant Heads of Service

This section of the form is largely unchanged. There has been one additional question which asks whether there is any current or proposed review of the service which might have an impact on the scrutiny suggestion. This should highlight any potential service re-designs which may affect a scrutiny review. Sections 1 and 2 will be presented to Overview and Scrutiny Committee for it to consider whether to agree to a scrutiny review.

### 6.4 Section 3 – Follow up Actions

This section will be completed by the Committee and Scrutiny Officer following Overview and Scrutiny Committee's decision whether or not to proceed with the suggested topic. It will include a reason should Overview and Scrutiny Committee decide not to accept a proposed topic. The agreed membership will be included and an anticipated completion date set by Overview and Scrutiny Committee. This will ensure that reviews are carried out in a timely manner and not prolonged, thus enabling more reviews to be carried out.

### 6.5 Section 4 – Completion of the review

The final section will include details of when the review has been completed and the dates the final Task Group report was presented to Overview and Scrutiny Committee and to the Executive. It will also record when the final report was forwarded to all participants in the review. The final part of this section will set out proposals for ongoing monitoring.

- 6.6 Overview and Scrutiny Committee is asked to review the revised scrutiny proposal form and approve it for immediate use.

## 7.0 ANNUAL SCRUTINY SURVEY 2011/12

7.1 The 2011/12 annual scrutiny survey sent to officers and Councillors incorporated a question asking whether the person responding had any suggestions for the improvement of scrutiny in the future. The survey sent to other attendees also sought views on areas that could be developed in the future. The responses are shown below with details of how officers are taking the comments on board, where appropriate.

### 7.2 Councillors' Responses to the Scrutiny Survey 2011/12

There were 11 responses from Councillors. The responses included references to training, clearer aim of scrutiny, updating others in group meetings and the need to be open. Here are extracts of some of the key points raised, with officers' responses in italics –

- “It needs to attract subjects for scrutiny from a wider community of both councillors, Watford Borough officers and the wider public.”

*If the new scrutiny proposal form is approved by this committee it will be added to the Council's website on the scrutiny pages. It will be circulated to all Councillors and included as part of the New Members' Induction and added to the Intranet to enable it to be accessed by all officers.*

- “Updates from members at group meetings on findings and actively encourage members to suggest topics at those meetings.”

*This is not for officers to implement.*

- “More training for chairs/vice chairs.”

*Officers continually check for suitable training courses for all Councillors. When courses are identified the Member Development and Civic Officer informs all Councillors of the courses. If officers are unable to identify suitable courses they would approach the training broker with the requirements.*

- (i) “Make part of the Induction process for new councillors; include a compulsory briefing on scrutiny so that all councillors understand the importance of scrutiny in their role; make sure ALL Councillors have to attend scrutiny courses or briefings every couple of years.”

(ii) “A clearer aim to all and what purpose it serves to be made available to all Councillors.”

*As part of the Democratic Services Team presentation to the new Councillors at their induction, there was a short section on scrutiny and its role in the Council. All new Councillors were provided with a copy of the scrutiny proposal form.*

*The Committee and Scrutiny Officer attended the new Councillors follow up induction on the 22 October and provided a presentation on scrutiny and the structure at Watford Borough Council. Those present were provided with a copy of the presentation and the current Scrutiny Proposal form.*

*The Committee and Scrutiny Officer is planning to produce a scrutiny information pack or booklet. This will include an introduction to scrutiny and its role in the Council; the current scrutiny structure and information on questioning skills. She is also developing a library of scrutiny related documents and books which all Members will be able to access.*

- “I am not sure that the overview committee is an improvement on the old system. One political group has been excluded from the overview committee. I am not sure this is good for the credibility of the scrutiny process.”

*Overview and Scrutiny Committee is a politically balanced committee and has to reflect the political make up of the Council; if the political make up of the Council changes then the political make up of committees reflects those changes. All Members are entitled to attend any council meeting and if agreed by the committee ask questions.*

*Although not all political groups may be represented on the politically balanced scrutiny committees and panels, Task Groups are open to all non-executive councillors as they are not politically balanced. When Overview and Scrutiny Committee agrees to set up a new Task Group, the Committee and Scrutiny Officer contacts all Councillors inviting non-executive members to put their names forward if they wish to participate in the review. The list of interested Councillors is then provided to the Overview and Scrutiny Committee for approval.*

- “Task Groups need to be party to all the information needed to make a decision.”

*The Democratic Services Team agrees with this comment and will endeavour to ensure this happens.*

- “Scrutiny seems to be always playing catch-up, reacting to events rather than engaged in the activities of the council and decisions it takes at the time. I think scrutiny could be more effective if elected members had a more proactive real time role in council decision making process.”

*Officers feel that scrutiny has begun to be more proactive. For example in 2011/12 the Way Ahead for Council Services Task Group considered various service delivery options and governance mechanisms. Its findings were forwarded to Cabinet. The three recommendations were endorsed and have been taken on board by the Council.*

*This year a Task Group was set up to consider the draft Voluntary and Community Sector Commissioning Framework prior to officers presenting the final version to Cabinet in October. The Task Group commented on the*

*draft prior to it being issued for consultation and has reviewed the priorities proposed by officers and made comments. The Task Group's final report incorporating its conclusions and recommendations accompanied the officers' report to Cabinet seeking approval for the new Commissioning Framework. A report is included elsewhere on this agenda including the Cabinet's decision.*

- “Appointment of competent and capable chairs, regardless of party, seems to be the key!”

*The Committee and Scrutiny Officer and other Democratic Services Officers are happy to work with all councillors. Meetings can be held with chairs and vice chairs to discuss meeting programmes and any other scrutiny related subjects.*

### 7.3 Officers' responses to the scrutiny survey 2011/12

There were three responses from officers suggesting improvements, which are highlighted below. Democratic Services' responses are shown in italics.

- (i) “By only appointing diligent Chairs and Vice-Chairs of Committees.”  
(ii) “Needs a strong, effective and committed chair.”

*Officers have no role in the appointment of Chairs and Vice-Chairs as these are appointments agreed by Members either at Annual Council or at the first meeting of a Panel or Task Group.*

*As indicated in the previous section, Democratic Services Officers are happy to work with Chairs and Vice-Chairs in their role and to help identify any training they may wish to undertake.*

- “Perhaps more guidance and structure to the scrutiny topics by increased pre work with the Chair and the team to understand concerns and develop the topic area to make things more meaningful and linked to the key corporate objectives.”

*The current scrutiny proposal form requires the person proposing a scrutiny topic to provide an indication of their expectations of the review. The form also requires a topic to be linked to one of the Council's priorities. This continues in the latest version of the form referred to in section 6 of this report. Both versions of the form require the relevant Head of Service to comment on the proposed topic and these comments are included in the report to Overview and Scrutiny Committee. The proposal form then sets the basis for the scope for the review.*

*Task Group Chairs are usually elected at the first meeting. It would therefore be difficult to have discussions with one councillor prior to the first meeting. The Democratic Services Team liaise with the relevant service prior to the start of the review and identify some of the initial work which needs to be carried out. Following the appointment of the Chair regular*



*meetings can be arranged to discuss the format for further meetings. Usually Task Groups will agree at the end of one meeting the area to be covered at the next and which officers, executive members or witnesses should be invited to attend. They will often agree questions to be forwarded to witnesses in preparation for the next meeting.*

#### 7.4 Attendees responses to the scrutiny survey 2011/12

In total four people responded to the attendees' survey. They were asked for views on their experiences at the meetings. Their responses are highlighted below with further comments from Democratic Services in italics.

- “Short briefing note on purpose of our attendance.”

*Officers agree with this comment. A briefing note is usually prepared and forwarded to attendees for the next meeting but officers will work to improve this in the future.*

- “As a participant I am not aware of if and how comments from the group were taken on board.”

*Officers accept this criticism. It has been agreed that in future all participants at a meeting will receive a copy of the meeting's minutes and a copy of the final report.*

- “I've attended the scrutiny committee twice now and I'm still unclear about the committee's purpose or how it achieves whatever it is trying to do. Similarly, I'm unclear about how the committee feels about the evidence/information provided as part of the process, or about the outcome of any decisions taken in response. It's possible that the minutes of these are stored on the Borough Council's website, but it would be useful to have them circulated to those who've given their time to be in attendance.”

*Both the previous officers' comments are relevant to this viewpoint. Democratic Services Officers will also need to ensure that the Task Group clearly set out their conclusions at meetings and recommendations where appropriate. The officers recognise the important support provided by these external organisations and people.*

### 8.0 **OVERVIEW AND SCRUTINY COMMITTEE CHAIRS' VIEWS**

#### 8.1 Councillor Mark Watkin – Overview and Scrutiny Committee Chair 2011/12

“I had the honour to chair the newly formed Overview and Scrutiny Committee in 2011/12. Not only did the Council signal a new approach to Scrutiny by forming this overarching body which would establish Task Groups to carry out the detailed work, but the way the scrutiny process was to be supported by officers was completely changed. Not surprisingly it took some time to get up to speed while we questioned what had been done before and established the new procedures and objectives. The detailed report from the Committee and Scrutiny Officer describes what was achieved.

I hope that now the system for scrutiny has been established both council officers, local organisations and members of the public will take the opportunity to submit suggestions for review. I want to end by thanking our officers under the leadership of the Committee and Scrutiny Officer and all the members who served on the overarching committee or on the task groups.”

## 8.2 Councillor Karen Collett – Overview and Scrutiny Committee Chair 2012/13 and Hospital Parking Charges Task Group Chair 2011/12

“In 2011, I proposed that a task group be set up to review ‘Hospital Parking’ and its high charges. I felt passionate that the people of Watford deserved to have a fair system in place as it was clearly something that they were concerned about. In July I took on a Chairing role of the task group and I was fortunate to have Councillors on board who were enthusiastic to deliver a positive outcome.

I was delighted that the 9 recommendations were agreed by the Overview and Scrutiny Committee as they covered many aspects such as, lower charges, pay on exit, clearer information on concessions and improved signage showing patients and visitors where to park. The final approved report was then circulated to the hospital representatives and I sincerely hope that these recommendations are seen as a way of improving parking services and highlighting the importance of customer care.

In June of this year I became Chair of the Overview and Scrutiny Committee and this is a role that I highly value. I enrolled in some training with the Centre for Public Scrutiny (CfPS) and this has heightened my enthusiasm for a balanced and effective voice. Our committee is a ‘Critical Friend’ one that enables the concerns of the public to be heard. ‘Perception can be stronger than facts’ and it is our responsibility to investigate and communicate the actualities. We are dealing with passionate issues, and so the need for transparency, culpability and engagement is significant.

I feel that it is essential for Councillors to engage in Scrutiny training and embrace the new arrangements. These arrangements have restored key decision making to our elected members, not only for their wards but for the whole of the Borough. I am sure you will agree with the support of our professional officers we can truly make a difference to the people of Watford.”

## 9.0 **IMPLICATIONS**

### 9.1 **Financial**

9.1.1 The Head of Strategic Finance comments that there are no financial implications arising directly out of this report.

### 9.2 **Legal Issues** (Monitoring Officer)

9.2.1 The Head of Legal and Property Services comments that any major changes suggested by the committee on how scrutiny operates will need to be forwarded to Council as a recommendation

### 9.3 **Potential Risks**

9.3.1 No potential risks have been identified.

#### Appendices

Appendix 1 – Proposed Executive Decision Progress Report

Appendix 2 – Revised Scrutiny Proposal Form

#### Background Papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

Reports and minutes of the following meetings

- Council – 17 November 2010 and 25 May 2011
- Constitution Working Party – 31 January 2011 and 30 March 2011
- Overview and Scrutiny Committee – 7 March 2012 and 20 June 2012
- Cabinet – 20 March 2012

All reports and minutes are available on the Council's website –  
<http://watford.moderngov.co.uk/mgListCommittees.aspx?bcr=1>

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Results of the Annual Scrutiny Survey 2011/12

#### File Reference

None