

SLOUGH BOROUGH COUNCIL

REPORT TO: Overview & Scrutiny Committee **DATE:** 31 March 2011

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IMPROVEMENTS TO OVERVIEW AND SCRUTINY

1 Purpose of Report

The revised Scrutiny structure, streamlining arrangements for Panels and their clerking were approved by Overview & Scrutiny (OSC) in January 2011; these are being presented to Council on 19 May 2011 for final approval and ratification.

The purpose of this report is to consider how best to ensure the continuing improved effectiveness of scrutiny and whether new initiatives and change might be introduced, particularly to the format of meetings, to make the whole of the scrutiny process going forward more focussed and robust.

2 Recommendation

The Committee is requested to consider the content of this report and make individual or combined recommendations.

3 Community Strategy Priorities

The Council's decision making and the effective scrutiny of it underpins the delivery of the Council's Community Strategy Priorities.

4 Other Implications

Financial

None

Human Rights Act and Other Legal Implications

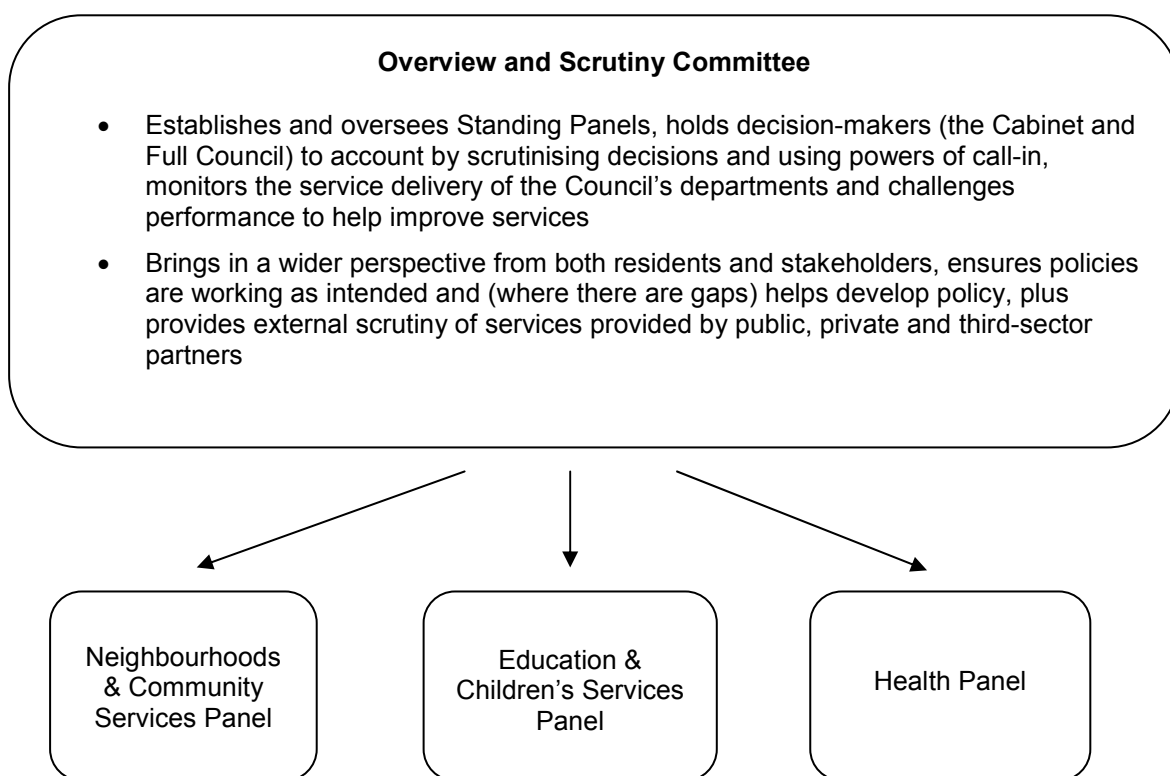
There are no Human Rights Act implications. The proposals comply with the legal requirements for Scrutiny.

5 Supporting Information

- 5.1 Overview & Scrutiny was introduced as part of the modernisation of local government deriving its powers from Section 21, Part II of the Local Government Act 2000. This requires local authorities operating under executive arrangements (i.e. leader and a

cabinet) to create at least one Overview and Scrutiny Committee (OSC) consisting of non-executive (i.e. non-cabinet) elected members. The OSC's function is to review and scrutinise the decisions and actions of the executive or the authority and to make reports or recommendations accordingly. OSC may also make reports and recommendations on matters affecting the local authority's area or its inhabitants. The structure and the way OSC operates is meant to be self-governed (i.e. it is up to each local authority and the elected members of that authority to determine the way it operates). This is then set-out in the Constitution of the Council.

5.2 Subject to final approval and ratification at Council on 19 May 2011, the structure of OSC at Slough Borough Council (SBC) from the new municipal year onwards, will be as follows:



5.3 The choice of setting-up the two additional panels considering Neighbourhoods & Community Services and Education & Children's Services is at the discretion of SBC. However, the remit of the Health panel is established to carry out the statutory functions of the Health and Social Care Act 2001 (Section 7) which requires review and scrutiny of local National Health Service (NHS) provision as well as wider health issues.

5.4 The Health and Social Care Bill 2011 (currently at committee stage) brings together recent White Papers. Under this Bill, Primary Care Trusts and Strategic Health Authorities are due to be abolished with an NHS Commissioning Board and GP Consortia being created. Public Health will transfer to local authorities and, under the new proposals, local authorities will be required to create Health and Wellbeing Boards which will be responsible for the stewardship and setting the local direction of health services. The challenge for Health scrutiny will be how to interpret the provisions for accountability within the Bill both in the transitional period and the future.

- 5.5 The Police and Social Care Bill 2010 replaces police authorities with directly elected Police and Crime Commissioners. The aim is to improve police accountability with a new Police and Crime Panel, represented by elected members from each local authority, covered by a Police area. The Thames Valley area, for example, which has 18 local authorities will have a panel of 18 elected members.
- 5.6 As a result of 5.4 and 5.5, there will be an opportunity for scrutiny to assist and input into future democratic arrangements on Health and Wellbeing Boards and Crime & Police Panels so that the separate strands of accountability are brought together.
- 5.7 At present, the Local Government and Public Involvement in Health Act 2007 provides enhanced powers to Scrutiny whereby certain public services have a “duty to co-operate” and respond, as required, including: District councils, The Environment Agency, Natural England, Fire and Rescue authorities, Jobcentre Plus, The Health and Safety Executive, The Broads Authority, National Park Authorities, Youth Offending Teams, Police authorities, Transport for London, Chief Officer of Police, Local Probation Boards, Probation Trusts and other providers of probation services, Primary Care Trusts, National Health Service Trusts, NHS Foundation Trusts, Joint Waste Authorities, Joint Waste Disposal Authorities, RDAs, The Learning and Skills Council, Sport England, English Heritage, Arts Council, Museums Libraries and Archives Council, Highways Agency, Metropolitan Passenger Transport Authorities and other bodies which may be added by the Secretary of State (by Order). The government has announced the abolition or disbanding of some of these bodies; it is not yet known whether the new local enterprise partnerships (LEPs) will also be subject to Scrutiny.
- 5.8 An SBC Democratic Services Officer and the Council’s dedicated Scrutiny Officer currently attend the Committee and all Panel meetings. From commencement of the new municipal year, clerking by Democratic Services will only be undertaken for the two statutory required bodies (OSC and the Health Panel). Clerking support for, and attendance at, the two additional Panels will be undertaken by the Scrutiny Officer only.
- 5.9 Consideration has been given to good practice detailed by CfPS (the Centre for Public Scrutiny), the structure and formats operated by other local authorities and input provided by (with suggestions from) SBC elected members. Whilst this list is not necessarily comprehensive, it is intended to stimulate discussion and debate. Members might like to consider:
- a) That the main OSC and each Panel creates their own clear, structured work programme which, ideally, should be the mainstay of the relevant committee/panel for the ensuing municipal year.
 - b) That Performance Reports and the associated data is provided only to the main OSC and not to each Panel unless scrutiny of a specific matter is considered necessary by OSC and referred to the relevant Panel.
 - c) That the number of papers and subject matter considered at each meeting be reduced to three or four at most to ensure focussed consideration given to each.
 - d) That a five minute slot only be allocated for consideration of papers “to be noted” so that if scrutiny is considered necessary these are sent back for clear guidance and recommendations for consideration at a future meeting.

- e) That the relevant Strategic Director(s) and/or Assistant Director(s) be allocated a ten minute slot at the beginning of each meeting to answer specific queries or questions (which are likely to have been notified in advance) being raised by members of the committee/panel that relate to pertinent, topical issues affecting their directorate, the panel and the local area. It is suggested that for OSC this should be two Strategic Directors including, ideally, the Chief Executive and the Director of Resources / Deputy Director of Resources.
- f) That each agenda is member led and incorporates indicative time guides for each item. The intention is to give each item a clearly defined amount of consideration time and, if it is felt further scrutiny is necessary, then the item may be considered further at a future meeting.
- g) That a more varied and agreed format be implemented for the scrutiny of subject matter as opposed to the now routine PowerPoint presentation format and that when guests are invited to attend the relevant committee/panel's requirements are made known to them in advance so there is no confusion as to what is expected of them.
- h) That the standard question response form already created is used more frequently allowing the faster flow of meetings and follow-up responses to be issued accordingly.
- i) That the location of Scrutiny is varied with more meetings held locally in the community as opposed to at the Town Hall or SBC offices. Although the meeting format would be formal and follow agreed protocol, this would embellish on the Scrutiny Surgery format introduced two years ago and would encourage greater engagement by local residents.
- j) That a clear, dedicated listing of Scrutiny meetings and headline subject matter to be considered at those meeting, be included within the Council's website and publicised widely elsewhere.

5.10 That the Scrutiny officer, in conjunction with Organisational Development, devises and undertakes a comprehensive Scrutiny training programme both for newly elected members and as a refresher for existing members. The aim of this is to advise on good practice, explain Scrutiny's remit and how best it may be implemented and used by elected members and to consider constantly possible meeting format changes to ensure it remains relevant and effective.

6 Conclusion

The ideas outlined in this paper should help to provide some small efficiencies and also effectiveness with sharper, more focused scrutiny. The proposals should not diminish the role of scrutiny but, instead, allow for better use of time and resources to support this vital function. In addition, they are for consideration by members and may be refined from time to time to ensure scrutiny remains effective and fit for purpose.

7 Background papers

None