

DERBY CITY COUNCIL

A Review of Derby City Council's Overview and Scrutiny Function

Report of the Scrutiny Management Commission

April 2005

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Review of Derby City Council's Overview and Scrutiny Function

Executive Summary and Recommendations

This report details the outcome of the Scrutiny Management Commission's (SMC) topic review of the Council's Overview and Scrutiny structure.

The objectives of the review were to:

- a) Address the perceived areas of weakness in the Council's Overview and Scrutiny system, as identified by Members from all three political groups during discussions at previous SMC meetings and referred to in the 2004 Annual Report.
- b) Consider whether improvements might be made to the Overview and Scrutiny system in the light of the Council's two and a half years experience of Overview and Scrutiny.

There were two distinct elements to the review. The first element, entitled 'So What's Happened Since?' considered the reviews already undertaken by the Commissions. The intention was to see whether the recommendations arising from the Commissions' previous reviews had been implemented, and if they had, to look at the impact on service delivery of implementing the recommendations.

The second element was a broad review of the Council's Overview and Scrutiny function and was aimed at identifying any alternative or revised Overview and Scrutiny arrangements that would be durable for at least three years and could be implemented on a consensual basis. This element of the review included a Cabinet/Scrutiny Workshop that was facilitated by IDeA, and an assessment of the scrutiny arrangements of three local authorities that were identified by IDeA as possessing a range of scrutiny strengths.

The outcomes of the first element of the review were somewhat mixed. The SMC working group that carried out the review looked at the way in which the recommendations of five previous reviews had been implemented. The working group interviewed the members and officers associated with each of the reviews and found that in many cases, recommendations had been adopted and there had been good progress with implementing them. For one of the reviews there had however been significant delays in the adoption and implementation by the service department of the Commission's recommendations, and Commission members felt that their views had been too lightly disregarded.

The IDeA Cabinet/Scrutiny Workshop which formed part of the second element of the review concluded that the Council should consider:

- Improving the engagement of the Cabinet and scrutiny through structured yet informal, regular meetings and the greater involvement of Cabinet members in scrutiny items
- Realigning the focus of scrutiny by improving scrutiny's emphasis on the Council's priorities
- Transparently conducting a review of the current structure of scrutiny Commissions in order to ensure that this structure is 'fit for purpose'
- Concentrating on improving the impact of scrutiny by improving the outcomes from scrutiny items and making closer links to tangible improvements in Council services
- Examining current members skills to ensure that scrutiny members have, or are developing, the appropriate skills to undertake scrutiny effectively

The visits by Overview and Scrutiny Co-ordination Officers to the local authorities identified by IDeA also provided much useful information for the review. This information was used when developing the range of Overview and Scrutiny structure options that are set out in Section 5 of the report.

The draft report of the review was considered by the Scrutiny Management Commission at its meetings on 22 March and 19 April and by a working group of the Commission that met on 12 April 2005. Having considered the information contained in the report the Scrutiny Management Commission has made the following recommendations:

Recommendation 1

The engagement between Cabinet and the Scrutiny Commissions should be improved. It was considered that this could be achieved by:

- Regular informal meetings between Scrutiny Chairs, Vice Chairs and Commission members and the relevant Cabinet members
- Cabinet members explaining to the Commissions why recommendations had not been adopted or had been amended
- Cabinet members spending more time with the Commissions, answering questions and explaining Cabinet policy
- Relevant Cabinet members attending the first Commission meeting of the Municipal Year to inform members of Cabinet priorities, provide performance summaries and details of inspections, etc

- Reinforcing the need for mutual respect between the Cabinet and Commissions and mutual recognition of the value of their roles in ensuring effective decision making

Reasons 1

The Working Group considered that better engagement between the Cabinet and the Commissions would:

- Reduce conflict
- Improve the focus of the Commissions
- Assist Commissions in prioritising their work
- Add value to the Council's decision making processes

Recommendation 2

The Commissions should increase their involvement in scrutiny. It was considered that this might be done by reducing the emphasis currently placed on topic reviews and giving more attention to scrutiny. Methods of achieving this include using performance management information more effectively and conducting scrutiny reviews on the outcomes of previous decisions.

Reasons 2

Increasing the level of scrutiny would:

- Improve the Commissions' effectiveness in holding the Cabinet to account
- Improve the response of the Commissions to issues affecting Derby people
- Enable Commission members to develop new skills
- Raise the profile of scrutiny by enabling the Commissions to engage in issues that were seen by the public as locally topical and important
- Improve the quality of service delivery

Recommendation 3

The Commissions should review their work processes with a view to improving outcomes and the linkages to Council priorities. This might be done by:

- Selecting agenda items and topics for review on the basis of their overall importance and the value that the Commissions will gain or add by considering them
- Giving higher priority to the consideration of matters that relate to the Council's priorities
- Holding informal all-Commission pre-meetings before business meetings in order to exchange information and explore options relating to agenda items
- Routinely requesting update and feedback reports from Cabinet and Chief Officers on the items considered by the Commissions

Reasons 3

The time that Commission members can devote to the Overview and Scrutiny process is a scarce resource. In order to use that time effectively the Commissions must concentrate on those issues that are important to Derby people and the Council as a whole. Commissions must avoid being sidetracked into spending time on 'rubber stamping' exercises or on issues where they cannot add or gain significant value, even though such activities might be suggested by Cabinet or Chief Officers.

Recommendation 4

The Commissions should:

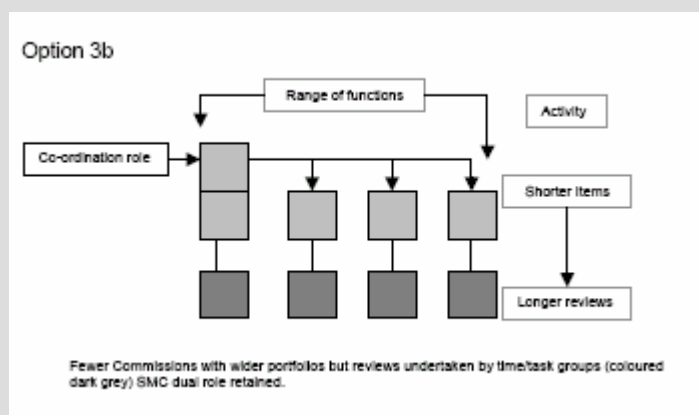
- Identify the skills needed by Chairs and members to deliver effective scrutiny
- Prepare training programmes designed to address any skill shortages they identify

Reasons 4

Effective scrutiny requires a particular range of member skills. By providing training in those skills it should be possible to improve the standard of scrutiny delivered by the Commissions.

Recommendation 5

- a) The number of commissions should be reduced from six to four and that the structure should broadly follow that of option 3b in the Review report – see diagram below.



- b) In order to promote better relations with Cabinet and to improve the accountability of Cabinet, each Commission should be linked with two Cabinet portfolios.

Reasons 5

- Having fewer Commissions will mean fewer committed meeting dates which will free up diary pressures and allow for greater focus on the priorities of the Council, as recommended in the IDeA report.
- Fewer Commissions will allow a greater concentration on the Council's objectives and priorities and enable effort to be targeted on areas that have the greatest impact on improving Council services and are of greatest public concern. Agendas and reviews can be organised for maximum effectiveness.
- In combination with the other recommendations, particularly with regard to improving relations with Cabinet, the slimmer structure will be more effective and focused, and allow more time for effective decision making.
- With fewer meetings, it will be easier to meet the needs of Members in full time employment who cannot attend daytime meetings.
- The structural changes should strengthen the work of the Commissions and to make the Cabinet more accountable.

Note: Recommendation 5 was the result of a vote at the SMC meeting on 19 April 2005. Two proposals were considered. The Labour Group proposal was to retain the existing six Commissions. The voting was split evenly with seven for and seven against each proposal but the Liberal Democrat/Conservative proposal was carried on the basis of the Chair's casting vote.

1. Introduction

The Council's Constitution was adopted in December 2001 and created six Overview and Scrutiny Commissions. There was a small reconfiguration of the Overview and Scrutiny structure in May 2003, achieved with cross-party agreement. No changes were put to the June 2004 Annual Meeting as it was anticipated that a review of the Council's Overview and Scrutiny function would be undertaken by the Scrutiny Management Commission within a reasonable timescale.

At the time of writing of this report Derby City Council's Overview and Scrutiny structure was as shown in Figure 1 on page 4.

The IDeA and local government academics agree that a goal for local authorities should be parity of esteem between Overview and Scrutiny and the Executive (Council Cabinet). In Derby, Members from all three political groups had aired concerns about the impact of scrutiny. Overview and Scrutiny is a very labour intensive activity, with many hours invested in topic evidence gathering for reviews and in producing reports. With over two years of Overview and Scrutiny experience now behind them, members sought reassurance that the process had been was productive and wished to identify improvements to the structure that could build on current strengths.

Some Members had also expressed concerns that the number and size of the Commissions and that the current level of Overview and Scrutiny activity in Derby City Council might prove to be unsustainable.

To address these concerns, the Scrutiny Management Commission resolved at its meeting on 14 September 2004 to conduct a topic review entitled 'The Achievements and Organisation of Overview and Scrutiny in Derby'. Subsequently, at its meeting on 26 October 2004, the Scrutiny Management Commission (SMC) approved the scoping and methodology report for a review of Derby City Council's Overview and Scrutiny function.

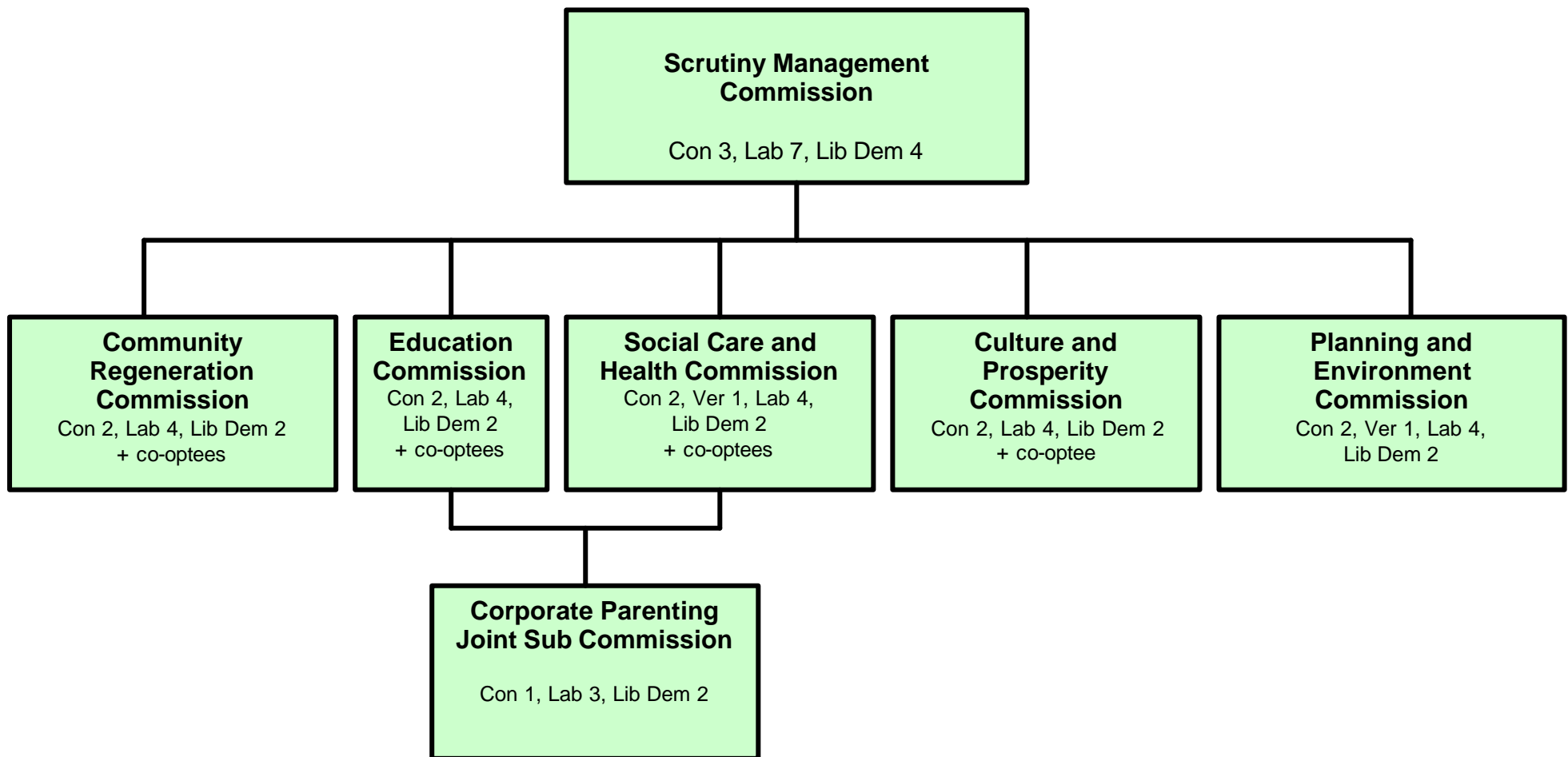


Figure 1.
Derby City Council – Overview and Scrutiny Structure 2004/05

The review that was proposed in the scoping and methodology report was intended to:

- Address what members saw as areas of weakness in the overview and scrutiny system
- Determine whether there were any improvements that could be made to the system in the light of the Council's two and a half years experience of overview and scrutiny.

The scoping and methodology report proposed two distinct elements to the review. The first of these would consider the reviews already undertaken by the Commissions. The intention was to see whether the recommendations arising from the Commissions' reviews had been implemented, and if they had, to look at the impact on service delivery of implementing the recommendations. This element of the review was prompted by Members' concerns about the Council Cabinet's perception of Overview and Scrutiny and about the value placed on what the Commissions did.

The second element was to be a broad review of the Council's Overview and Scrutiny function and was aimed at identifying any alternative or revised Overview and Scrutiny arrangements that would be durable for at least three years and could be implemented on a consensual basis.

At the meeting on 26 October, the Scrutiny Management Commission also considered a proposal to engage consultants to assist with the review of scrutiny and Members agreed in principle to the proposal. Neil Shaw of IDeA was subsequently engaged, and the outcome of the Cabinet/Scrutiny Workshop that he facilitated forms a fundamental part of the review.

This report details the progress and outcomes of the Review of the Overview and Scrutiny Function and lists the recommendations that the Scrutiny Management Commission have made to address the findings of the review.

2. Objectives and Terms of Reference of the Review

The objectives of the Review were set out in the scoping and methodology report and were to:

- a) Address the perceived areas of weakness in the Council's Overview and Scrutiny system, as identified by Members from all three political groups during discussions at previous SMC meetings and referred to in the 2004 Annual Report.
- b) Consider whether improvements might be made to the Overview and Scrutiny system in the light of the Council's two and a half years experience of Overview and Scrutiny.

The Terms of Reference of the Review were also set out in the scoping and methodology report. These were:

Phase	Terms Of Reference	Inputs
So What's Happened Since? Nov - Dec 2004	To look at the reviews already undertaken to establish: What's happened since the review? Is it being implemented – where and how fast? Has it made a difference? How... and is the service now better/worse?	<p>Chief Officers have been instructed by the Chief Executive to produce a position statement on each topic review recommendation within their remit. This will provide essential baseline information that might be followed by the SMC interviewing the Cabinet member/CO to:</p> <ol style="list-style-type: none"> Clarify grey areas, Have a dialogue about the pace of progress. <p>The key issues checklist may assist the SMC to arrive at conclusions.</p>
The future organisation of O&S in Derby Jan – March 2005	<p>To review the current overview and scrutiny function of the Council by addressing key issues and then decide whether any alternative or revised arrangements:</p> <ol style="list-style-type: none"> Would be durable for at least three years and Could be implemented on a consensual basis. 	<p>The process would be owned by the SMC but with Commission Chairs and Vice-Chairs feeding in the views of:</p> <ol style="list-style-type: none"> Their respective Commissions and Their political groups on the council. <p>It would also draw on the survey of Members undertaken by the OSCer team. A supplementary survey could focus on specific issues to answer, for example, whether members are overworked. The joint SMC/Council Cabinet workshop can also help inform the process.</p> <p>The review would also benefit from an independent element for the twin purposes of drawing on practical experience of the cabinet-and-scrutiny model elsewhere and introducing a detached viewpoint about Derby's current practice. <i>If wished</i>, a facilitator might be "borrowed" from another LA but realistically that would probably be limited to one working day and be of limited value. <i>Alternatively</i>, this would be more productive if it included observation of two to four meetings and the interviewing of key scrutiny members. This independent element could also usefully advise whether Members' suggestions for changes would be durable for at least three years and make a cross-party consensus more likely. To help members make an informed decision, estimates were obtained from three bodies considered prestigious in respect of the field of scrutiny: the lowest was under £5,500.</p>

3. Inputs to the Review

Inputs to the review have come from the following specific areas:

- The outcomes of the 'So what's happened since review?'
- The outcomes of the Cabinet/Scrutiny Workshop on 22 January 2005.

- An appraisal of the approach to scrutiny taken by the three local authorities that the Centre for Public Scrutiny recommended as 'good practice' examples
- The outcome of the 2005 survey to assess the satisfaction of members with Derby's Overview and Scrutiny function and with the service provided to Overview and Scrutiny members by the Co-ordination Team.

The information from these sources is summarised in the following sections of this report.

3.1 The outcomes of the 'So what's happened since?' review.

The objective of the 'So what's happened since?' review was to consider the topic review outputs of the Overview and Scrutiny system since its inception and particularly, to examine the extent to which the recommendations arising from the topic reviews had been adopted and implemented.

To facilitate the review the Chief Executive requested appropriate chief officers to prepare update reports showing progress on implementing the topic review recommendations that had been endorsed by Council Cabinet. The Commission tasked a sub-group to evaluate these. This comprised the Chair, the two Vice Chairs and Councillor Pauline Latham. The documentation for all the Commissions' topic reviews was provided to the sub-group which then selected a smaller number topic reviews for detailed evaluation either as a paper exercise or by interviewing the relevant members and officers. In some cases it was also possible to provide the sub-group with the written comments of the Chair/Vice Chair at the particular time the particular review was conducted. At its meeting on 26 October 2004 SMC approved the following checklist for the 'So what's happened since?' review.

- a) What is the time taken for Council Cabinet to respond to topic review reports?
- b) Are consensual, evidence-based recommendations too lightly disregarded?
- c) Is there a tendency for proposed changes to service delivery to be seen by chief officers as undeliverable without extra resources in cases where the O&S message was that there was scope for smarter working?
- d) Are "accepted" recommendations actually implemented?
- e) Are responses ambiguous, making it unclear whether recommendations have been accepted and actioned?
- f) Have implemented recommendations actually improved the service?

Three meetings were held, on 10 and 20 January and 21 February 2005, enabling five reviews to be considered. For each topic review that was considered, the summary comments/findings, conclusions and any

recommendations are set out below. In the case of the Adaptations review (section 3.1.4) the sub-group decided to make a more detailed report.

3.1.1 Service Access Review

Councillor Burgess attended the review meeting on 10 January and gave an update on each aspect of the Service Access Best Value Improvement Plan and how they satisfied the recommendation and 14 associated proposals contained in the topic review report. After considering the evidence provided by Councillor Burgess, the group **concluded** that most aspects of the Commission's recommendation and associated proposals had been satisfactorily taken forward and that where this had not been done a satisfactory explanation had been provided. Members did however have some concerns about issues that had become apparent after the review.

3.1.2 Grass Cutting

Members considered information relating to the grass cutting review, including the progress report from Commercial Services and the positive comments from Councillor Bolton who had chaired the review. They were informed that an in-house bid had since won the tender for grass cutting. The Director of Commercial Services was asked when his stated intention to litter pick prior to grass cuts at problem sites would be implemented and he responded that this would be in time for the first grass cut this year. **Conclusion:** Members were very satisfied about progress on this review.

3.1.3 Age-Restricted Sales

Members reviewed information relating to the review of age-restricted sales enforcement. This included a progress report from Corporate Services and positive comments from Councillor Bolton who had chaired the review. Additional information was sought from the Assistant Director – Environmental Health and Trading Standards about the setting up and operation of the proof of age card scheme and its future funding. Two reports were supplied, one about the development and promotion of the scheme and the other about funding, for which no provision had been made beyond March 2005. Members **concluded** that:

- a) Progress to date had been excellent
- b) All the good work would be lost if funding ceased.

Members **recommended** that as part of their current consideration of the Council's draft Revenue Budget, the Planning & Environment and Scrutiny Management Commissions recommended Council Cabinet to use the Public Priorities Fund to support the Proof of Age card scheme for at least the next three years.

The two Commissions subsequently made the suggested representations to Council Cabinet which responded with a one-off allocation of £40k to test the effectiveness of the scheme for 12 months following its implementation. This funding allowed the employment of 1.5 fte staff to work on promotion and education issues.

3.1.4 Adaptations

Members initially interviewed Councillors Hussain and Jones who had led the Adaptations review and who provided a written assessment of the progress made with implementing the Commission's recommendations. It was noted how this contrasted with the department's own picture of progress. Sub-group members present expressed sufficient concerns that they felt unable to draw conclusions without conducting an interview with the Council Cabinet Member and the Chief Officer. A further meeting for that purpose was held on 21 February when Councillor E Berry, Council Cabinet Member for Social Care and Youth and the Assistant Director, Adult Services attended together with Councillors Hussain and Jones. The Sub-Group then considered the findings and recommendations it wished to make.

It was accepted that periodic update reports had been made to the whole Commission and that some of the points made by Councillors Hussain and Jones to this review could have been made on those occasions. However, it was found that some of the points raised in the update that had been prepared by the Department for this review had been marked as completed when they were actually only partially completed.

	SSD Action Plan	Position
Recommendation		
1.1 Publicity – Web Site	Complete	Partially complete
1.2 Publicity – Mailing List	Complete	Partially complete

The sub-group concluded that members who received this information would not have thought it necessary to make further enquiries at a Commission meeting. It was also thought that the layout of the progress report might have caused some misunderstanding. For example, in respect of Recommendation 4 - Needs Assessment Criteria - a cursory reading might have led a reader to think that the whole recommendation had been implemented whereas this was not the case. The sub-group did however accept the Assistant Director's point that there had been no criticism of the progress report format at the Social Care and Health Commission meetings.

It appeared to the Sub-Group that there were instances, for example in the case of Recommendation 5, where a lack of dialogue had caused a mutual but unintended misunderstanding for over two years. Sub-group members also shared Councillor Hussain and Councillor Jones' frustration that two years had elapsed since the completion of the review and that some aspects of the recommendations were only now being addressed. It was thought that the Joint Working Protocol suggested in Recommendation 12 could have been completed some while ago as this was simply just a matter of committing to paper what happens already in practice. The Assistant Director offered to meet with Councillors Hussain and Jones to agree the further steps necessary to conclude the implementation of the agreed recommendations to the Commission's satisfaction. This offer was welcomed by the sub-group.

Whilst it was agreed that progress on implementing all topic review recommendations does need to be reported to the whole of the owning Commission, the sub-group did however **conclude** there would also be merit in holding standard practice periodic meetings between the Chair and Vice Chair, and the Council Cabinet member and senior officer. It was felt that this might avoid misunderstandings about the meaning of recommendations. It could also clarify the reasoning behind a recommendation and continue to provide momentum for implementation. This is particularly important if a Commission has produced a report where limited resources mean that incremental implementation is expected over three to four years. The sub-group therefore **recommended** that Council Cabinet agree this.

The lengthy discussions at the sub-group over Recommendations 2 and 3 of the Adaptations review illustrated the different expectations of the scrutiny process. In both cases the Commission had recommended additional resources for what it considered to be good, evidence-based reasons. Although discussed internally within Social Services during at least one annual budget setting round, bids for the resources had not been put forward to Council Cabinet. The Department may have had good reasons for not doing so, but what this indicates is that the Commission's views were not recognised as having a particular significance in the decision making process. Councillor Hussain and Jones' frustration stemmed from feeling that the Commission's views were too lightly disregarded. Although specific to the adaptations review, the issue is likely to be repeated with other topic reviews, particularly where they make recommendations that are intended to be addressed over three to four years. The sub-group therefore **recommended** that, unless a recommendation involving resource allocation has been specifically rejected by Council Cabinet, the relevant department should remind its Cabinet Member during the budget preparation period of the Commission's recommendations. The Chief Officer would remain free to give whatever advice they chose to the Cabinet Member.

The sub-group **concluded** that the Department's Action Plan responses could have been expressed in a much more positive light without changing their meaning or intent. For example, for Recommendation 5 the Department's response twice describes the Commission's recommendation as being 'felt to be unhelpful'. In the update two years later the next sentence says 'Need to consider a response which indicates the process is already as speedy as it can be'. This implies, but does not spell out, the completely satisfactory explanation actually given to the sub-group.

3.1.5 Social Inclusion and the Physical Environment

Members reviewed the documentation relating to the Community Regeneration Commission's review on Social Inclusion and the Physical Environment. This included the update report co-ordinated by Development and Cultural Services and comments by Councillor Blanksby who, as Vice Chair at the time, had led the review.

This review had been the one considered by the Comprehensive Performance Assessment inspectors when seeking supplementary evidence to decide whether the City Council should be re-ranked to Excellent. The update was also considered by the Community Regeneration Commission at its meeting on 8 March, when its members decided that an interview with the appropriate Council Cabinet member(s) was necessary and would take place at the Commission's May 2005 meeting.

The sub-group noted that Councillor Blanksby's concerns related to a recommendation that had not been accepted. The recommendation was about the proposed creation of a Cabinet Committee offering a focussed political arena to progress the joined up actions also recommended by the report. The Commission had felt sufficiently strongly about this to make two further, but unsuccessful, representations asking Cabinet to adopt the recommendation.

The sub-group **concluded** that whilst the Council Cabinet were entirely within their rights to decline the recommendation, the consequence had been, as Community Regeneration Commission members had predicted, that less progress has been made than would have been possible had the advice been heeded.

Councillor Blanksby emphasised the importance of better inter-departmental co-ordination being the key to securing the outcome of an improved environment. The sub-group considered that in the absence of a Cabinet Committee, the issue has to be taken forward by either the whole Cabinet or by the Chief Officer Group, and **recommended** Cabinet accordingly.

3.2 The outcomes of the IDeA-facilitated Cabinet/Scrutiny Workshop on 22 January 2005

The Cabinet/Scrutiny Workshop on 22 January 2005 was facilitated by Neil Shaw, a Principal Consultant with IDeA. Appendix 2 lists the Council members who attended the workshop.

The objectives of the workshop were to:

- Ensure all members had a common understanding of the role and value of scrutiny in an 'excellent' authority
- Agree the current strengths of scrutiny and the areas for future scrutiny improvement
- Identify and collectively agree the foundation for further improvements in scrutiny
- Strengthen the relationship between the Cabinet and Scrutiny

The following significant issues were identified consistently by the Cabinet and Scrutiny members who attended the workshop:

- The need for improved dialogue between the Cabinet and the Scrutiny Commissions
- Less 'theatre' and party politicking at formal Council meetings

- The possible value of short debriefing sessions at the conclusion of formal Commission meetings in order to reflect, learn and improve future meetings
- The need for greater involvement of Cabinet members in the scrutiny process (including the attendance of Cabinet members at Commission meetings)
- Scrutiny Management Commission to be more directive and provide more focus for the other scrutiny Commissions
- The overview and scrutiny Commissions to have greater focus and provide greater support to the Council on delivering on its priorities
- The need for an open and frank examination of the scrutiny Commission structure to ensure it is 'fit for purpose'

The views of attendees on specific issues varied considerably but members agreed there were a number of key areas that needed to be addressed. These were seen to be:

3.2.1 Interaction between members

The delegates to the workshop were of the view that there is generally limited interaction between the Cabinet and Scrutiny.

In its report on the workshop, the IDeA pointed out that Scrutiny can potentially make a significant contribution to the Council's improvement agenda and to improve the dialogue and communication between the Cabinet and Scrutiny it suggested that the Council may wish to consider establishing regular, informal, meetings which would enable Cabinet members to outline their focus for the next 3/6 months and examine how the Scrutiny Commissions may support elements of this programme. Although some of this activity is currently undertaken the report suggests that the lack of systematic communication and interaction means that the work of the Commissions may lack focus.

The report also points out the need for the Cabinet to acknowledge the value and potential of Scrutiny. The workshop laid a foundation for a common understanding amongst members of their respective leadership roles. Members now need to build on this and exploit opportunities where the Cabinet and Scrutiny can engage more regularly and collaborate for the greater good of the Council.

3.2.2 The focus of scrutiny

The report commented that the activity level of the Scrutiny Commissions was on the whole high and there are a number of examples where Scrutiny has been very active. However the point was made that activity does not necessarily equate to scrutiny having a strong impact. The report suggests that scrutiny work programmes should support the Council's overall improvement agenda or address issues that are of keen public interest, where scrutiny is likely to have a strong impact.

The report confirms that it is the legitimate right of scrutiny to set its own work programmes but suggests that when setting its work programmes Scrutiny may wish to seek informal input from Cabinet members as this may enhance

the role individual Commissions can play in contributing to the delivery of Council priorities.

3.2.3 The structure of scrutiny

According to the Centre for Public Scrutiny, effective scrutiny should:

- Provide a 'critical friend' challenge to executives as well as external authorities and agencies
- Reflect the voice and concerns of the public and its communities
- Take the lead and own the scrutiny process on behalf of the public
- Make an impact on the delivery of public services

The IDeA report recognises that members have many demands on their time and that scrutiny is only one of those demands, and it suggests that members may wish to consider whether, with the current number of Scrutiny Commissions they can deliver the Council's intended outcomes for scrutiny.

The report however points out that effective scrutiny is founded on:

- Structures that are fit for purpose
- Scrutiny that is effectively focused
- Members with the appropriate skills
- An effective relationship between Scrutiny and the Cabinet.

It is suggested that only if these criteria can be satisfied should the Council consider reviewing its current structures to see if they are fit for purpose. The report also points out that any discussion about the number of Scrutiny Commissions will not automatically result in a decision to reduce or increase the number of Commissions and that neither should it be assumed that the mere alteration of any political structure will, in itself, deliver improvement.

It is of note that considerably larger authorities, in population and member terms, such as Bradford (with 90 members), have a smaller number of scrutiny committees than Derby. In Bradford's case, they reduced their six scrutiny committees down to three in 2004/05. This process has been supported by a significant refocusing of the three committees' work programme, which whilst reducing the overall level of scrutiny activity has enabled it to concentrate on areas where it is likely to have a stronger impact.

Members at the workshop identified the need for the Scrutiny Management Commission (SMC), to be more assertive and to provide a firmer guiding hand for the Commissions. Members may now also wish to consider whether the role of the SMC could be extended to provide the linkage between Scrutiny and the Cabinet. It could then offer an informal forum for members to discuss the business of scrutiny and how it can be co-ordinated and managed. Conversely, an examination of the SMC might however result in the opposite outcome, its discontinuance, if it is not considered to be serving its function effectively.

3.2.4 Improving the impact of Scrutiny

The IDeA report suggests that scrutiny may in future wish to consider how it selects issues and work plan topics for detailed investigation within its work programme. The report points out that the actual number of detailed reviews are not in themselves the issue and that the focus should instead be on undertaking reviews which lead to a tangible impact.

IDeA also suggest that scrutiny should consider improving the consistency of its investigations across its Commissions and makes the point that the impact of scrutiny reviews is likely to be improved by ongoing dialogue with Cabinet members and by a consideration of how the reviews contribute to Council priorities. IDeA also consider that there should be a greater focus on the composition of agendas and the tracking of recommendations.

Although performance management was only touched on briefly in the workshop, it is identified in the report as a major area where many local authority scrutiny functions have had their biggest impact. By examining underperformance and making recommendations for improvement, Scrutiny Commissions can play a strong role in driving forward the overall improvement of the Council.

3.2.5 Member skills

The workshop did not undertake any kind of detailed examination of member scrutiny skills. However, the IDeA report raises the issues of the skills needed for effective scrutiny and suggests that the Council may need to consider:

- Whether it places the members with the most appropriate skills in the relevant posts
- How it develops the skills of its members on an ongoing basis.

The report points out that in Derby, member skills are being further stretched by the limited time that members can devote to scrutiny and to improving their skills. This makes the need for Scrutiny to sharpen its focus even more acute. The report suggests that the Council may wish to consider the use of a skills framework, such as the IDeA's political skills set, to identify scrutiny members skills on an individual basis in order to examine how they can be further improved. Another suggestion is that the holding of short debriefing sessions after Commission meetings may provide a constructive challenge to continually improving the focus of meetings.

3.2.6 Other Issues

A number of other issues were identified during the workshop and are listed in the IDeA report as being likely to have an impact on the future improvement of the scrutiny function. These were:

- The challenge of external scrutiny and the way in which the Council engages outside agencies in its scrutiny.
- The involvement of local people and how refocusing the Commissions work programmes may assist in identifying scrutiny

issues that are of greater interest to local people and improving its engagement with them.

- How the Council might improve the overall engagement of members in scrutiny.

3.2.7 Conclusions

The conclusions of the IDeA's report were that the Council should consider:

- Improving the engagement of the Cabinet and scrutiny through structured, yet informal, regular meetings and the greater involvement of Cabinet members in scrutiny items
- Realigning the focus of scrutiny by improving scrutiny's emphasis on the Council's priorities
- Transparently conducting a review of the current structure of scrutiny Commissions in order to ensure that this structure is 'fit for purpose'
- Concentrating on improving the impact of scrutiny by improving the outcomes from scrutiny items and making closer links to tangible improvements in Council services
- Examining current members skills to ensure that scrutiny members have, or are developing, the appropriate skills to undertake scrutiny effectively

3.3 An appraisal of the approach to scrutiny taken by local authorities that are recognised to be leaders in this field

3.3.1 Background

In order to provide an extra dimension to the review of scrutiny, it was decided to compare the approach taken by Derby with examples of scrutiny good practice in other local authorities.

The Centre for Public Scrutiny was asked to suggest a small number of councils that are seen as possessing a range of scrutiny strengths. They suggested three local authorities:

- Buckinghamshire County Council
- Cumbria County Council
- London Borough of Camden

These three local authorities were visited by two Derby Overview and Scrutiny Co-ordination Officers (OSCers), Mahroof Hussain and Rob Davison in February 2005. Advance information was provided to each of the three local authorities about Derby's current Overview and Scrutiny structures, about the way in which these were organised, and about the issues and practice that it was hoped to explore in discussion. Each of the three Councils was asked about:

- Their scrutiny structures and durability since 2001
- How Overview and Scrutiny roles are shared between the parties - and how Members actually work together in practice
- Process methods
- Officer support
- The volume of activity in relation to officer support
- How Overview and Scrutiny contribute to the annual budget process and to managing/monitoring performance
- The relationship between their executive and overview and scrutiny
- Any measures of Member satisfaction
- Methods used for recording information, for example, tape recorders, verbatim notes etc.
- Call-ins
- Engaging the public
- Health Scrutiny

In all three cases the visit included time with leading scrutiny members as well as staff. Appreciation is expressed for the valuable information and assistance provided to the OSCers by the representatives of the three Councils .

To aid comparison the response of the three Councils is set out below in Table 1.

Table 1

Buckinghamshire County Council	Cumbria County Council	London Borough of Camden
Population: 480,000	Population: 490,000	Population: 200,000
No. of members: 54 (57 from May 05)	No. of members: 84	No. of members: 54
By party Con 40/ LD 9/ Lab 5 8 member Cabinet Continuous Conservative control	By party Lab 40/ Con 33/ LD 10/ Ind 1 10 member Cabinet Con 7/ LD 3 Labour 1997 to 2001. Since 2001 there has been a Conservative: Liberal Democrat cabinet.	By party Lab 35/ Con 12/ LD 7 10 member Cabinet Labour control since 1965 (apart from one Conservative term in late 1960s)
<p>Scrutiny structures and durability since 2001</p> <p>BCC has operated with 5 Overview and Scrutiny committees, including a separate Health Committee. 4 comprise 11 members while Lifelong Learning is 13 + 5 added.</p> <p>Note that while there is a Corporate Performance Committee, there is no equivalent of the SMC – all necessary co-ordination is achieved informally through the chairs.</p> <p>There are also local committees co-terminous with the district councils. 70-80% of business is highway related. Not all local members serve on these as PR</p>	<p>Cumbria has a similar overview and scrutiny structure to Derby, comprising:</p> <p>Strategic overview and scrutiny Committee (17 members) 4 x Scrutiny Panels (9) Health & Wellbeing Scrutiny Committee (7 plus 6 district councillors = 13)</p> <p>Note the separate Health Committee.</p> <p>There are also six area committees co-terminous with the districts councils with substantial autonomy.</p> <p>To fill the total of overview and scrutiny</p>	<p>Camden has only one standing Overview and Scrutiny Commission (OSC) which meets every 3 weeks, with occasional extra meetings.</p> <p>The OSC combines a Cabinet Scrutiny Committee role with a strong scrutiny management role. Additionally, each department must give an annual report with Cabinet member(s) and chief officer attending.</p> <p>The OSC meets the day before Cabinet and both formal and informal mechanisms ensure Cabinet members and chief officers are aware of OSC concerns prior</p>

Buckinghamshire County Council	Cumbria County Council	London Borough of Camden
<p>rules apply and some district and parish councillors are also members.</p> <p>Small member groups meet to progress reviews, sometimes taking their own minutes / write ups. BCC is contemplating reducing main meeting frequency from one each month to two or three monthly to reduce workload and focus more on policy development through panels.</p>	<p>positions, CCC has a higher number of members to draw on. A significant number are not actively engaged in overview and scrutiny. 15– 20% are also district councillors.</p> <p>The structures have been reviewed with a view to realignment to corporate priorities rather than reducing the number of overview and scrutiny bodies. This has been led by the three group leaders, in contrast to the SMC-led Derby review. From May 2005 there will be a change to a Scrutiny Management Board and 6 panels mirroring the 6 corporate themes. Time-and-task Select Committees may be used more for reviews, being perceived as carrying more kudos than the standing panels.</p>	<p>to Cabinet. The OSC chair attends open Cabinet and orally reports scrutiny comments. Formal references are also made by OSC to Cabinet.</p> <p>All the in-depth reviews are carried out by small time-and-task scrutiny panels with members drawn from the pool of non-executive councillors, with a small number of post holders excepted. Every review is therefore conducted by those most interested in the issue. There is a high consensus level in panels and high rate of Cabinet acceptance of recommendations.</p> <p>From the inception, the Council leader and Chief Executive at the time were committed to a strong overview and scrutiny system and these provenly durable arrangements were chosen after considerable research. The ‘tweaking’ has been a trend toward shorter reviews and smaller panels.</p>
<p>How Overview and Scrutiny roles are shared between the parties - and how members actually work together in practice</p>		

Buckinghamshire County Council	Cumbria County Council	London Borough of Camden
<p>Two of the five committees are chaired by the opposition groups' leaders; all VCs are ruling party.</p> <p>Comment made was that any visitor to a meeting would be hard pressed to determine party political allegiances</p>	<p>The constitution had been drafted under the previous administration but from 2001 roles reversed. For the first two years to 2003 overview and scrutiny was viewed principally as an opposition platform.</p> <p>Chairs and VCs held by ruling party, then parties, since inception of overview and scrutiny. However, proportionality likely to result from review of function.</p>	<p>The OSC chair is from the majority party, there is no VC position.</p> <p>Proportionality applies to scrutiny panel <i>membership</i> – based on interest, experience and ability to contribute in respect of the particular topic - and to <i>chairing</i> which has worked, although complicated by there being a rolling programme of panels. Who chairs each panel is informally discussed by the party whips, with the OSC taking the formal decision.</p> <p>Members work together well. Panels work consensually; only one report to date has included minority recommendations. This has been the first occasion since the 1960s when opposition members have held offices.</p>
<p>Process methods</p> <p>On topic selection, as well as members, strategic directors / cabinet members may also make suggestions but each committee decides its own programme. A framework is used to decide whether and how a review should be scoped and</p>	<p>A detailed scrutiny toolkit was completed in December 2004. Use of pro forma as an aid to scoping and choosing subjects for scrutiny; pre-scrutiny acts as sieve and allows value-adding potential to be tested. The scoping enables each review to be</p>	<p>Bids for reviews are subject to careful screening by the OSC. If a full panel is not merited, other means are found to deal with issues. Scoping is undertaken and a panel cannot broaden its terms of reference without OSC permission.</p>

Buckinghamshire County Council	Cumbria County Council	London Borough of Camden
<p>conducted.</p> <p>Most committees have a 15 minutes pre-meeting briefing to consider areas of discussion, lines of questioning and what the meeting seeks to achieve.</p> <p>Typically, agendas are short – sometimes just one main item - and indicate times are used to promote efficient use of time.</p> <p>BCC Overview and Scrutiny reports to Cabinet are typically mid-sized, <i>smaller</i> than Derby topic reviews but <i>larger</i> than standard Commission business item reports to Council Cabinet. Action plans are produced with specific time periods and ascribed accountabilities and one Overview and Scrutiny member is also identified as progress monitor. As in Derby, some recommendations are accepted, others are not.</p>	<p>project managed.</p> <p>The ideal agenda was considered to have two substantive items. For 30 minutes prior to formal business, members discuss areas to cover in interviews – promotes a questioning and focussed mindset.</p> <p>Wednesday is scrutiny day, each body meets once every eight weeks. The two spare days are used for Chair / VCs meeting and training.</p> <p>There are no distinct topic review meetings, as in Derby. Pressure of time at the eight weekly business meetings means that small working groups are developing but on some panels more than others. Every panel had produced at least one evidence-based report having a significant impact at the top of the organisation: “recommendations that could not be ignored”.</p> <p>The team provide Overview and Scrutiny members with information to reduce the need for meeting agenda items. Like Derby, key decision reports tend to be available only ahead of Cabinet meetings,</p>	<p>Experience has meant the reviews are normally 7 or 8 months maximum; others have been achieved in two or three months. The OSC has a quarterly progress monitoring report on all overview and scrutiny completed pieces of work.</p> <p>Full responses to panel reports are prepared for Cabinet and OSC in six weeks to a maximum of three months. A template is used which makes clear what is or isn't accepted and enables progress to be tracked. The Overview and Scrutiny officer is consulted in its preparation. There are also six monthly and annual monitoring reports and these maintain the momentum of implementation. There is a high acceptance rate for Overview and Scrutiny recommendations.</p>

Buckinghamshire County Council	Cumbria County Council	London Borough of Camden
	thereby reducing the influence of overview and scrutiny on policy formulation.	
Officer support 4 whole time equivalent staff: 3.4 support officers plus 0.6 researcher	Head of Scrutiny, 1 Scrutiny Manager, 1 Health Scrutiny Manager, 2 Scrutiny Assistants, Senior Administrative Assistant and a Admin Assistant 18.5 hours	Manager plus 5.5 support officers plus part time administrative support. Separate Committee Services team of 5.0 FTE who work mainly on scrutiny but also do some other committee servicing work.
The volume of activity in relation to support Members Services support formal meetings. As mentioned above, members sometimes undertake 'officer' roles of meeting preparation / note-taking but rarely and only when there are small groups. Chairmen are in a few cases actively involved with report writing. The wish to move to more sub-groups / panels is limited by officer capacity which may be addressed through fewer full meetings.	The use of the pro-forma series, the role of the Strategic Overview and Scrutiny Committee and the culture of short agendas controls the volume of activity.	The number of scrutiny panels operating at any time is usually five but is controlled by the OSC to be manageable for the staff support and Members' time available. Regularly operating six proved too much.

Buckinghamshire County Council	Cumbria County Council	London Borough of Camden
<p>How Overview and Scrutiny contributes to the annual budget process and to managing / monitoring performance</p> <p>Each year a different method has been tried with last year's regarded as more successful than this year's. The budget was prepared by the Leader/Deputy Leader and given to the Corporate Performance Committee to respond to within a week.</p>	<p>In 2004 the Social Care Panel took on a keen review and progress monitoring role regarding the Action Plan responding to an SSI report on Children's Services.</p> <p>Serious flooding prevented several Overview and Scrutiny bodies from formally considering the 05/06 budget. The two that met, including the Strategic Overview and Scrutiny Committee, did not make any formal recommendations.</p> <p>The proposals to change structures and the Chief Executive's wish for a more focussed approach are partly to raise the prominence of these aspects of Overview and Scrutiny.</p>	<p>As the only standing body this is an OSC responsibility and the OSC is involved throughout the annual budget-making cycle. It has evolved with different methods tried each year. Now at year four, a budget panel has been set up for the first time to take a strategic view of how budgeting and resource allocation might be improved. One of its recommendations is for OSC to consider whether a standing budget panel is required.</p> <p>The OSC is keen that resources actually follow the agreed corporate priorities and policies.</p> <p>Camden has had a Performance Eye exception-style traffic light system for some time.</p> <p>During the summer each department must give an annual report with Cabinet member(s) and chief officer attending.</p>

Buckinghamshire County Council	Cumbria County Council	London Borough of Camden
<p>The relationship between the executive and Overview and Scrutiny</p> <p>As in Derby some Overview and Scrutiny recommendations are accepted, others are not. Some are accepted but in an amended form which then goes back to the OSC for consideration. There is a trusting environment within a context of political differences.</p> <p>Informal meetings are held about 3 – 4 times per year between Chairs/VCs and the executive with a mainly scrutiny generated agenda but the value is being questioned.</p>	<p>Since May 2004 there have been quarterly meetings between the Chair, VC and Labour spokesperson with the Cabinet member and chief officer to ensure the Overview and Scrutiny function is informed about current/forthcoming issues.</p> <p>Fairly typically for LAs, a minority of Cabinet members saw Overview and Scrutiny as a threat and some senior officers found Overview and Scrutiny difficult to come to terms with.</p>	<p>Generally considered good. The OSC Chair may speak on any item at Cabinet. There is a high acceptance rate for Overview and Scrutiny recommendations. Being from the ruling group, the OSC chair has informal as well as formal methods to bat for the scrutiny function. Where a panel report is submitted both the OSC chair and panel chair attend Cabinet; occasionally an opposition chaired review has not been universally welcomed in Cabinet despite having been unanimously agreed.</p>
<p>Any measures of member satisfaction</p> <p>An annual member satisfaction survey is sent to all members (including Cabinet) and the results used to identify areas for improvement and when reviewing Overview and Scrutiny performance against 'best practice'. This process is part of developing the annual business plan.</p>	<p>An evaluator questionnaire was piloted to gain feedback from all participants including members on the effectiveness of scrutiny (see attached)</p>	<p>After each panel has finished its task there is space on the final meeting agenda to reflect on the conduct of the review. There is a questionnaire to all participants, including closed and open questions. The OSC chair also holds a six / twelve monthly meeting with recent / current panel chairs.</p>

Buckinghamshire County Council	Cumbria County Council	London Borough of Camden
<p>The main change has been to ensure that presentations by visitors to committees are kept brief, and where possible, members now have information in advance. This allows members to concentrate on discussion at the meeting rather than it being a more passive process. Aspects like access to information, quality of the minutes and work items are also monitored.</p> <p>Last year there was also a review of scrutiny involving a more in-depth questioning of a selection of members. This provided detailed information about changes needed, and a series of changes are being implemented as a result. In terms of reviewing work, BCC have also developed two evaluation checklists.</p>		
<p>Methods used for recording information, for example, tape recorders, verbatim notes etc.</p> <p>Tape recording has been rejected. Democratic Services support formal meetings. Action sheets are produced within two working days and very detailed minutes are produced later. Working</p>	<p>Tape recording had been rejected. Members Services support meetings, providing action points within five working days and verbatim minutes within two weeks.</p>	<p>There is an agreed protocol between the Scrutiny support team and Committee Services on what type of minutes are suitable for different types of panel meetings, with examples. Verbatim</p>

Buckinghamshire County Council	Cumbria County Council	London Borough of Camden
groups are minuted by a mix of Democratic Services, Overview and Scrutiny staff and members		minutes are not taken, but in exceptional cases very detailed minutes (for example, of questioning to a key witness) may be taken with prior notification to Committee Services. Tape recording is an option but has not been used to date.
Call-ins Only three have been held one of which was largely to test the procedures.	Triggered by three members. In 2003/04 there were 8 call-ins, some of which might have been avoided with better information transfer between the executive and scrutiny members. There was one call-in in 2004/05	16 since September 2001, 15 of which were 'opposition' triggered. Can be triggered on any basis provided there are four councillor signatories. Signatories are asked to indicate their preferred alternative course of action.
Engaging the public The Health Committee held a high profile review of a proposed maternity service reconfiguration. MPs, pressure groups and Parish Councils took part. The Personal Care review on Transition to Adulthood captured the views of care leavers, parents and carers, schools and voluntary organisations. A readable leaflet fed back the outcomes to the	Members and officers are keen to engage with communities but the broad geographical size and wide population spread presents obstacles. Reviews have involved member visits to various sites and facilities, for example, a Young Offender Institution, and contact with users, for example, parents of young	From inception, the OSC chair attended residents / tenants associations and wrote via the local papers seeking topics. Letters with suggestions are received from the public. The drugs review resulted from a joint tenants' association request. A variety of venues are used, relevant to issue under review: community centres,

Buckinghamshire County Council	Cumbria County Council	London Borough of Camden
<p>young people. The Drugs review involved visits to treatment centres and youth and community facilities. Public involvement with setting the work programme is attempted through the media with limited success.</p>	<p>people with disabilities, workshops with primary and secondary school pupils. Small sub-groups have aided interaction with teenagers.</p> <p>Members use the well attended neighbourhood forums and consultative forums (the latter are abandoned in the recent review) and, for example, the individual support forum to gather public views and relay these direct to departments or to the Overview and Scrutiny function</p>	<p>schools for example. Part or wholly open floor meetings have been used, for example, over flooding, resident parking, future development of speech and language therapy services.</p> <p>There is 20% BME population with older Bangladeshis and the new Somali and Congolese communities acknowledged as hard-to-reach.</p>
<p>Health Scrutiny</p> <p>The separate Health Committee, set up in June 2002, includes voting district representation (4 x 1) to avoid duplicated NHS scrutiny. Task / sub-groups are used.</p>	<p>As a two-tier area with eight health trusts, the Health and Wellbeing Committee includes voting district representation (6 x1) to avoid duplicated NHS scrutiny. The VC is a District Councillor. To keep workloads manageable and avoid log jams, the Committee is content to leave local matters to the Patients Forums – with which there is close working - and to focus itself on strategic / wider issues.</p>	<p>Health scrutiny began before the conferring of specific powers and is conducted by the OSC or a panel, as appropriate. There is a clear protocol with health bodies. Some issues may be looked at jointly by five boroughs in the Strategic Health Authority area, for example the reconfiguration of paediatric and maternity services.</p>

Buckinghamshire County Council	Cumbria County Council	London Borough of Camden
<p>Other characteristics / comments</p> <p>The passporting of schools budgets, creation of Children’s Trust and increasing partnership working are anticipated to make an impact on the role and organisation of scrutiny in future.</p>	<p>Cumbria is geographically large, Eden District Council alone is the size of the county of Gloucestershire. The Area Committees, mirroring the six districts, have significant autonomy and proven innovations by one have subsequently been rolled out across the county. There have been instances where devolution has made it more difficult to respond to central government inspectorates.</p> <p>Regarding senior officers, a member commented that Cabinet / Scrutiny arrangements had been seen as providing an additional hurdle: “getting Cabinet agreement is now only half of the process”. This view may well be shared by officers in other authorities.</p>	<p>Camden is the most socio-economically polarised London Borough.</p>

3.3.2 Summary

The two County Councils have about the same number of Overview and Scrutiny structures as Derby. Compact, urban Camden has taken the radically different approach of just one standing body and around five panels at any one time to undertake Derby-style topic reviews. Members are drawn from the pool of backbenchers.

What this investigation makes clear is that there is no one right way to organise overview and scrutiny. Nor does a particular model seem to work better for a class of authority, either by its functions or demographic nature. Very different arrangements can prove durable if they locally provide member satisfaction.

One common feature of the three councils is that, while all are well regarded for the operation and outputs from their scrutiny bodies and are well-resourced with officer support, none is attempting to sustain the volume of O&S activity that Derby City Council has sought to do over the last three years.

3.4 Overview and Scrutiny Member Satisfaction Survey 2005

The second annual Overview and Scrutiny Member Satisfaction Survey was conducted in February 2005. Forms were sent out electronically to all elected members except one, who was sent a paper copy. Forms were also sent to the 16 statutory and non statutory co-opted members. In total 67 forms were sent out of which 28 have been returned, giving a response rate of 42%.

The form was split into two distinct sections. The first dealt with the support services provided by the Overview and Scrutiny Co-ordination Team whilst the second section covered the concept and process of overview and scrutiny.

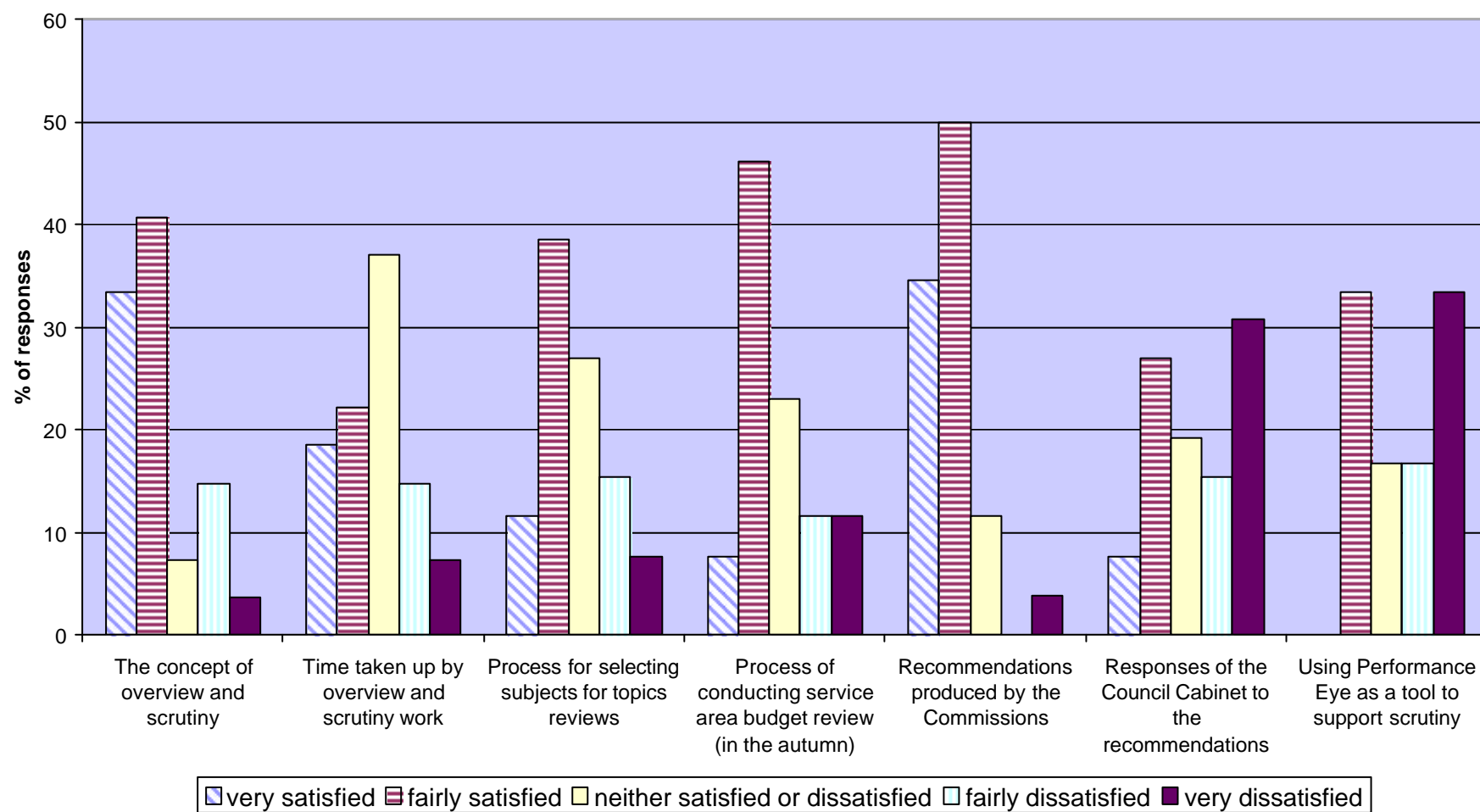
The analysis of the responses reveals a high level of member satisfaction with support provided by OSCers with 77% of the respondents being very or fairly satisfied with the arrangements made for topic review meetings, 82% with the quality of research and 89% with quality of reports produced by OSCers. 79% of the respondents were very or fairly satisfied with the overall support services provided by the Overview and Scrutiny Team. The response to the subjects covered by the Overview and Scrutiny training programmes for Members produced a slightly lower satisfaction rate with 67% of respondents very or fairly satisfied and 7% (two members) fairly dissatisfied.

The concept and process of Overview and Scrutiny had a more mix set of response. 85% of the respondents were very or fairly satisfied with the recommendation produced by the Commissions with 4% (one member) very dissatisfied. 74% of the respondents were very or fairly satisfied with the concept against 19% who were fairly or very dissatisfied.

The response of the Council Cabinet to the recommendations produced by the Commissions had the highest level of Member dissatisfaction with only 35% of the respondents very or fairly satisfied and 45% fairly or very dissatisfied. The time taken up by overview and scrutiny work also produced low satisfaction rates with 41% of the respondents very or fairly satisfied and 22% fairly or very dissatisfied.

The outcome of the survey is shown graphically in the figure on the following page.

Level of Member Satisfaction with the Concept and Process of Overview and Scrutiny



The survey also asked members to suggest how the officer support provided by OSCers, and the scrutiny process itself could be improved. The following comments were received from members:

- I think Performance Eye (PE) has tremendous potential but the old adage rubbish in rubbish out applies and the lack of consistency in PE is annoying.
- One OSCer per Commission. Alter the constitution to make it compulsory for the topic reviews findings to be part of the policy and budget framework.
- We need one OSCer per Commission. Differentiated training for Members, especially Chairs and Vice Chairs. In particular higher level advice and training for the more experienced Members.
- The only point I would add is that I am very comfortable with the level of support and service that is provided.
- Training for Cabinet members should be mandatory.
Overview and Scrutiny is not used enough by all members of the Council.
Top-up training sessions.
More evening work to allow all members to participate and less daytime meetings.
Overview and Scrutiny is an excellent tool to examine and expand knowledge of the Council business
The OSCers are exceptional, we need more of them, if Overview and Scrutiny was used to capacity and as effectively as it should be, I doubt the OSCers could manage their work as well as they do now.
- Ideally we require a complete list of all services provided by the National Health Service - otherwise how can we scrutinise them? I doubt that such a list exists but one covering say 97% of the expenditure should be produced.
Given a list we could begin a comprehensive process of scrutiny - although I cannot comprehend how a high quality process could be done across England by all the relevant democratic Local Authorities separately.

The knowledge of the people giving presentations from National Health Service and the National social care community and their authority seems not to be in line with the concept of the process of scrutiny.

We spend insufficient time on the NHS work anyway. The Health Inequalities work we did was a good attempt at the process but the witnesses seemed to lack authority, knowledge and credibility in a

number of cases. Their grasp of elementary statistics was sometimes poor.

As an example, I regard as very serious the 10 year difference in life expectancy between Osmaston and Allestree. We need to make much more impact on that issue. I do not suspect there is anyone else concerned about that issue within the relevant health and other communities. Particularly around the economic causes of such a shameful situation .

- I am sure you agree that you are overworked and understaffed. Not sure how Performance Eye works. I think the Overview and Scrutiny process is largely ignored by the Cabinet. Unfortunately these days it has become political which is against the spirit of Overview and Scrutiny.
- Performance Eye probably needs more time to test this tool in different areas of work. Need to make Cabinet responses including updates on application of recommendations a requirement within the Cabinet's remit.
- I attend Commission by invitation and am not directly involved with OSCers but from Overview and Scrutiny agendas & topic reports it is clear that they provide a very good service. I wonder if the team is over-stretched and needs expanding.

As a new Cabinet Member last year the first few meetings of the Education Overview and Scrutiny were used for political point scoring rather than overview. This improved this year. More emphasis on corporate objectives & service issues would support improvements to the service and the city.

- Have only been co-opted member for a relatively short period. Experience to date has been very good, interesting and informative. I feel I need more time and experience before I can make significant comments constructive or otherwise. Experience to date shows it to be working well. One possible comment would be, if a subject or recommendation is put to Cabinet, then a Cabinet member should present the reply for questioning if necessary.

4. Overview and Scrutiny Issues

The 'So what's happened since?' review, the Council Cabinet Workshop, and the 2005 Members Satisfaction Survey all identified issues for Overview and Scrutiny. Further input on overview and scrutiny issues was provided by the Co-ordination Team.

The key issues that were identified can be grouped under the following headings:

- The relationship of Cabinet and Scrutiny
- The focus of Overview and Scrutiny
- The structure of Overview and Scrutiny
- Overview and Scrutiny workloads
- Legal implications

None of these issues can be considered in isolation as all are interlinked and changes made in one area will have a significant impact on the other areas. The four key issues are discussed below.

4.1 The relationship of Cabinet and Scrutiny

Comments made to the 'So what's happened since?' review illustrated scrutiny members' concerns about the interaction of Cabinet and Scrutiny and about the value that seems to have been placed on the outcome of scrutiny reviews.

The IDeA report on the Cabinet/Scrutiny Workshop emphasises the importance of establishing a productive working relationship between Cabinet and Scrutiny and offers some suggestions as to how this might be done.

The 2005 Member Satisfaction survey showed that of the respondents, 29% were fairly satisfied with the response of Council Cabinet to the Commission's reviews and the same number were very dissatisfied with Cabinet's response. This contrasts with the findings of the 'So what's happened since?' sub group which appear to show that most recommendations of the Commissions' topic reviews were responded to satisfactorily by the Council Cabinet.

The IDeA report concludes that there is a need for improved dialogue between Cabinet and the Scrutiny Commissions. It suggests that the Council should build on and exploit the outcomes of the workshop. It also suggests that it would be to the benefit of the Council if Cabinet and the Scrutiny Commissions were to engage and collaborate more readily.

This suggestion is fully supported by the Co-ordination Team and preparations are in hand to provide members with a regularly updated bulletin on topical issues that might benefit from scrutiny by the Commissions.

It must however be stressed that an outsider's perception of Overview and Scrutiny will to a large extent be coloured by the obvious outputs of scrutiny.

These in turn will depend on the focus of the Commissions and on the issues with which they chose to involve themselves.

4.2 The focus of Overview and Scrutiny

The training material that has been previously provided by the Co-ordination Team has emphasised the importance of selecting review topics and agenda items that are of relevance to the Council and are of interest to the people of Derby.

However when the IDeA principal consultant examined this aspect of scrutiny in Derby he found that although the activity levels of the Commissions were high, there was a high level of inconsistency with regard to the focus or impact of their work. There was according to his report 'evidence of some Commissions having a clear focus on an issue that was a key Council priority', but the approach varied considerably between Commissions. He suggested that 'Scrutiny might like to consider a radical overhaul of its work programmes'. If implemented this could improve Members' satisfaction with the process of selecting topics for review. It might also enhance the status of scrutiny by ensuring that topics were high profile and of interest/importance to both the public and the Council.

The ability of scrutiny to focus on issues of importance is to a large extent dependent upon the time that members can devote to the scrutiny process. The comments concerning the structure of Overview and Scrutiny that are made in the next section of the report, and any decisions subsequently made by Scrutiny Management Commission, will therefore have a significant bearing on the ability of Overview and Scrutiny to focus on issues of importance for the Council.

There is also an issue of balancing scrutiny (holding the Council Cabinet and other bodies to account) and overview activity (topic reviews), which may in part be a consequence of meeting arrangements. 'Scrutiny' has tended to be light touch, be about prospective Council Cabinet decisions identified from the Forward Plan, with several items considered at one timetabled business meeting. 'Overview' has tended to be multi-meetings over several months on one theme or topic. What has been underdeveloped is retrospective scrutiny about past performance or how the Council responded to events. There is also underdeveloped potential for conducting compact topic reviews about issues of importance to Derby, for which the SMC one day review of Post Office closures provides a model.

It is of note that SMC's recent review on Overlapping Areas of Control and Management – Procurement was conducted on behalf of the wider Commission by a sub-group comprising four members. When Council Cabinet considered the resulting report, on 22 February 2005, they accepted all four recommendations and resolved 'To thank the Scrutiny Management Commission for their report and ask them to consider whether all Commissions should consider adopting this methodology when carrying out future reviews'.

The terminology varies, for example “Select Committee”, but the use of time- and task groups is quite common in overview and scrutiny structures. This is seen in Table 1 in this report. The Camden model forms the basis for Option 7. Additionally, permutations involving the regular use of short life panels are included in Diagram 2.

4.3 The structure of Overview and Scrutiny

Table 1 in Section 3.3 of this report enables a comparison of Derby’s Scrutiny structure with that of the three local authorities that were visited in the course of this review. One output of this comparison is an appreciation that effective scrutiny is not solely dependent on the scrutiny structure of the local authority in question.

It is however important to remember that in order to carry out effective scrutiny, members need to be able to devote sufficient time to the scrutiny process. Derby not only has a relatively large number of scrutiny commissions, but it has historically had a high level of scrutiny activity. In his report on the Cabinet Scrutiny workshop, Neil Shaw suggests that members might wish to reflect on whether the current number of Scrutiny Commissions can deliver the Council’s intended outcomes for scrutiny. However merely reducing the number of Commissions or the level of scrutiny activity will not automatically achieve a significant improvement in the quality of scrutiny. As Neil points out, effective scrutiny is founded on:

- structures that are fit for purpose
- scrutiny that is effectively focussed
- members who have the appropriate skills
- an effective relationship between Scrutiny and the Cabinet

Unless these points have been effectively covered, a change in the number of Commissions, the level of scrutiny activity, or the political structure of Overview and Scrutiny, is unlikely to result in any significant improvements.

What is required may be an approach similar to that taken by Bradford City Council who by reducing the number of their Scrutiny Commissions from six to three, and by reducing the level of scrutiny activity, were able to give scrutiny a sharper focus and to highlight the areas where it is likely to have most impact on service performance.

If they are to be effective, any changes to the structure of Overview and Scrutiny may also need to be supported by increased and improved levels of member training. This will provide members with the chairing, questioning, challenging and analytical skills they need to deliver effective scrutiny under any new structure.

4.4 Overview and Scrutiny workloads

As has been previously mentioned, the activity level of Derby's Overview and Scrutiny Commissions has on the whole been very high. However, this high level of activity has meant that the Commissions often find themselves with insufficient time to effectively scrutinise all the items they select for consideration. If the scrutiny is not effective any resulting report is likely to be of limited value, and poor or superficial reports are unlikely to enhance Cabinet's opinion of the value of scrutiny.

The high level of scrutiny activity may be the reason why relatively few respondents to the 2005 Members Satisfaction Survey expressed themselves as being 'Very' or 'Fairly' satisfied with the amount of time spent on Overview and Scrutiny. A significant number of members who commented to the Satisfaction Survey suggested that there was a need for more OSCers.

The current level of resources within the Overview and Scrutiny Co-ordination Team cannot sustain the high levels of activity referred to in the report. This means that the Council should consider reducing the workload generated by the Commissions, or increasing the resources devoted to overview and scrutiny support. The options set out in Section 5 include some that could address the workload issue through structural change or more focussed activity.

It is of note that the Summary of Section 3.3 which compared the Overview and Scrutiny structure in Derby with that of Buckinghamshire and Cumbria County Councils and that of the London Borough of Camden contains the following comment: 'One common feature between the three councils is that, while all are well regarded for the operation and outputs from their scrutiny bodies and are well-resourced with officer support, none is attempting to sustain the volume of Overview and Scrutiny activity that Derby City Council has sought to do over the last three years.'

A further consideration is that Overview and Scrutiny cannot be considered in isolation from the other calls on Members' time. In addition to the traditional representational role on behalf of constituents and communities, many Members are engaged in the increasing number of partnership arrangements and in the Planning Control and Licensing Committees that are the regulatory part of the Council's machinery. Derby is not alone in anticipating a major call on Member time as a result of the transfer of Liquor Licensing responsibilities.

4.5 Legal Implications

The Local Government Act 2000 requires that the Council's overview and scrutiny arrangements cover the full range of functions it is responsible for. This can be undertaken by a minimum of one member body or by any higher number the Council considers appropriate. Any Commission when considering local education authority functions must, in addition to the Councillor Members include representatives of faith communities and parents. In the case of Derby there are five voting members representing faith

communities and parents. Section 7 of the Health and Social Care Act 2001 provides for the Council’s Overview and Scrutiny function to review and scrutinise local National Health Service bodies.

5. Some Options for Improving Overview and Scrutiny in Derby

The following table lists a range of possible options for improving Overview and Scrutiny in Derby. The options are not recommendations but are merely offered as examples of possible scrutiny structures. Advantages and disadvantages have been shown for each of the options listed.

The options listed in the table are shown diagrammatically in Figure 2 on the following pages.

Table 3

	Option	Advantages	Disadvantages
Option 1	Do nothing	<ul style="list-style-type: none"> • High level of member familiarity with the system • Knowledge that under the right circumstances and with the right guidance the system can deliver effective scrutiny • System offers all non-Cabinet members the chance to engage in scrutiny 	<ul style="list-style-type: none"> • Large number of meetings • Poor Cabinet/Scrutiny relationship • Lack of focus by Commissions • Variable level and quality of scrutiny output • Ill-defined role of SMC • Relatively low levels of member satisfaction with the whole scrutiny process • Training to improve member skills not a high priority • Tendency for Commissions to revert to 'Committee' working • Level of work not sustainable with current level of OSCer support
Option 2	<p>Make no change to the number or structure of the Commissions, but address the issues of:</p> <ul style="list-style-type: none"> • Improving the relationship between Cabinet/Scrutiny • Refining the focus of the Commissions and thereby reducing scrutiny activity • Redefining the role of the Scrutiny Management 	<ul style="list-style-type: none"> • High level of member familiarity with the system • Knowledge that under the right circumstances and with the right guidance the system can deliver effective scrutiny • System offers all non-Cabinet members the chance to engage in scrutiny • Adoption of the IDeA 	<ul style="list-style-type: none"> • Potentially still a large number of meetings and hence heavy demand on member time • Will require a high level of member commitment if it is not to 'fall-back' to current state • Probably still too easy for Commissions to unconsciously revert to 'Committee style' working • Not sufficiently different for it to feel

	Option	Advantages	Disadvantages
	<p>Commission</p> <ul style="list-style-type: none"> Improving member training and placing members with relevant skills in appropriate posts that were identified in the IDeA report and through other inputs to this review 	<p>recommendations should overcome most of the problems that have been identified by the current system</p> <ul style="list-style-type: none"> The role of the SMC can be redefined to improve its focus and make it more effective 	<p>that the system has been changed</p> <ul style="list-style-type: none"> Unless Commissions significantly reduce their workload the system will not be sustainable with the current level of OSCer support
Option 3	<p>Make relatively minor changes to the number or structure of the Commissions and address the issues of:</p> <ul style="list-style-type: none"> Improving the relationship between Cabinet/Scrutiny Refining the focus of the Commissions and thereby reducing scrutiny activity Redefining the role of the Scrutiny Management Commission Improving member training and placing members with relevant skills in appropriate posts that were identified in the IDeA report and through other inputs to this review 	<ul style="list-style-type: none"> Fewer Commissions will mean a reduced demand on members' time Members will still have a high level of familiarity with the system Changes will build upon the knowledge that under the right circumstances and with the right guidance the system can deliver effective scrutiny The new system will still offer all non-Cabinet members the chance to engage in scrutiny Adoption of the IDeA recommendations should overcome most of the problems that have been identified by the current system The role of the SMC can be redefined to improve its focus and make it more effective 	<ul style="list-style-type: none"> Fewer Commissions and/or fewer meetings may make it difficult for the Commissions to react quickly when important issues arise Fewer Commissions and/or fewer meetings may mean that Overview and Scrutiny is seen as a 'part-time' activity which is of lesser importance than members' other activities May promote 'Committee style' of working if agendas lengthen Even though the number of Commissions have been reduced the new system may not be sufficiently different for it to feel that it has been changed

	Option	Advantages	Disadvantages
		<ul style="list-style-type: none"> Reducing the number of Commissions and improving their focus will make the OSCer workload more sustainable 	
Option 4	Set up 'Portfolio focussed' Commissions that are aligned with Cabinet portfolios, but still address the issues that were identified by the IDeA report and through other inputs to the review.	<ul style="list-style-type: none"> Small Commissions that are fast and focussed Easier to get decisions Members develop familiarity and skills in specific areas Member training can be 'portfolio specific' 	<ul style="list-style-type: none"> Will mean eight commissions and a lot more meetings High demand on member time Means smaller Commissions and there will consequently be problems if members absent Possible problems with political balance Overview and Scrutiny will not be cross-cutting Very difficult for the OSCer team to support with current staffing levels Promotes scrutiny at the expense of overview work
Option 5	Set up a few 'Super Commissions', but still address the issues that were identified by the IDeA report and through other inputs to the review.	<ul style="list-style-type: none"> Fewer meetings needed Broad-ranging Commissions could cover several portfolio areas Wider interest for members Gets members together for one big session Easier for Constitutional Services and OSCer team to support Good for covering cross cutting issues 	<ul style="list-style-type: none"> No real logical groupings of portfolio areas Might be difficult to balance the size of the Commissions Would probably still need a stand alone Education Commission

	Option	Advantages	Disadvantages
		<ul style="list-style-type: none"> • Because Commission would be big, not too much of a problem if not all members are available for meeting • Would make daytime all-day meetings attractive • Offers lots of flexibility for arranging meetings. Could do 'business' in the morning and reviews in afternoon 	
Option 6	<p>Set up two standing commissions, one focused around 'Scrutiny' activity and the other around 'Overview'.</p> <p>Address the issues that were identified by the IDeA report and through other inputs to the review.</p>	<ul style="list-style-type: none"> • Useful split of tasks • Scrutiny Commission can focus around Cabinet activity and be timed to meet one or two days previously • Policy Overview Commission would focus on topic reviews, policy developments, and scrutinise non-Council bodies. • Two large Commissions could still allow all interested back benchers to take part • Fewer main meetings to support • Policy overview could create short life sub-groups and play to individual Members strengths. 	<ul style="list-style-type: none"> • There is not an oil and water divide between Scrutiny and Overview, for example, Performance Review • Large meetings and large agendas may encourage a committee feel • Less scope to develop functional knowledge than the current structures • Both bodies would need five education added Members • Being generalised, may not be conducive co-optee involvement.
Option 7	Establish a single scrutiny Commission tasked with scrutinising Cabinet, and set up time limited sub groups to conduct topic reviews and single	<ul style="list-style-type: none"> • Would have enough members to support the arrangement with less time commitment • Allows topics and projects to be tasked to skill selected groups 	<ul style="list-style-type: none"> • Smaller topic teams vulnerable to member absence/non-attendance • Requires big change in attitude and direction • Would need Council Chamber for

	Option	Advantages	Disadvantages
	<p>issues projects</p> <p>Still address the issues that were identified by the IDeA report and through other inputs to the review.</p>	<ul style="list-style-type: none"> • Gives members opportunity to work on range of different topics • Would involve every member in Cabinet Scrutiny • Could give specific members responsibility for scrutinising particular Cabinet portfolios • Big meetings to scrutinise Cabinet would give broader view and better scrutiny as all members would be involved • Would be very different from old Committees • Cabinet scrutiny meetings would parallel those of Cabinet – topic review meetings would take place as required – so in total here should be fewer meetings • Easier for Constitutional Services and OSCer team to support • Gives members better involvement in policy and decision making process • Has proved successful in Camden 	<p>Cabinet Scrutiny meetings</p> <ul style="list-style-type: none"> • Increased demand on Cabinet. May need them all at Cabinet Scrutiny meetings. • Rolling time limited sub-groups may be easier to operate in an authority with quadrennial elections • Five additional voting members would need to be included for education items

Diagram 2 – Users' Guide

Explanation

The diagrams seek to visually represent the seven options described in Table 3.

The Overview and Scrutiny function must cover the range of an authority's functions. The number of columns equal the number of commissions / member bodies. The smaller the number of Commissions, the wider the portfolio of each needs to be. Overview and Scrutiny activity is a mix of short items and long reviews. In Derby these differing tasks are undertaken by the same permanent member body. In some Councils there is a split, with topic reviews undertaken by short life, or time – and - task groups. In the diagrams, permanent bodies are shown in light grey, short life bodies in dark grey. There is also the question of whether co-ordination of the Overview and Scrutiny function is provided by a body like the SMC, as in Derby, or by a freestanding member group.

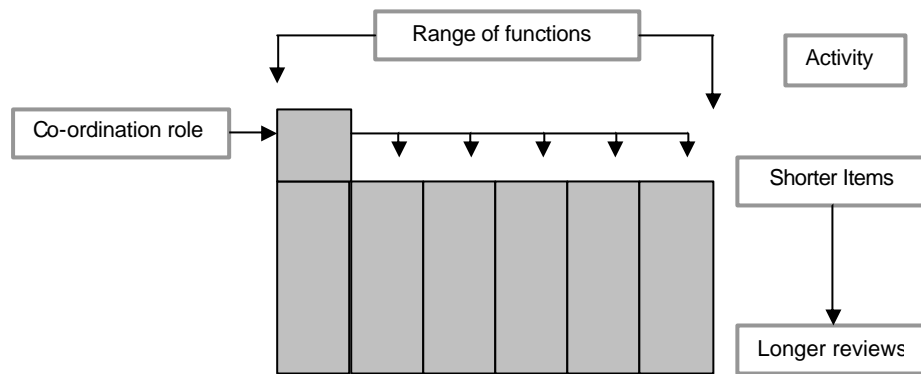
For example, Options 1 and 2, are Derby's current arrangements. Six commissions cover the range of the authority's functions. All the commissions deal with shorter items – at the business meetings shown in the municipal yearbook – and also do the longer reviews, which in Derby we call Topic Reviews. One commission, the SMC, is also shown having a co-ordinating role in relation to the other five.

To show the potential for variations, Option 3 is shown operating in four different ways.

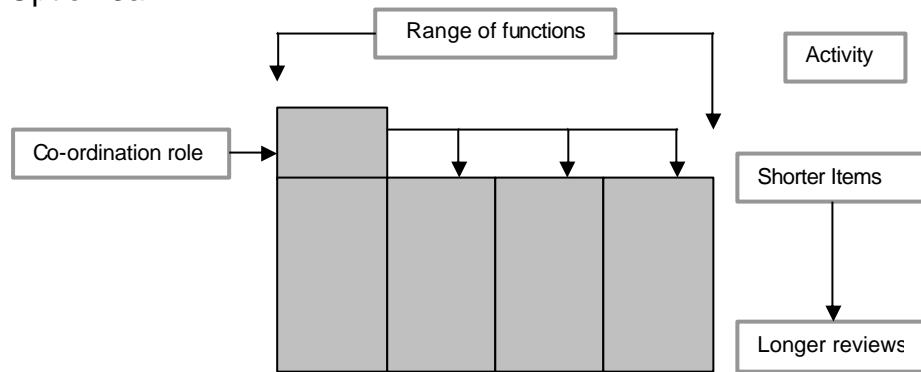
Key

Number of columns	=	Number of member bodies covering the range of a council's functions
Unbroken columns	=	Member body covers both short items and longer reviews
Broken columns	=	Separate member bodies deal with shorter items and lengthy 'topic review' activity
Light grey	=	Permanent member body
Dark grey	=	Short life member body

Options 1 and 2

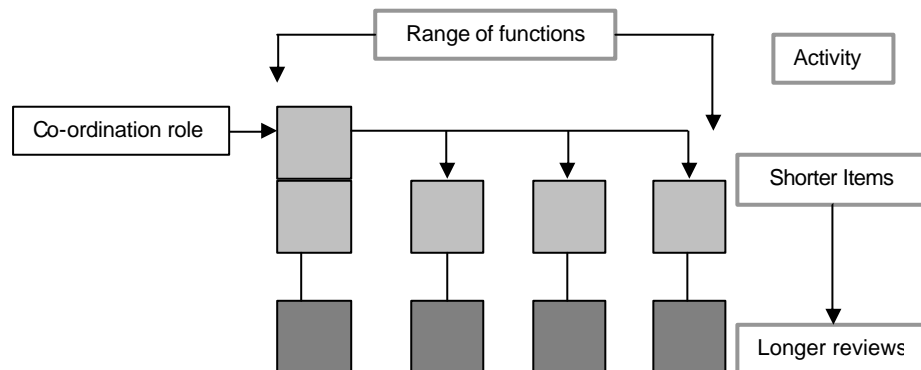


Option 3a



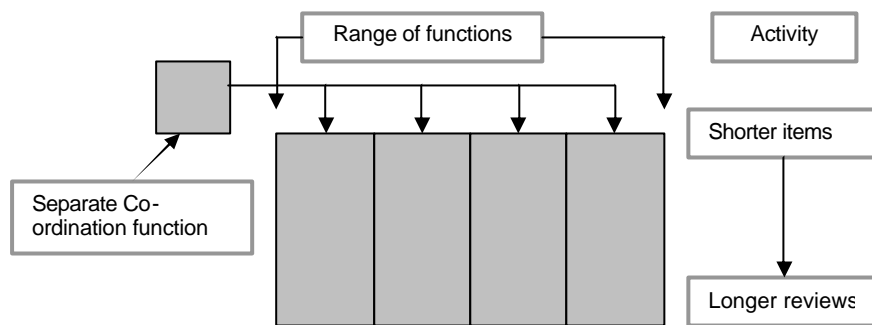
Fewer Commissions with wider portfolios – retains SMC dual role

Option 3b



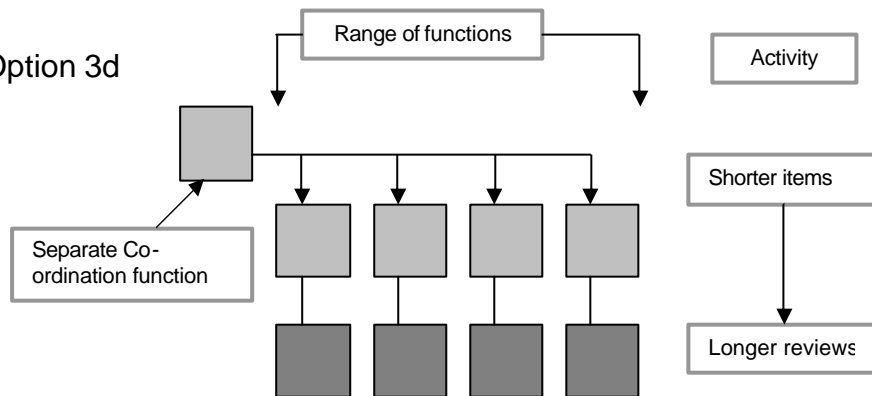
Fewer Commissions with wider portfolios but reviews undertaken by time/task groups (coloured dark grey) SMC dual role retained.

Option 3c



Fewer Commissions with wider portfolios. Similar to Option 3a but with separate Co-ordination

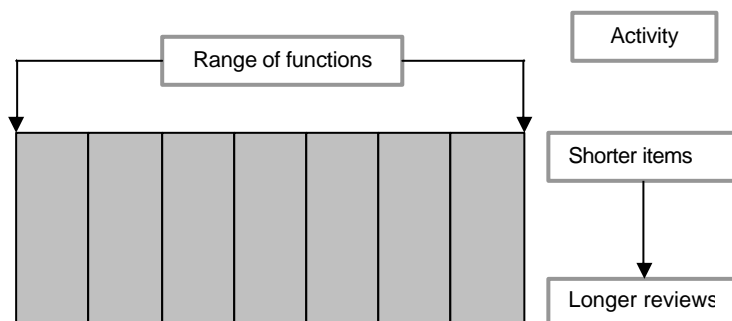
Option 3d



As Option 3b but with separate Co-ordination function. Reviews undertaken by time/task groups (coloured dark grey)

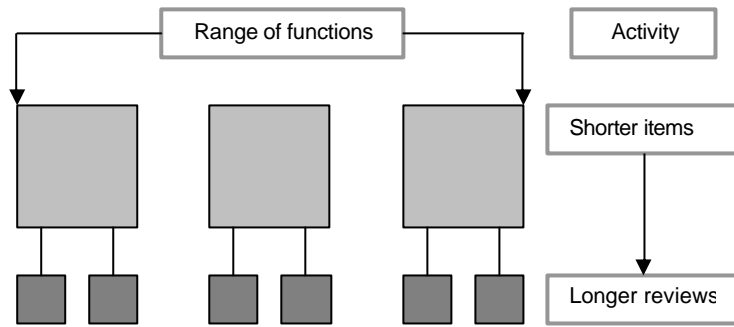
Radical alternatives

Option 4



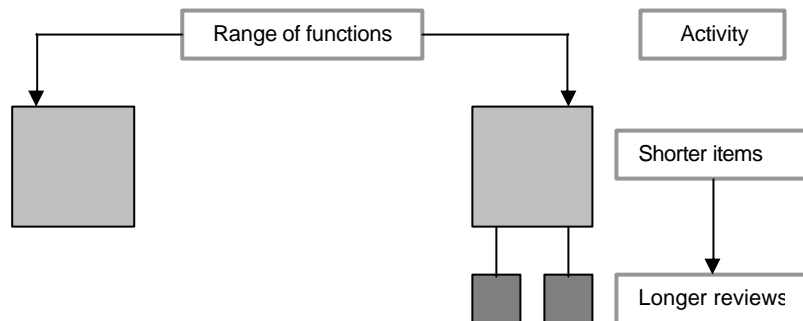
'Portfolio focussed' – each Commission deals with one Cabinet portfolio – this is the largest structure

Option 5



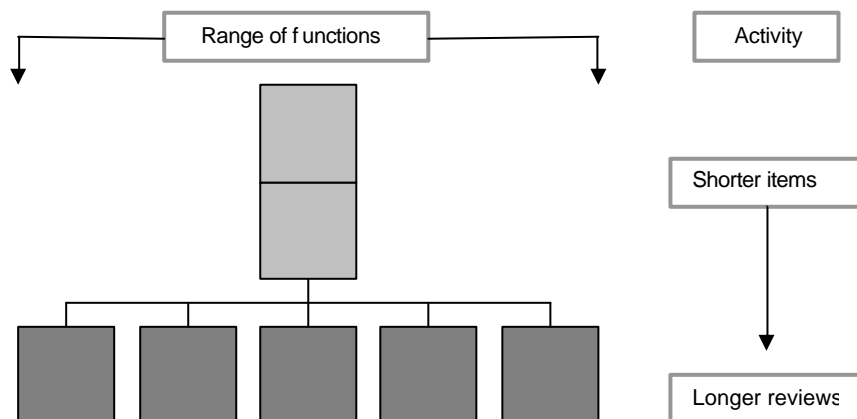
'Super Commissions' – small number of large Commissions with wide portfolios. Reviews undertaken by time/task groups (coloured dark grey)

Option 6



Two Super Commissions, one for scrutiny – timed to coincide with Council Cabinet, the other for overview to conduct topic reviews, etc.

Option 7



A single scrutiny Commission tasked with scrutinising Cabinet, and time limited sub groups (coloured dark grey) to conduct topic reviews and single issues projects. This is the smallest structure and the one used by Camden.

6. Recommendations

This report in its draft form was considered by the Scrutiny Management Commission (SMC) at its meeting on 22 March 2005. At that meeting the Commission agreed to set up a cross party working group comprising the Chair and Vice Chairs of the Commission, together with Councillor Smalley, and to task it with considering the report and making some draft recommendations which could be considered at the SMC meeting on 19 April 2005.

The working group met on 12 April 2005 and members were able to agree on four recommendations which were based on recommendations contained in the IDeA report of the Cabinet Scrutiny workshop that was held on 22 January 2005. The four recommendations agreed by the working group, and the reasons for those recommendations are listed below:

Recommendation 1

The engagement between Cabinet and the Scrutiny Commissions should be improved. It was considered that this could be achieved by:

- Regular informal meetings between Scrutiny Chairs, Vice Chairs and Commission members and the relevant Cabinet members
- Cabinet members explaining to the Commissions why recommendations had not been adopted or had been amended
- Cabinet members spending more time with the Commissions, answering questions and explaining Cabinet policy
- Relevant Cabinet members attending the first Commission meeting of the Municipal Year to inform members of Cabinet priorities, provide performance summaries and details of inspections, etc
- Reinforcing the need for mutual respect between the Cabinet and Commissions and mutual recognition of the value of their roles in ensuring effective decision making

Reasons 1

The Working Group considered that better engagement between the Cabinet and the Commissions would:

- Reduce conflict
- Improve the focus of the Commissions
- Assist Commissions in prioritising their work
- Add value to the Council's decision making processes

Recommendation 2

The Commissions should increase their involvement in scrutiny. It was considered that this might be done by reducing the emphasis currently placed on topic reviews and giving more attention to scrutiny. Methods of achieving this include using performance management information more effectively and conducting scrutiny reviews on the outcomes of previous decisions.

Reasons 2

Increasing the level of scrutiny would:

- Improve the Commissions' effectiveness in holding the Cabinet to account
- Improve the response of the Commissions to issues affecting Derby people
- Enable Commission members to develop new skills
- Raise the profile of scrutiny by enabling the Commissions to engage in issues that were seen by the public as locally topical and important
- Improve the quality of service delivery

Recommendation 3

The Commissions should review their work processes with a view to improving outcomes and the linkages to Council priorities. This might be done by:

- Selecting agenda items and topics for review on the basis of their overall importance and the value that the Commissions will gain or add by considering them
- Giving higher priority to the consideration of matters that relate to the Council's priorities
- Holding informal all-Commission pre-meetings before business meetings in order to exchange information and explore options relating to agenda items
- Routinely requesting update and feedback reports from Cabinet and Chief Officers on the items considered by the Commissions

Reasons 3

The time that Commission members can devote to the Overview and Scrutiny process is a scarce resource. In order to use that time effectively the Commissions must concentrate on those issues that are important to Derby people and the Council as a whole. Commissions must avoid being sidetracked into spending time on 'rubber stamping' exercises or on issues where they cannot add or gain significant value, even though such activities might be suggested by Cabinet or Chief Officers.

Recommendation 4

The Commissions should:

- Identify the skills needed by Chairs and members to deliver effective scrutiny
- Prepare training programmes designed to address any skill shortages they identify

Reasons 4

Effective scrutiny requires a particular range of member skills. By providing training in those skills it should be possible to improve the standard of scrutiny delivered by the Commissions.

At their 19 April meeting SMC members considered proposals provided supported by the Labour Group and the Liberal Democrat /Conservative alliance, as well as a report for Council Cabinet that had been prepared by the Leader and Deputy Leader of the Council. The SMC members were not however able to come to a consensus agreement on the number of Scrutiny Commissions that any new Overview and Scrutiny structure should contain.

The Labour Group members of the Commission supported the proposal by the Commission's two Vice Chairs which is set out in Appendix C of this report. This proposal was to retain the six existing Overview and Scrutiny Commissions.

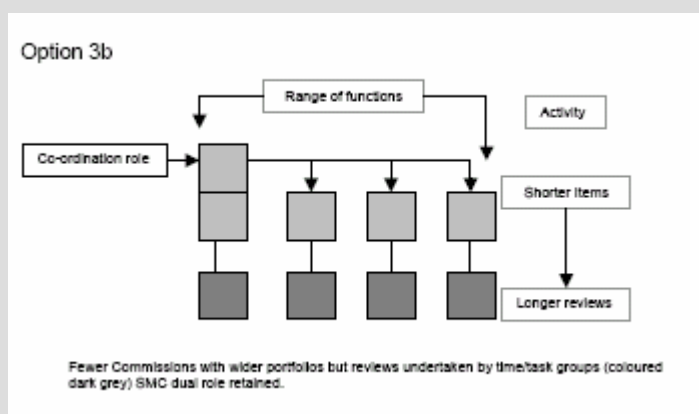
The Liberal Democrat and Conservative members favoured the proposal of their own groups, which is contained in Appendix D. This proposal is to reduce the number of Overview and Scrutiny Commissions from six to four, with each of the four new Commissions linking to two Cabinet portfolios. This was also the structure proposed in the Leader/Deputy Leader's report to Council Cabinet

After considerable discussion the Commission voted on the two proposals. The voting was split evenly with seven for and seven against each proposal but the Liberal Democrat/Conservative proposal was carried on the basis of the Chair's casting vote.

Recommendation 5 of this report is therefore as set out below:

Recommendation 5

- c) The number of commissions should be reduced from six to four and that the structure should broadly follow that of option 3b in the Review report – see diagram below.**



- d) In order to promote better relations with Cabinet and to improve the accountability of Cabinet, each Commission should be linked with two Cabinet portfolios.**

Reasons 5

- Having fewer Commissions will mean fewer committed meeting dates which will free up diary pressures and allow for greater focus on the priorities of the Council, as recommended in the IDeA report.
- Fewer Commissions will allow a greater concentration on the Council's objectives and priorities and enable effort to be targeted on areas that have the greatest impact on improving Council services and are of greatest public concern. Agendas and reviews can be organised for maximum effectiveness.
- In combination with the other recommendations, particularly with regard to improving relations with Cabinet, the slimmer structure will be more effective and focused, and allow more time for effective decision making.
- With fewer meetings, it will be easier to meet the needs of Members in full time employment who cannot attend daytime meetings.
- The structural changes should strengthen the work of the Commissions and to make the Cabinet more accountable.



CABINET AND SCRUTINY DEVELOPMENT

DERBY CITY COUNCIL

Background

1. The Improvement & Development Agency (IDeA) has been commissioned by the Council to undertake focused facilitation/development with members which will feed into the council's current review of scrutiny. It is important to stress that this development was based on a half-day workshop in January 2005, and did not include further independent research or investigation. The findings and conclusions from the development are based solely on the outcomes from the member workshop.
2. The anticipated outcomes of the workshop were:
 - to ensure all members had a common understanding of the role and value of scrutiny in an 'excellent' authority
 - agreement of the current strengths and areas for future scrutiny improvement
 - identifying and collectively agreeing the foundation for further improvements in scrutiny
 - strengthening the relationship between the Cabinet and scrutiny

Key Findings

3. A wide range of specific issues were identified during the workshop and these are summarised in Appendix 1. However, the following significant issues were identified consistently:
 - the need for improved dialogue between the Cabinet and the scrutiny commissions
 - less 'theatre' and party politicking at formal Council meetings
 - the possible value of short debriefing sessions at the conclusion of formal council meetings in order to reflect, learn and improve future meetings
 - the need for greater involvement of Cabinet members in the scrutiny process (including the attendance of Cabinet members at commission meetings)
 - Scrutiny Management Commission to be more directive and provide more focus for the other scrutiny Commissions
 - the overview and scrutiny Commissions to have greater focus and provide greater support to the council on delivering on its priorities

- the need for an open and frank examination of the scrutiny commission structure to ensure it is 'fit for purpose'
4. It is important to note that the views of attendees varied on specific issues considerably. This is likely to reflect individual's experience and understanding of the respective roles of Cabinet and scrutiny functions. However, in order to ensure members are focused on maintaining the Council's 'excellent' status and addressing its areas for improvement, members agreed a number of key areas on which to focus in relation to the operation of Cabinet and scrutiny.

Engagement between members

5. The relationship between the Cabinet and scrutiny and between some individual members is constructive. However, there is generally limited interaction between the Cabinet and scrutiny. Some Cabinet members do attend specific scrutiny commission meetings, but the council does not currently have a mechanism for the Cabinet and scrutiny to discuss the business in these two areas in order to see how, for example, scrutiny might be able to support the council in examining key areas of underperformance, or in improving delivery in council priority areas.
6. Scrutiny can potentially make a significant contribution to the council's improvement agenda. To improve the dialogue and communication between the Cabinet and scrutiny, the council may wish to consider establishing regular, informal, meetings which would enable Cabinet members to outline their focus for the next 3/6 months and examine how the scrutiny commissions may support elements of this programme. This could be particularly useful in terms of scrutiny retaining a strong performance management focus on key areas or in undertaking, focused, but detailed scrutiny investigations in priority areas. Although some of this activity is currently undertaken, this can lack focus on the council's priorities, due to the lack of systematic communication and interaction. Implicit within this process of identifying areas to focus on, Commissions will need to be clear on what they will not be focusing on.
7. The wider background to this is the Cabinet acknowledging the value and potential of scrutiny. Scrutiny is currently viewed by a small group of non-scrutiny members quite dismissively. Part of this is due to a lack of understanding on the respective roles of the Cabinet and scrutiny. The workshop laid a foundation for a common understanding amongst members of their respective leadership roles. It will now be important for members to build on this and exploit opportunities where the Cabinet and scrutiny can engage more regularly and collaborate for the greater good of the council.

The focus of scrutiny

8. The activity level of the scrutiny Commissions, on the whole, was high. There are a number of examples where scrutiny has been very active. However, activity does not necessarily equate to scrutiny having a strong impact. It will be important for scrutiny as a whole and the individual Commissions themselves, to reflect on the composition and workload of their work programmes to ensure that these are focused on issues that are supporting the council's overall improvement agenda and/or are likely to be issues of keen public interest, where scrutiny is likely to have a strong impact. There is currently a high level of inconsistency in this regard. There is some evidence of some scrutiny commissions having a clear focus on an

issue that is a key Council priority, but this varies considerably between the commissions.

9. Scrutiny may wish to consider a radical overhaul of its work programmes and ensure that their thinking in terms of a new work programme for each commission includes input from Cabinet members. It is the legitimate right of scrutiny to set its own work programmes. However, the informal input of non-scrutiny members is likely to lead to a productive discussion on the role individual commissions can play in contributing to delivering on Council priorities.

The structure of scrutiny

10. The capacity of members is limited. Whilst this is an issue in all local authorities, members may wish to reflect on whether the current number of scrutiny commissions deliver the council's intended outcomes for scrutiny. According to the Centre for Public Scrutiny, effective scrutiny should;
 - provide a 'critical friend' challenge to executives as well as external authorities and agencies
 - reflect the voice and concerns of the public and its communities
 - take the lead and own the scrutiny process on behalf of the public
 - make an impact on the delivery of public services
11. It is important to stress that a discussion about alterations to the number of scrutiny Commissions should not make the assumption that this will conclude in a reduction or increase in the current number. Neither, it should be reinforced, will the mere alteration of any political structure in itself, deliver improvement. Effective scrutiny is founded on structures that are fit for purpose, scrutiny that is effectively focused, on members with the appropriate skills and on an effective relationship with the Cabinet. Only within this context, should the council consider reviewing if the current structures are fit for purpose.
12. Considerably larger authorities, in population and member terms, such as Bradford (with 90 members), have a smaller number of scrutiny committees. In Bradford's case, they reduced their six scrutiny committees down to three in 2004/05. This has partly enabled scrutiny to have a sharper focus. This process has been supported by a significant refocusing of the three committees work programme, reducing the overall activity of scrutiny, but highlighting where it is likely to have a stronger impact.
13. The role and operation of the Scrutiny Management Commission is also in need of examination. Members identified the need for SMC to be more assertive and provide a firmer guiding hand for the commissions. Members may wish to consider if the role of the SMC could be extended to incorporate the relationship with the Cabinet, rather than establishing separate meetings. This could then be a more informal forum for members to discuss the business of scrutiny and how it can be co-ordinated and managed. An examination of the SMC could also result in the opposite – its discontinuance, if it is not serving its function effectively.

Improving scrutiny impact

14. As scrutiny at Derby has no specific procedure in place to measure the success of overview and scrutiny in relation to its outcomes, it is difficult to objectively examine

its impact. However, the workshop discussions identified the lack of visible impact. It is difficult to identify where scrutiny has consistently lead to an improvement in frontline Council services, although this has undoubtedly occurred in isolated cases. Detailed scrutiny investigations are one tool which scrutiny can employ to examine an issue and make firm recommendations for improvement. A number of these investigations have been undertaken. However, the number, quality and outcomes from these vary considerably from Commission to Commission.

15. Scrutiny may wish to consider how it selects areas for detailed investigation, within the consideration of the composition of its work programme. The actual number of detailed 'scrutinies' are not in themselves the issue. The focus should be on undertaking scrutinies which are leading to a tangible impact. Scrutiny overall should consider improving the consistency of these investigations across its commissions. In line with previous observations in this paper, the impact of these reviews is also likely to be improved by ongoing dialogue with Cabinet members and a consideration of how they contribute to council priorities.
16. The Council may wish to consider if it is appropriate to promote the outcomes from one or more of these refocused investigations in order to promote scrutiny and, more widely, promote the Council. This could be achieved through the Centre for Public Scrutiny's Public Scrutiny Champions Network or hosting an annual conference of scrutiny good practice in the future.
17. There should also be a greater focus on the composition of agendas and the tracking of recommendations. The workshop examined how items were placed on Commission agendas and whether, once recommendations were made, they were implemented. Scrutiny should take more responsibility for tracking the implementation of its recommendations. This is likely to be aided by the building of the relationship with the Cabinet.
18. Although performance management was only touched on briefly in the workshop, this is a major area where many local authority scrutiny functions have had their biggest impact. The Council's recent developments in performance management and the discussion of performance information at scrutiny Commissions is likely to be a very positive development, which needs to be sustained. By examining underperformance and making recommendations for improvement, scrutiny Commissions can play a strong role in driving the overall improvement of the Council.

Member skills

19. The workshop was unable to undertake any kind of detailed examination of member scrutiny skills. However, members should reflect on the skills needed for effective scrutiny, including; chairing, questioning, report writing, analytical and challenging skills. The authority may also wish to reflect whether it places the members with the most appropriate skills in the relevant posts and how it develops the skills of its members on an ongoing basis.
20. The Council may wish to consider the use of a skills framework such as the IDeA's political skills set, to identify scrutiny members skills on an individual basis in order to examine how members skills can be further improved. This would provide a consistent framework. Members may also wish to consider holding short debriefing sessions after Commission meetings to reflect on the quality and outcomes from the

meetings. This may provide a constructive challenge to continually improving the focus of meetings.

21. Member skills are being further stretched by their limited capacity. The impact of the new licensing legislation over the forthcoming months, as well as the other meetings members are attending, will limit the time members are able to dedicate to improving their skills as well as the amount of time and energy they can put into scrutiny. This makes the imperative for scrutiny to sharpen its focus even more acute.

Other Issues to Consider

22. In a half-day workshop it is not possible to cover all the ground a more detailed and structured external review of scrutiny may incorporate. However, a number of other issues were identified during the workshop that are worthy of note and are likely to have an impact on the future improvement of the scrutiny function;
 - the challenge of external scrutiny – much of the focus of the workshop was rightly on how scrutiny examines council services. However, the scrutiny of external organisations and agencies is important in giving scrutiny a greater breadth. Although there were isolated examples of issues which included input from external organisations, the Council may wish to consider how it engages outside agencies in its scrutiny.
 - the involvement of local people – again, as with many local authorities, the Council is struggling to consistently engage local people in scrutiny. The suggestions in relation to refocusing the Commissions work programmes may assist in identifying scrutiny issues that are of greater interest to local people. However, the Council may wish to consider how it could improve its engagement with local people.
 - the engagement of members – the workshop focused on the relationship between scrutiny and the Cabinet. However, there is some evidence that some members on scrutiny Commissions and some non-scrutiny members do not feel engaged with the scrutiny process. Although some of this is likely to relate to individual member's views on the principle of scrutiny, for other members this is likely to be due to their lack of involvement or a lack of clarity on scrutiny's impact. The Council may wish to consider how it could improve the engagement of members overall in scrutiny.

Conclusions

23. The outcomes from the workshop should feed into the Council's overall review of scrutiny. In summary, the Council should consider;
 - improving the engagement of the Cabinet and scrutiny through structured, yet informal, regular meetings and the greater involvement of Cabinet members in scrutiny items
 - realigning the focus of scrutiny by improving scrutiny's emphasis on the Council's priorities

- transparently conducting a review of the current structure of scrutiny Commissions in order to ensure that this structure is 'fit for purpose'
- concentrating on improving the impact of scrutiny by improving the outcomes from scrutiny items and making closer links to tangible improvements in Council services
- examining current members skills to ensure that scrutiny members have, or are developing, the appropriate skills to undertake scrutiny effectively

Neil Shaw
Principal Consultant
IDeA

2nd February 2005

WORKSHOP GROUP DISCUSSIONS SUMMARY

STRENGTHS	AREAS FOR IMPROVEMENT
<ul style="list-style-type: none"> members of the public have been co-opted to scrutiny and used as witnesses 	<ul style="list-style-type: none"> There is often a lack of feedback from the Cabinet on scrutiny recommendations
<ul style="list-style-type: none"> scrutiny has sometimes assisted Cabinet members to improve services (although this is not consistent) 	<ul style="list-style-type: none"> Topic reviews can often not be well chosen
<ul style="list-style-type: none"> Where scrutiny has followed up its impact on specific issues, there are a number of examples of positive outcomes 	<ul style="list-style-type: none"> Scrutiny has often been poor in picking up on the priorities of the council
<ul style="list-style-type: none"> The Council provides significant officer support through OSCERs 	<ul style="list-style-type: none"> Questionable value of the SMC and a lack of clarity on its role
<ul style="list-style-type: none"> Lots of activity 	<ul style="list-style-type: none"> Call ins – outcomes are not effective and sometimes call in not used for appropriate reasons
<ul style="list-style-type: none"> No minority reports – we are strong on gaining consensus in scrutiny 	<ul style="list-style-type: none"> There are either too few officers supporting Commissions, or too many Commissions
<ul style="list-style-type: none"> Some topics generate wide public involvement e.g. post office closures 	<ul style="list-style-type: none"> Too many other demands on members time
<ul style="list-style-type: none"> Cross party chairing/vice chairing 	<ul style="list-style-type: none"> Do members have the appropriate skills ?
	<ul style="list-style-type: none"> Perception by many members that topic reviews are not followed up
	<ul style="list-style-type: none"> Scrutiny of external bodies eg health
	<ul style="list-style-type: none"> Some members can feel isolated
	<ul style="list-style-type: none"> Officers isolated from members
	<ul style="list-style-type: none"> Scrutiny recommendations are too often ignored

APPENDIX B

Cabinet Scrutiny Workshop 22 January 2005.

Attendance List

Cabinet Members	Yes	No
Councillor Burgess - LD	<input type="checkbox"/>	
Councillor Hickson - Con	<input type="checkbox"/>	
Councillor Samra - Con		<input type="checkbox"/>
Councillor E Berry - Con	<input type="checkbox"/>	
Councillor Allen - LD	<input type="checkbox"/>	
Councillor Care - LD	<input type="checkbox"/>	
Councillor West - Con		<input type="checkbox"/>
Councillor Carr - LD	<input type="checkbox"/>	
Councillor Williamson - Lab		<input type="checkbox"/>
Councillor Roberts - Lab	<input type="checkbox"/>	
Scrutiny Chairs and Vice Chairs		
Councillor Troup - LD	<input type="checkbox"/>	
Councillor Graves - Lab		<input type="checkbox"/>
Councillor Redfern - Lab		<input type="checkbox"/>
Councillor Bayliss - Lab		<input type="checkbox"/>
Councillor Lowe - LD	<input type="checkbox"/>	
Councillor Repton - Lab		<input type="checkbox"/>
Councillor Travis - LD	<input type="checkbox"/>	
Councillor MacDonald - Lab	<input type="checkbox"/>	
Councillor Latham - Con	<input type="checkbox"/>	
Councillor Ahern - Lab	<input type="checkbox"/>	
Councillor P Berry - Con	<input type="checkbox"/>	
Councillor Hussain - Lab		<input type="checkbox"/>
Councillor Jones - LD	<input type="checkbox"/>	
Councillor R Smalley - Con		<input type="checkbox"/>
Officers		
R Cowlshaw	<input type="checkbox"/>	
M Foote	<input type="checkbox"/>	
OSCers		
R Davison	<input type="checkbox"/>	
M Hussain	<input type="checkbox"/>	
D Romaine	<input type="checkbox"/>	

APPENDIX C

Report of the Vice Chairs of the Scrutiny Management Commission

Additional to the Draft report on the Review of Scrutiny and the working party meeting

Additional Recommendation to the recommendations of the working group in respect of the proposals to restructure the City Council's Overview and Scrutiny function

The Scrutiny Management Commission Working Group that was set up to consider the report on the Commission's topic review of the Council's Overview and Scrutiny function met on Tuesday 12 April 2005.

The Working Group members agreed on a number of potential recommendations for inclusion in the Commission's report on the review. These recommendations have been detailed in a report sent to all Scrutiny Management Commission members on 15 April.

The Working Group members were not however able to agree on a recommendation with regard to the number of Overview and Scrutiny Commissions. I am therefore circulating this note to Scrutiny Management Commission members to advise you of the Labour Group's views on this matter.

The Labour Group proposes that:

- The current Overview and Scrutiny structure of six Commissions, Scrutiny Management, Community Regeneration, Culture and Prosperity, Education, Planning and Environment, and Social Care and Health should be retained.
- In addition to a Chair and two Vice Chairs, the Scrutiny Management Commission should continue to include the Chairs and Vice Chairs of the other five Commissions, together with such other appointments as are considered appropriate
- The number of elected members of the Education Commission should remain at eight
- There should be consideration to the number of elected members of the Community Regeneration, Culture and Prosperity, Planning and Environment and Social Care and Health Commissions. To help resolve the difficulties faced by the Liberal Democrat and Conservative Groups in finding sufficient members to fill the seats it is suggested that the allocation of members to these commissions be reduced by at least two and maybe three.
- The wholesale restructure of the Overview & Scrutiny function be considered in detail over the next municipal year by the SMC to seek all party agreement without dissention from any political party. This to be a regular agenda item for every meeting.

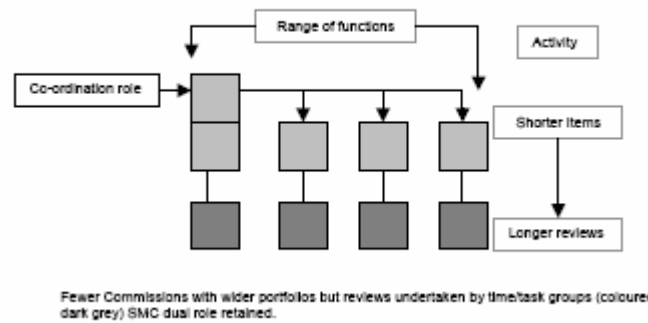
Scrutiny Management Commission 19 April 2005

Report of the Chair of the Scrutiny Management Commission

Additional Recommendation on Agenda Item 9 – Review of Scrutiny

1. The SMC meeting on 30th March agreed that a Work Group should consider the topic review of the O&S function. Cllrs Graves, Redfern & Troup met on 12 April 2005 (Cllr Smalley was unfortunately unable to attend).
2. The Work Group agreed that the outcome of the review could best be guided by the 5 point summary that is set out at point 23 of the IdeA report on the O&S Workshop held on 22 January 2005 and reproduced below:
 - improving the engagement of the Cabinet and scrutiny through structured, yet informal, regular meetings and the greater involvement of Cabinet members in scrutiny items
 - realigning the focus of scrutiny by improving scrutiny's emphasis on the Council's priorities
 - transparently conducting a review of the current structure of scrutiny Commissions in order to ensure that this structure is 'fit for purpose'
 - concentrating on improving the impact of scrutiny by improving the outcomes from scrutiny items and making closer links to tangible improvements in Council Services
 - examining current members skills to ensure that scrutiny members have, or are developing, the appropriate skills to undertake scrutiny effectively
3. All parties agreed on a number of broad areas and as a result four recommendations are set out in the main report for the Commission's consideration. However, the structure of the O&S function could not be agreed and the Labour Group has put forward proposals that have been sent to all SMC members. The proposals of the Lib Dem & Conservative Groups are set out below.
4. **The Lib Dem and Conservative Groups recommend that the number of commissions should be reduced from six to four and that the structure should broadly follow that of option 3b in the Review report – see diagram below.**
5. **The Lib Dem and Conservative Groups further recommend that, in order to promote better relations with Cabinet and to improve the accountability of Cabinet, the split in functions between Commissions should follow Option 3 in the Cabinet paper dated 26 April 2005. This option links each commission with two Cabinet portfolios.**

Option 3b



6. The recommendation arising from the Procurement topic review, that time/task groups are an effective way of working, has been adopted with longer term reviews being allocated to smaller groups.
7. By having fewer commissions there will be fewer committed meeting dates which will free up diary pressures and allow for greater focus on the priorities of the Council, as recommended in the IDeA report.
8. With fewer commissions, there must be a greater concentration on the Council's objectives and priorities, with effort targeted on areas that will make the greatest impact on improving Council services and that are of greatest public concern. Agendas and reviews must be organised for maximum effectiveness.
9. In combination with the other recommendations, particularly with regard to improving relations with Cabinet, the slimmer structure will be more effective and focused, and allow more time for effective decision making.
10. With fewer meetings, it will be easier to meet the needs of Members in full time employment who cannot attend daytime meetings.
11. The purpose of these structural changes is to strengthen the work of commissions and to make the Cabinet more accountable.