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Dear Member

COUNCIL - THURSDAY, 26 FEBRUARY 2015

I am now able to enclose, for consideration at the Thursday, 26 February 2015 meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No	Item	Page
24.	Principles of Overview and Scrutiny	(Pages 368 - 385)

Yours sincerely

Teresa Buckley
Clerk

Agenda Item 24



Meeting: Council

Date: 26 February 2015

Wards Affected: All

Report Title: Principles of Overview and Scrutiny

Is the decision a key decision? No

When does the decision need to be implemented? As soon as possible

Executive Lead Contact Details: Councillor Beryl McPhail, Executive Lead for Business Planning and Governance, 01803 207828, beryl.mcphail@torbay.gov.uk

Supporting Officer Contact Details: Kate Spencer, Overview and Scrutiny Lead, 01803 207014, kate.spencer@torbay.gov.uk

1. Purpose and Introduction

1.1 This report presents the findings from the work undertaken by the Council as a Scrutiny Development Area with assistance from the Centre for Public Scrutiny.

2. Proposed Decision

2.1 That the principles of overview and scrutiny set out in section 5 of Appendix 1 of the submitted report be adopted and included within the Constitution of Torbay Council.

2.2 That the principles be used to provide a framework for a wider review of the governance structure which will inform the induction process following the elections in May 2015 and that the Executive Director of Operations and Finance and the Monitoring Officer use the proposals set out in section 6 of Appendix 1 of the submitted report as the basis for discussions with the incoming Mayor and Council on the future governance arrangements for Torbay Council.

3. Reason for Decision

3.1 To enable the wider involvement of a wider group of councillors within the ongoing transformation of Torbay Council.

Supporting Information

4. Position

- 4.1 Torbay Council was selected as one of twelve councils to become a Scrutiny Development Area for 2014/2015 by the Centre for Public Scrutiny. The aims and objectives of the project were:
- To identify and act on those areas where scrutiny can add most value on transformation within the council's existing governance arrangements;
 - To identify ways in which a broader group of members can be actively involved in the council's plans for transformation;
 - To identify ways in which the community can be actively involved in the council's plans for transformation.
 - To provide a framework for a wider review of the governance structure to create a set of principles which will inform the induction process following the elections in May 2015.
- 4.2 The Council has been working with John Cade from the Centre of Public Scrutiny and the Mayor and all councillors and the Senior Leadership Team have inputted into the work undertaken. A high level evaluation of the current governance structure was carried out and a set of principles for the future operation of overview and scrutiny have been developed and discussed. Further, a proposal for reconstituting the Policy Development Groups has been put forward.
- 4.3 The report giving all the details of the review is attached at Appendix 1.
- 4.4 Given that the mayoral and local elections are due to be held in May 2015, it is recommended that the proposals form the basis of discussions on the future governance arrangements of the council in the immediate post election period.

5. Possibilities and Options

- 5.1 The Council may choose not to adopt the principles for the operation of overview and scrutiny or the framework for future governance arrangements. However, the bid to become a Scrutiny Development Area was made following a recognition that the role of overview and scrutiny in Torbay in the current governance arrangements is not fully understood or fully utilised. Given the challenges facing the Council in the coming months and years, the current overview and scrutiny arrangements are not sustainable.

6. Fair Decision Making

- 6.1 The Mayor, all Councillors and the Senior Leadership Team have had the opportunity to contribute to the discussions on the current and future overview and scrutiny arrangements. The Community Development Trust also provided input into the work.

7. Public Services (Social Value) Act 2012

7.1 The Public Services (Social Value) Act 2012 does not apply to this decision.

8. Risks

8.1 The risk associated with the proposal not being implemented is that overview and scrutiny will not have a useful role within the governance arrangements of the Council.

Appendices

Appendix 1 – Report from the Scrutiny Development Area review

Scrutiny Development Area 2014/15 – Transformation and Commissioning



The principles of overview and scrutiny in Torbay

1. Background

- 1.1 In October 2014, Torbay Council was selected as one of 12 councils as a Scrutiny Development Area by the Centre of Public Scrutiny (CfPS). The aim of the programme was to look at:
- How governance arrangements could be used to deliver improvements to local services.
 - How overview and scrutiny, in particular, can be used to improve plans for major service change and significant transformations.
 - How overview and scrutiny can be used to provide assurance, transparency and accountability in arrangements with external/arms length companies.
- 1.2 As a Scrutiny Development Area, the Council was allocated an Expert Advisor from the CfPS who provided formal support. There were also opportunities for shared learning with other councils through Knowledge Hub and webinars/teleconferencing.

Reasons for becoming a Scrutiny Development Area

- 1.3 In applying to be a Scrutiny Development Area, it was felt that the role of overview and scrutiny within the current governance arrangements was not fully understood and not fully utilised, especially given that Torbay is a Mayoral authority. Further it was recognised that the Council has a small number of elected members with a wide range of demands placed on their time.
- 1.4 As with all other Local Authorities it was also recognised that there are ongoing changes to how services are delivered as a result of changes to legislation and changes in levels of funding. The public's expectation of what the Council should be delivering does not always match what can be done within limited and reducing resources and the community needs to be engaged in finding solutions.

Aims and Objectives

- 1.5 Becoming a Scrutiny Development Area would enable officers and the CfPS to work with Executive and Non-Executive members (from all groups) to:
- Undertake a high level evaluation of overview and scrutiny.
 - Agree how overview and scrutiny should operate given the challenges the Council faces.
 - Determine how the Council can better harness the skills of non-executive members to enable them to make a more meaningful contribution to the work of the Council.

- 1.6 The work would provide a framework for a wider review of the governance structure to create a set of principles which will inform the induction process following the elections in May 2015.
- 1.7 The project plan agreed between the Council and the CfPS set out the objectives of the work as:
- To identify and act on those areas where overview and scrutiny can add most value on transformation within the Council's existing governance arrangements.
 - To identify ways in which a broader group of members can be actively involved in the Council's plans for transformation.
 - To identify ways in which the community can be actively involved in the Council's plans for transformation.
 - To provide a framework for a wider review of the governance structure and create a set of principles which will inform the induction process following the elections in May 2015.
- 1.8 It is accepted that non-executive members can have greater influence the earlier they are involved in policy development, therefore an aim of the project was to see how a transformation programme can have the involvement of a wider group of councillors.

Methodology

- 1.9 The 'Accountability Works for You' framework was used to carry out an initial baseline assessment of overview and scrutiny at Torbay, alongside the Council's broader approach to corporate governance. A questionnaire was developed using the framework and all councillors and the Senior Leadership Team were asked to complete it and share their views. A response rate of 44% was achieved and the findings are attached at Appendix 1.
- 1.10 The Overview and Scrutiny Lead Officer and the Expert Advisor met with the Mayor and a range of councillors together with the Executive Director, the Director of Adult Services, the Monitoring Officer and the Governance Support Manager. These discussions included an exploration of the existing arrangements within the Council in transforming services and consideration of where future opportunities for member involvement might lie. A meeting was also held with the Lead Officer and the Community Development Manager of the Community Development Trust to discuss how the community could be better engaged in the transformation of Council services.
- 1.11 A discussion seminar was held for all members of the Council whereby councillors shared their views on the current governance arrangements and on the emerging structure for the future operation of overview and scrutiny. Chaired by the Overview and Scrutiny Co-ordinator, a third of the councillors attended this seminar including Executive Lead Members, Scrutiny Lead Members and members of the Overview and Scrutiny Board plus some councillors who do not sit on the Board.
- 1.12 Discussions were also held with the Senior Leadership Team on how overview and scrutiny fits within the overall governance arrangements of the Council including the linkages with the Corporate Plan and Policy Framework, performance and risk management and budget setting.

2. Baseline Information

Governance Structure

- 2.1 Torbay Council has a directly elected mayor. He has retained all of his decision-making powers. Whilst he has appointed eight Executive Lead Members, they all have an advisory role without any delegated responsibility. There are no formal executive meetings, with the Mayor taking all of his decisions at meetings of the Council, taking account of the recommendations of the Council on those issues delegated to him.
- 2.2 Following the last election and at the request of the Mayor, Policy Development Groups were introduced as part of the Council's governance arrangements. Their purpose was to ensure inclusivity in decision making and to enable early discussions in developing policy in key areas. The (then) Monitoring Officer produced a Guidance Note on how Policy Development Groups (PDGs) should operate although it was recognised that, as informal bodies, it was up to members of each PDG as to how that PDG would operate. Over the past four years, the PDGs have been chaired by the relevant Executive Lead.
- 2.3 The Council has an Overview and Scrutiny Board and a Health Scrutiny Board (which is established as a sub-committee of the main board). The Board has the ability to establish task-and-finish review panels but, in recent years, these have been few and far between. The one exception is the Priorities and Resources Review Panel which is (normally) made up of the same members of the Overview and Scrutiny Board and which scrutinises the Mayor's budget proposals.
- 2.4 The Council has appointed an Overview and Scrutiny Co-ordinator and four Scrutiny Lead Members who each receive a Special Responsibility Allowance. The Co-ordinator chairs the meetings of the Overview and Scrutiny Board and the Health Scrutiny Lead chairs the Health Scrutiny Board. The Job Description for the Overview and Scrutiny Leads sets out the purpose of the role as:
- "To lead the effective overview and scrutiny of policies, budget, strategies and service delivery within the area(s) for which they have particular responsibility as Scrutiny Lead."
- 2.5 The areas of responsibility for each Overview and Scrutiny Lead do not match the areas of responsibility for the Executive Leads which in turn do not match the areas of responsibility for the Directors and Executive Heads.

Transformation

- 2.6 As an organisation Torbay Council has experienced significant change in recent years. Transformation is now business as usual and there is no formal transformation programme or transformation lead officer.
- 2.7 Some examples of the current changes which are underway are:
- Place Directorate – Future Delivery Project: Making changes to how services are delivered (either within the Council or through arms length organisations).
 - Creation of an Integrated Care Organisation: Adult Social Care has been delivered through an integrated "care trust" for many years. The NHS reforms and the need for

health trusts to become foundation trusts has led to a solution in Torbay whereby the acute Foundation Trust will acquire the community trust creating a vertically integrated care organisation which will provide community and acute care as well as adult social care. This also links with Torbay and South Devon's status as a Pioneer for integrated health and social care.

- Revenue Budget savings programme: Like other authorities, the Council has had to find significant financial savings over recent years which is inevitably leading to service change.
- Children's Services Five Year Cost Reduction Plan: Children's Services' budget has been overspent for a number of years for a range of issues stemming from increased demand for services. An invest-to-save plan has now been agreed and needs to be implemented.
- Appointment of the Director of Public Health as a joint appointment with the Clinical Commissioning Group.

3. Context

3.1 No two Councils are the same and there is no common template for overview and scrutiny. Torbay Council is not Plymouth City Council, Taunton Deane Council or Bristol City Council for that matter. Each has its own history and culture and any governance proposals need to recognise this. Similarly, there is no one size fits all model for overview and scrutiny. But, what is apparent nationally is that those councils where overview and scrutiny works best are where it is constructively involved in helping to shape policy as well as holding to account.

3.2 The key characteristics of Torbay Council which need to be taken into account include:

- Torbay is a comparatively small Unitary Council with an Elected Mayor. There are just sixteen English councils with directly elected Mayors including the Mayor of London.
- The directly elected Mayor holds all executive powers – it is, therefore, important for the credibility and reputation of the Council's governance system that there are transparent checks and balances in place.
- For the range of responsibilities that a unitary council has, Torbay has a comparatively small number of Councillors – 36. Their purposeful engagement in council business is therefore paramount.
- As with other councils, Torbay Council has to cope with significant reductions to its budget. It is important that proposals recognise these changed circumstances and, wherever possible, complement rather than frustrate their implementation.

3.3 The timing of this review is also a salient consideration. With elections to take place shortly it would be inappropriate to rush through changes for what will be a new council. Rather, what needs to be agreed is a set of principles which can then provide the framework for changes made after the election.

4. Findings

4.1 In the day-to-day running of the Authority, the Mayor makes all of the key decisions within the Budget and Policy Framework and officers make all the operational decisions. The role of the other 36 councillors needs to be defined – they are there to represent their constituents but they also want to be part of the decision making process, they want to feel more involved. In making his decisions at meetings of the Council and in establishing the Policy Development Groups, the Mayor wanted to ensure inclusivity of decision making across the Council. There is an eagerness and willingness from all of the members who have given their views during this piece of work to develop policy, input into service change and work together to transform Torbay Council in light of the challenges that local government faces at the current time.

4.2 The fact that the Mayor does not hold “cabinet” meetings means that the role of overview and scrutiny should be enhanced. However, many members feel that the role has been marginalised, that it is not valued and that it is dominated by the Administration.

Timeliness

4.3 If there is one word that best captures the sentiments of the views expressed by non-executive members it is timeliness. Too often it was felt that issues came to overview and scrutiny too late in the day to make an effective contribution. It was felt that if matters truly came before overview and scrutiny at the formative stage then there would be much better interactions and outcomes.

4.4 Overview and scrutiny has two purposes: to hold decision makers to account (scrutiny) and to assist in the development of policy (overview). In order for overview and scrutiny to be effective in assisting in the development of policy, the timeliness of the involvement is crucial. The only way to influence decision making is to do it upstream. Nationally, very few call-ins change decisions once they have been made. Similarly, trying to influence the decision one week before the decision is due to be made has not proved to be successful in Torbay.

4.5 Members and officers need to be as open as possible with each other much earlier in the transformation process. This would enable non-executive members to contribute to policy development.

4.6 Much earlier engagement public engagement would also be welcomed by the Community Development Trust in order for their Trustees to reach out for views within their sectors.

4.7 Whilst the Overview and Scrutiny Board currently review the Forward Plan on a monthly basis to determine which issues it would like to review before a decision is made, the recent change in legislation and therefore current practice means that proposed decisions are only included in the Plan 28 days before the decision is due to be made.

4.8 The availability of reports to the Overview and Scrutiny Board was a theme running throughout the high level evaluation. Reports are often listed as “to follow” with little time for consideration. Equally reports tend to be submitted to the Overview and Scrutiny Board one week before the meeting of the Council at which the decision is due to be made. This does not enable the Overview and Scrutiny Board to gather as much information or speak to

as many people as it would like in order to put together an evidence-based report and recommendations.

Issues which matter

- 4.9 Thematic reviews have worked well in the past as the Overview and Scrutiny Board has been able to properly scope the review, identify appropriate sources of information, undertake site visits and hear the views of service users and the community at large. In this way the reviews build traction and are more likely to lead to recommendations which are accepted and implemented.
- 4.10 There is a view that, in the past, there have been difficulties around producing a coherent Forward Plan which makes it difficult for the Overview and Scrutiny Board to set a “good” work programme. There is a need to ensure that the work of overview and scrutiny focuses on the right things, at the right time, and with the right speed. The choice of topic is critical especially with limited resources.
- 4.11 Whilst the Overview and Scrutiny Board should be the final arbiter of its Work Programme, dialogue with Executive Leads would help focus discussions. Also the Senior Leadership Team should also be able to influence the Work Programme. SLT have a key role in ensuring that the Work Programme reflects issues arising from the Corporate Plan, the Policy Framework and performance and risk management information.

Good scrutineers

- 4.12 In terms of numbers of members, Torbay Council is one of the smallest unitary authorities in England. The number of executive members appointed is set by law as between two and nine. The power to appoint executive members rests with the Mayor. The Mayor has appointed nine Executive Leads. Given the full range of other functions that a unitary authority discharges, the non-executive councillors have many pulls on their time.
- 4.13 Successful overview and scrutiny depends on enthusiastic and committed members. The skills required to be an overview and scrutiny member are the same as those required to be an executive member. There is a need to read papers, to listen to the answers given, to ask the follow up questions, to assess the range of information available and to make conclusions and recommendations which can influence decision makers.
- 4.14 It is questionable whether the two roles are seen to have parity of esteem at Torbay Council.

Roles and responsibilities

- 4.15 Job descriptions for Scrutiny Lead Members are included within the Constitution with those Members being expected to chair sub-committees and review panels which fall within their remit. However, with the exception of Health, there are no sub-committees established and very few review panels. This brings into question what Scrutiny Lead Members do that is different from the other members on the Overview and Scrutiny Board.
- 4.16 The current job descriptions are too long and do not specify what the Council’s expectations are in making such appointments, the skills required to carry out the role effectively or how the performance of the Lead Members are managed. The role of the Overview and Scrutiny Co-ordinator in managing the performance of Scrutiny Lead Members should be clarified.

- 4.17 Scrutiny Lead Members need to have a good relationship with the relevant Executive Leads and a mirroring of areas of responsibility may help to improve these relationships. Similarly Scrutiny Lead Members also need a good relationship with the appropriate Directors and Executive Heads.
- 4.18 In considering how the relationship between Executive Lead Member, Scrutiny Lead Member, Director and Executive Head works and can be improved, consideration should be given to the need for Member Champions and whether members are being asked to take on too many roles. Likewise, officers need clarity about the level and type of member input required when developing policy.

The Overview and Scrutiny Board

- 4.19 There is an acceptance that overview and scrutiny would add more value by assisting in the development of policy at its early stages. In order to do this overview and scrutiny must have the ability to act quickly and flexibly. Operating as a task-and-finish group is more conducive to this type of work rather than operating as a committee.
- 4.20 Given the limited resources both in terms of members' time and officer support, the role of the Overview and Scrutiny Board has been considered. It has statutory responsibilities for scrutiny of:
- Health services
 - Community Safety Partnership
 - Flooding and coastal defence
- 4.21 The Francis Report makes it very clear that health scrutiny is an important statutory duty of the local authority. Currently health scrutiny is seen as even-handed and non-confrontational although there is a need for a more strategic focus. However, the creation of the new Integrated Care Organisation, together with the recent NHS reforms including the establishment of the Health and Wellbeing Board and Local Healthwatch means that the roles and inter-relationships within the local health landscape need to be re-stated and fully understood.
- 4.22 The Senior Leadership Team is currently reviewing the performance and risk framework of the Authority. The role of members in challenging performance and risk needs to be clarified. The Overview and Scrutiny Board currently receive quarterly budget monitoring reports and have in the past received quarterly performance information. Utilising performance and risk information from the emerging framework would enable the Board to focus its questioning on areas of concern when holding the Mayor to account.
- 4.23 It is suggested that the Board hold scheduled meetings once a quarter with additional meetings held to deal with matters arising from the Board's statutory duties and any call-ins.

Policy Development Groups and Priorities and Resources Review Panel

- 4.24 In the discussions held with both councillors and officers, the role of the Policy Development Groups (PDGs) was not universally understood. There were a range of views on how successful they have been but there was a general acceptance that they have "lost their way" in the four years since they were introduced. They can be seen as a way for officers to

gain the buy-in of members before decisions are made, to keep members briefed and to build consensus in a private forum.

- 4.25 PDGs could evolve in a positive way especially through engagement with partners and the third sector. However, in order for PDGs to be more effective they need to link more closely with the strategic direction of the Authority.
- 4.26 The Overview and Scrutiny Board, through its Priorities and Resources Review Panel has acted as a critical friend to the Mayor and Executive Lead Members during the budget setting process over a number of years. Certainly it has been the main focus of work over the past 18 months with some degree of success and a recognition that the process has significantly improved over recent years.
- 4.27 Given that the focus of work over the next four years will need to be about determining the Authority's priorities and determining the allocation of resources in line with those priorities, the Priorities and Resources Review Panel and the Policy Development Groups could evolve into Priority and Resources Panels.
- 4.28 Priorities and Resources Panels can be established as standing panels with set memberships which undertake task-and-finish pieces of work. Given that the Executive Lead Members are advisory only, there appears to be no constitutional reason why Executive Lead Members, Scrutiny Lead Members and other non-executive councillors cannot all sit on the Panels and work together on developing policy, reviewing businesses cases for transformation projects and gathering evidence to support service change.

The support structure

- 4.29 Torbay Council continues to have dedicated officer support for overview and scrutiny albeit somewhat reduced. The Overview and Scrutiny Team sit within the wider Business Services section which has recently come under the management of the Executive Head – Commercial Services who is also the Council's Monitoring Officer. The Business Services section now mainly comprises the Policy, Performance and Review Team whose role includes performance and risk management, consultation and equalities. The Team provide support to Executive Heads in developing proposals for transformation and service change as a result of changes in policy, legislation and financial constraints.
- 4.30 The Overview and Scrutiny Team and the Policy, Performance and Review Team have worked closely together for a number of years. This close working has been cemented over the past 12 months with the two teams effectively merging as a Corporate Support Team. Officers from the team will be supporting SLT with the ongoing transformation agenda and it is appropriate that they also provide support to the Priorities and Resources Panels.

5. The Principles

- 5.1 The Council as a whole, and therefore overview and scrutiny, need to focus on the issues that really matter. There are no longer any easy decisions to make. The luxury of looking at the more marginal issues has long passed. It is important that there is an "all Council" approach to tackling the challenges now being faced.
- 5.2 "Holding to account" must continue as a vital role of overview and scrutiny. But "policy development" is of equal importance. And national experience has shown that this is where the contribution of the non-executive members can be most effective.

- 5.3 The Forward Plan should be seen as a key tool for managing the decision making process throughout the Authority. There needs to be more informal discussions about what is coming forward for decision in the coming months.
- 5.4 Overview and scrutiny should be seen as an important element in delivering good, sound decisions. The relationship between overview and scrutiny and the executive should not be adversarial, but rather of seeking to complement one another.
- 5.5 There should be the ability for all councillors to have the opportunity to help shape policy decisions at an early stage.

6. The Proposal

- 6.1 Policy Development Groups be re-constituted as Priorities and Resources Panels chaired by the appropriate Overview and Scrutiny Lead Member.
- 6.2 As informal, advisory bodies, the Priorities and Resources Panel can comprise of both non-executive members and Executive Lead Members. The involvement of the latter presents no conflict of interest as they have a purely advisory role to the Mayor.
- 6.3 Again as informal bodies, the Priorities and Resources Panels can carry out their work both in public and in private according to the nature of the issues being considered. The presumption should be that they will conduct as much of their work as possible in public.
- 6.4 The Work Programme of the Priorities and Resources Panels will be determined in consultation with the Mayor, Executive Leads, Scrutiny Leads and Executive Director ensuring that the focus is on those issues of critical importance to the Council moving forward.
- 6.5 The Priorities and Resources Panels will use a range of methods such as community engagement, public consultation, Equality Impact Assessments and co-opted members in determining its recommendations on the issues under review.
- 6.6 The Priorities and Resources Panels will be supported by the officers within the Corporate Support Team which continues to include scrutiny support officers.
- 6.7 The Scrutiny Lead Members will have the authority to “sign-off” reports of their Panels prior to the reports being forwarded to the Mayor (or other appropriate decision maker).
- 6.8 The Overview and Scrutiny Board will meet on at least a quarterly basis to formally hold the Mayor to account (utilising the performance and risk management information) and to carry out the statutory scrutiny duties of the Council.
- 6.9 These changes should provide the framework for the earlier engagement of non-executive members in the shaping of policy options with the details to be settled by the new Council after the local elections in May.

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Torbay Council

John Cade
Expert Advisor
Centre for Public Scrutiny

January 2015

Theme 1: Transparency

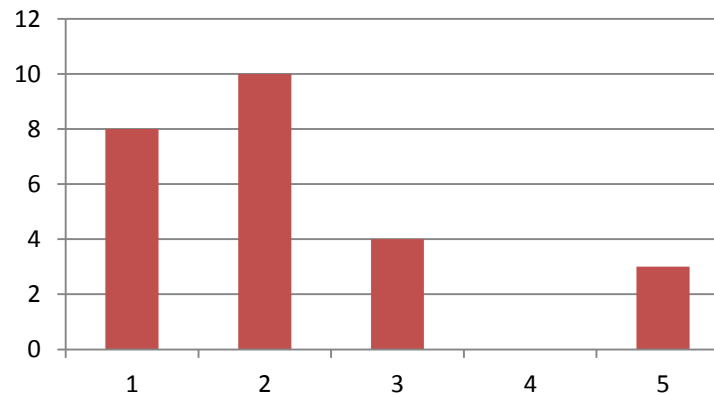
Putting in place an open, transparent and accurate forward planning process for decision-making

How are non-executive councillors involved in influencing major decisions, and in considering and evaluating performance, finance and risk information?

Negative culture:

There is a “process” for such involvement but it doesn’t generally result in any big changes to key decisions (e.g. pre-scrutiny a couple of weeks before a decision is made).

Performance information and finance information comes to scrutiny in quarterly reports which are discussed at committee with little outcome; there is little to no consideration of risk information.



Positive culture:

Decision-makers and those holding them to account have a dialogue about forthcoming decisions and there is a mutual understanding of how holding decisions to account adds value.

Performance, finance and risk issues are considered by scrutiny committees “by exception”.

Comments:

- There should be a central role for overview and scrutiny to drive strategic actions
- Culture of secrecy from the executive
- Issues brought to members for decision very late in the process
- Reports submitted late to overview and scrutiny and then only days before a final decision is planned at Council
- Information is provided too close to the meeting of the Council which does not permit full “scrutiny”
- Little dialogue between decision makers and scrutineers
- Executive engagement with overview and scrutiny is very poor
- Reports from overview and scrutiny to the Mayor and Council are often weak
- There is no consultation outside the administration group to enable councillors to engage in issues which affect their ward
- Ad-hoc involvement of overview and scrutiny
- Role of overview and scrutiny is held in contempt
- Discussion of the merits of a proposal is vital to the decision making process
- We need to bridge the gap between officers and members
- Overview and scrutiny will not work with a mayoral system if only lip service is paid to the discussions

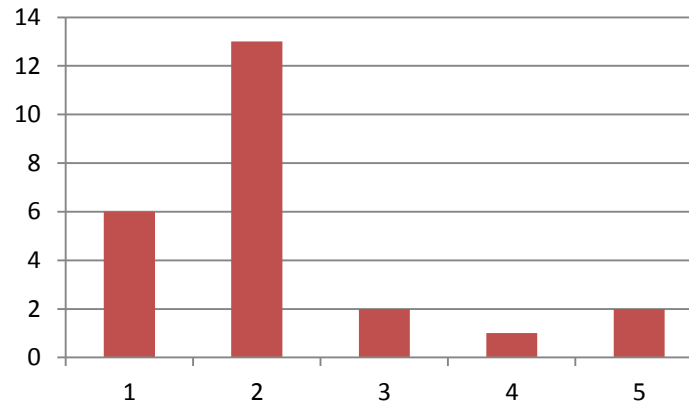
What steps are taken to ensure that decisions are made in such a way that the community and non-executive councillors can find out about them before the decision is made?

Negative culture:

Public participation, where it does occur, is quite rigidly controlled to suit the needs of decision-makers. There is a willingness to talk to people but an unwillingness to follow through those conversations.

Positive culture:

Public participation is built into decisions in some form, and policy-making looks “iterative” – i.e. plans are refined and clarified based on views and comments received back from a range of stakeholders.



Comments:

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- The system works for some issues but they aren't necessarily the issues which will shape the future strategic direction of the Council
- Engagement takes place against a pre-determined criteria rather than as an iterative dialogue
- There is confusion about how and when decisions will be made with meetings often being delayed
- Significant public engagement takes place before decisions are made. All reports are available for the public to view.
- Consultation takes place too late when it feels like the decision has already been made
- Consultation questions are “loaded” and do not always portray the complete picture
- Meetings which are not open to the public lacks transparency.
- A return to the cabinet-style of decision making is needed
- The process feels like it is far removed from the public
- Consultation always takes place over a very short period of time
- Very little information is shared with non-executive councillors especially if they are not in the majority group
- Community know very little about decisions until they are made.
- Very little information available before the Overview and Scrutiny Board agenda is published
- All meetings should take place after 4.30 p.m. so that Council members and the public who work can take part
- The public are heard but not always listened to
- The public are rarely truly listened to. In most instances the administration has decided what it wants and ignores public input

Theme 2: Involvement

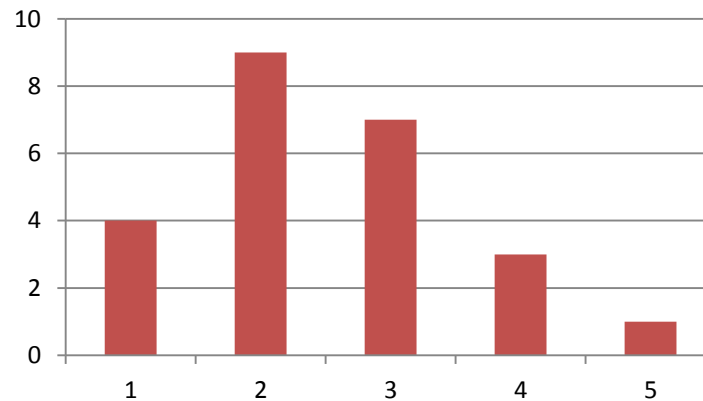
Engaging in a meaningful discussion with service users and other stakeholders about plans, policies and decisions

When overview and scrutiny gives a view or makes formal recommendations, how are these responded to?

Negative culture:

Recommendations are often “noted”, accepted without any firm commitment being given on implementation, or rejected without explanation.

Recommendations are rarely followed up because they are vague, and their object is unclear or subject to disagreement.



Positive culture:

Substantive responses are received accepting or rejecting recommendations (usually giving reasons, if the latter).

Recommendations can be followed up, because they are clear and specific.

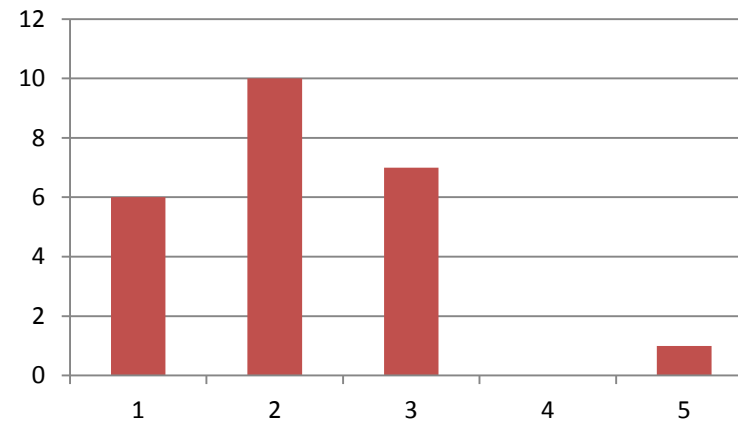
Comments:

- Generally scrutiny reports are clear but follow up and accountability have deteriorated recently
- Clear recommendations are made and good feedback is given and evidence taken
- Overview and scrutiny is not liked
- Recommendations are usually noted but a relatively small percentage are implemented
- Reasons for rejecting scrutiny recommendations are rarely given
- More notice should be given to overview and scrutiny on smaller matters
- Very little feedback is given once recommendations have been made.
- Recommendations from scrutiny only have a chance of influencing the administration if they are adopted by the Conservative group
- There is usually a negative response with recommendations being ignored

What happens when decision-makers disagree with overview and scrutiny?

Negative culture:

Disagreements happen late in the process and can be driven by a lack of awareness of the interests and work of those holding decision-makers to account. Impasses often develop.



Positive culture:

Dialogue helps to resolve many disagreements – disagreements are generally avoided in the first place by dialogue and mutual understanding of roles and responsibilities.

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Comments:

- The description of a “negative culture” above is spot-on
- No dialogue takes place when decision makers disagree with overview and scrutiny
- Political interference prior to overview and scrutiny meetings has a negative effect on the quality of recommendations
- If decision makers disagree with overview and scrutiny the views are ignored
- Overview and scrutiny loses the argument
- Disagreements are often not resolved
- The decision maker goes ahead regardless of the strength of the argument

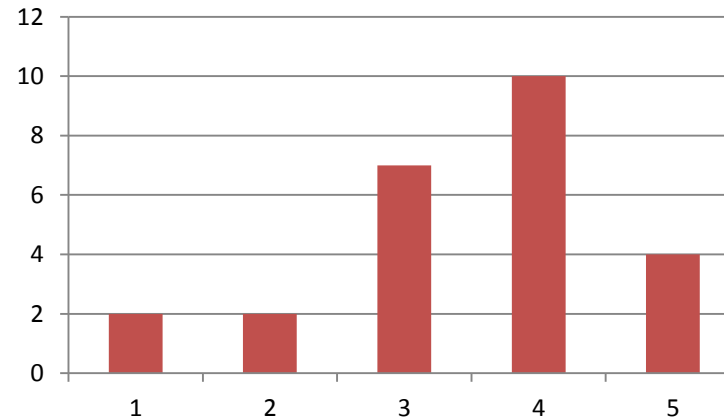
Theme 3: Accountability

Ensuring that accountability is recognised as central to our approach to improvement and performance management

How does overview and scrutiny gather, weigh and use evidence so as to focus their investigations on issues of importance to service users?

Negative culture:

There is no understanding of the different importance of different sorts of evidence – scrutiny councillors (and officers) lack confidence in evaluating and balancing evidence.



Positive culture:

Scrutiny adopts a constructively critical attitude to assessing the suitability, relevance and accuracy of evidence, recognising that different sorts of evidence should be weighted differently.

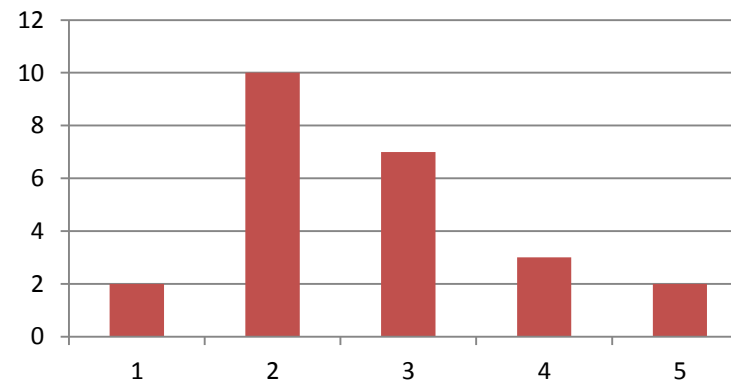
Comments:

- The councillors on overview and scrutiny are not all perceived as the most challenging and it can be seen as a bit of a backwater
- Overview and scrutiny collect relevant and accurate material before any issue is investigated, including from partners outside the authority
- Overview and scrutiny does its best to have the facts and listen and tries to be fair
- More training is required in this area
- This is better due to good quality guidance from officers.
- There now seems to be an acceptance that you need continuity of membership and engaged brains for overview and scrutiny to be effective
- Overview and scrutiny tries to obtain all the evidence and the facts in order to evaluate the issue
- The priorities and resources process is an area where overview and scrutiny provides challenge resulting in some limited success in changing priorities
- Too many reports are published too late to allow scrutiny to be effective
- Every effort is made to establish as much evidence as possible to help decision-making
- Scrutiny assesses information well but is often frustrated by the lack of information provided and the failure of the administration to enter into constructive dialogue
- Overview and scrutiny has excellent officer support in obtaining information as required, this is one aspect that works very well

What “tangible impact” do non-executive councillors contribute to the way that transformation plans develop?

Negative culture:

There is more of an interest in methodology of work carried out than its impact – outcomes are not monitored effectively and results from work are marginal or non-existent.



Positive culture:

Scrutineers can point to specific results on the ground that would not have happened but for their input – things that have resulted in real, positive change for local people.

Comments:

- There are some issues which have been directly driven by overview and scrutiny (for example, the Children’s Services Five Year Plan) but there is no consistency
- The process could have more impact – it is not clear how the priorities of overview and scrutiny are set in relation to the Corporate Plan
- Too little resource to follow up on the outcomes of recommendations
- Previous reviews undertaken by overview and scrutiny have had an impact on policy but the current political structure mitigates against this.
- There are areas where scrutiny has achieved positive outcomes for local people but this is limited partly due to lack of resources and member training
- There is always a willingness to engage with the executive but it is usually ignored
- Except for during budget discussions, there is little tangible impact
- It is a struggle to find any impacts that come out of scrutiny