



BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET – SPECIAL MEETING

TUESDAY, 10TH JANUARY 2006 AT 5.00PM

COMMITTEE ROOM, THE COUNCIL HOUSE, BROMSGROVE

AGENDA

Council Agendas and Minutes are available on our web site at
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MEMBERS: Councillors R. Hollingworth (Executive Leader), Miss D. H. Campbell J.P., Mrs. J. M. L. A. Griffiths, Mrs. M. A. Sherrey J.P., Mrs. C. J. Spencer, Mrs. M. M. T. Taylor and P. J. Whittaker.

1. To receive apologies for absence
2. Declarations of Interest
3. To confirm the Minutes of the Executive Cabinet held on 14th December 2005
4. Public Questions
5. Review of the Scrutiny Process
6. To consider any other business, details of which have been notified to the Head of Legal and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting
7. To consider, and if considered appropriate, to pass the following resolution to exclude the public from the meeting during the consideration of item(s) of business containing exempt information:-

“RESOLVED: that under Section 100A (4) of the Local Government Act 1972, the Public be excluded from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act, the relevant paragraph of that part being as set out below:-

| <u>Item No.</u> | <u>Paragraph(s)</u> |
|-----------------|---------------------|
| 8 | 7, 8 and 9 |
| 9 | 7, 8 and 9” |

8. Review of E-Government and ICT (not available to the Public)
9. Tenders for the Procurement and Installation of Pedestrian Bridge (not available to the Public)

S. NIXON
Chief Executive

The Council House,
Burcot Lane,
BROMSGROVE
Worcs.
B60 1AA

30th December 2005

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE EXECUTIVE CABINET

Wednesday, 14th December 2005 at 6.00 p.m.

PRESENT: Councillors R. Hollingworth (Executive Leader), Miss D. H. Campbell J.P., Mrs. J. M. L. A. Griffiths, Mrs. M. A. Sherrey J.P., Mrs C. J. Spencer, Mrs. M. M. T. Taylor and P. J. Whittaker.

Observer: Councillor A. N. Blagg.

132/05 **INTRODUCTION**

The Chairman welcomed Mr. M. Bell, Head of Street Scene and Waste Management to his first Meeting of the Cabinet.

133/05 **MINUTES**

The Minutes of the Meeting of the Executive Cabinet held on 30th November 2005 were submitted.

RESOLVED: that the Minutes of the Meeting be approved and confirmed as a correct record.

134/05 **LOCAL DEVELOPMENT FRAMEWORK WORKING GROUP**

It was noted that the Minutes of the Meeting of the Local Development Framework Working Group dated 12th December 2005 would be submitted to the next Meeting of the Executive Cabinet.

135/05 **REVIEW OF THE SCRUTINY PROCESS**

Consideration was given to the report on the review of the Council's Overview and Scrutiny Committees in the light of comments made by Members and the Scrutiny Committees and following the Scrutiny Workshop. The Cabinet were generally in support of the proposed new arrangements and structure as set out in Appendix 1 to the report.

It was felt, however, that it would be appropriate to refer the Terms of Reference of the Scrutiny Committee and Scrutiny Task Groups, together with Terms of Reference for the Performance Management Board and the Audit Board to the Standards Committee for detailed consideration, to enable a full discussion to take place on their various roles and responsibilities together with the interaction between each body. It was

RESOLVED: that a full report on the proposed Terms of Reference of the Scrutiny Committee and Scrutiny Task Groups, together with the Terms of Reference for the Performance Management Board and Audit Board be submitted to a Special Meeting of the Standards Committee to take place as soon as possible.

136/05

ISSUES ARISING FROM OVERVIEW AND SCRUTINY COMMITTEES

(1) High Hedges Legislation

Members considered recommendations received from the Housing and Planning Policy Scrutiny Committee regarding fees charged by the Council in relation to appeals submitted under the high hedges legislation. The Chairman of the Housing and Planning Policy Scrutiny Committee, Councillor A. N. Blagg, spoke in support of the recommendations.

Members felt that there was insufficient evidence to indicate that the present fees should be reduced in line with the proposals from the Housing and Planning Policy Scrutiny Committee, particularly in view of the budgetary pressures on the Authority and the cost of implementing Government legislation. Following discussion it was

RESOLVED:

- (a) that the proposed level of fees be referred back to the Scrutiny Committee for further consideration;
- (b) that Officers be requested to investigate alternative ways of enabling applicants to pay the fee such as paying by instalments.

(2) Play Areas in Rubery

Members considered the motion referred from the Health and Leisure Scrutiny Committee in relation to the provision of a play area in Brook Road Recreation Ground, Rubery and the installation of a BMX/skateboard facility at St. Chads Recreation Ground, Rubery.

It was reported that both the improvement scheme in Brook Road and the installation of a BMX/skateboard facility at St. Chads Recreation Ground were proceeding together with a number of other schemes throughout the District, but consideration needed to be taken of the capacity implications in terms of Officer time required to implement the schemes. Following discussion it was

RESOLVED: that the position be noted.

137/05

COUNCIL TAX BASE CALCULATION 2006-07

Having considered the figures relating to the calculation of the Council's Tax Base, it was

RESOLVED: that in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992 the Council's Tax Base for 2006-07 assume a collection rate of 99.00% and be calculated at 35,593.67 for the area as a whole and for individual Parishes as set out in paragraph 3 of the report.

138/05

COMMITTEE TIMETABLE 2006-07

Consideration was given to the draft Committee Timetable for 2006-07. It was

RECOMMENDED: that the Committee Timetable for 2006-07 be approved.

139/05

WORCESTERSHIRE LOCAL AREA AGREEMENTS

Consideration was given to the report on the Local Area Agreement for Worcestershire and the importance of this Council's participation in the process as part of the Bromsgrove Local Strategic Partnership. Members recognised the need to participate fully in the Local Area Agreement and noted comments submitted on the Agreement. Following discussion it was

RESOLVED:

- (a) that it be noted that a Local Area Agreement is a Performance contract between Central Government and the County Local Strategic Partnership designed to deliver improved outcomes for local people;
- (b) that the Council commits to work closely with Bromsgrove Local Strategic Partnership in participating in the development of the Local Area Agreement for Worcestershire as part of the Recovery Plan;
- (c) that the Council commits to work closely with Bromsgrove Local Strategic Partnership in participating in the development of the Local Area Agreement as part of the drive to meet statutory responsibilities;
- (d) that the Council commits to work closely with Bromsgrove Local Strategic Partnership to secure the best outcomes for the people of the District through participation in Worcestershire's Local Area Agreement;
- (e) that the progress to date in developing the Local Area Agreement for Worcestershire be noted, in particular the shortlist of outcome priorities selected;
- (f) that the developing approach to project managing Bromsgrove's Local Strategic Partnership (and the Council's) contribution to the Local Area Agreement for Worcestershire be noted, in particular the funding stream issue which will need to be kept under review; and
- (g) that the tight timescales imposed by the Government be noted and that approval of the final Local Area Agreement submission be delegated to the Leader and the Portfolio Holder for Recovery and Strategic Partnerships.

140/05

ARTS STRATEGY – CONSULTATION RESULTS

Members gave consideration to the report on comments received on the Draft Arts Strategy 2006-2011 following the consultation process. Following discussion it was

RESOLVED:

- (a) that the comments set out in the Appendix to the report be noted and that the recommended actions be approved;
- (b) that in relation to comment 2, it be noted that any requests from the Artrix Trust for additional capital investment would be considered in the usual way and at present no such request had been received;
- (c) that subject to the agreed amendments the Arts Strategy 2006-2011 be approved.

(NOTE: Councillors Miss D. H. Campbell J.P., and Mrs. J. M. L. A. Griffiths declared personal interests in this item as Members of the Bromsgrove Arts Centre Operating Trust.)

141/05

STREET SCENE STRATEGY

Consideration was given to the report on the implementation of the Street Scene Strategy following recommendations from the Scrutiny Sub-Group and consideration by the Health and Leisure Scrutiny Committee. Following discussion it was

RESOLVED: that the view of the Scrutiny Sub-Group and the Health and Leisure Scrutiny Committee regarding prioritisation of key areas of the Depot Strategy as set out in the report be approved.

RECOMMENDED: that the preferred implementation plan be approved subject to the agreement of Council to the release of funding of £35,750 from working balances to enable the Strategy to be introduced from 1st April 2006.

142/05

APPOINTMENTS COMMITTEE

(The Chairman agreed to the consideration of this item as a matter of urgency as a decision was required thereon before the next Meeting of the Executive Cabinet.)

It was reported that in order to facilitate the appointment of Departmental Heads of Service, it would be appropriate to amend the Council's Scheme of Delegation to restrict the role of the Appointments Committee to determining applications for the posts of Chief Executive Officer and Corporate Director. Following discussion, it was

RESOLVED:

- (a) that the Standards Committee be requested to approve the amendment to the Council's Scheme of Delegation to restrict the role of the Appointments Committee to determining applications for the posts of Chief Executive Officer and Corporate Director; and
- (b) that in view of the urgency of the matter the Cabinet's decision on this matter be not subject to the Council's call-in procedure.

The Meeting closed at 7.20 p.m.

Chairman

BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

10TH JANUARY 2006

REVIEW OF THE SCRUTINY PROCESS

| | |
|------------------------------|---------------------------------------|
| Responsible Portfolio Holder | Councillor Mrs. C. J. Spencer |
| Responsible Head of Service | Head of Legal and Democratic Services |

1. SUMMARY

1.1 To consider a review of the Council's Overview and Scrutiny Committees.

2. RECOMMENDATION

2.1 That the Standards Committee be recommended to approve the revised Scrutiny Committee structure, terms of reference and working arrangements, as detailed in the report submitted to the 14th December 2005 meeting of the Executive Cabinet, subject to:

- (i) a system of time limited ad hoc task groups being adopted;
- (ii) that any Member with the exception of Members of the Executive Cabinet be entitled to be a Member of one or more scrutiny task groups; and
- (iii) the current call in procedure be maintained.

3. BACKGROUND

3.1 The Executive Cabinet at its meeting held on 14th December 2005 considered a report on the review of the Council's Overview and Scrutiny Committees in the light of comments made by Members and the Scrutiny Committees and following the Scrutiny Workshop. A copy of that report is attached at Appendix A. The Cabinet expressed its general support for the proposed new arrangements and structure but did not formally recommend that the proposals be adopted.

3.2 The Executive Cabinet referred the Terms of Reference of the Scrutiny Committee and Scrutiny Task Groups, together with Terms of Reference for the Performance Management Board and the Audit Board to the Standards Committee for detailed consideration, to enable a full discussion to take place on their various roles and responsibilities together with the interaction between each body.

3.3 The Standards Committee at its meeting held on 15th December 2005 resolved to defer, to a special meeting of the committee to be held on 19th January 2006, consideration of the terms of reference of the scrutiny committee and the audit board to allow them to be considered alongside:-

- (i) Recommendations from the Executive Cabinet on the scrutiny review; and
- (ii) the terms of reference for the Performance Monitoring Board.

4. Financial Implications

4.1 There are no direct financial implications arising from this report.

5. Legal Implications

5.1 Section 21 of the Local Government Act 2000 states

21. (1) Executive arrangements by a local authority must include provision for the appointment by the authority of one or more Committees of the authority (referred to in this Part as Overview and Scrutiny Committees).

(2) Executive arrangements by a local authority must ensure that their Overview and Scrutiny Committee has power (or their Overview and Scrutiny Committees have power between them)-

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,

(b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,

(c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,

(d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,

(e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.

5.2 Sections 15 - 17 of the Local Government and Housing Act 1989 relate to the duty to allocate seats on Committees in accordance with the political balance on the Council.

Background Papers

Minutes of Executive Cabinet 14/12/05

Contact officer

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BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

14TH DECEMBER 2005

REVIEW OF THE SCRUTINY PROCESS

| | |
|------------------------------|---------------------------------------|
| Responsible Portfolio Holder | Councillor Mrs C. J. Spencer |
| Responsible Head of Service | Head of Legal and Democratic Services |

1. SUMMARY

- 1.1 To consider a review of the Council's Overview and Scrutiny Committees in light of the comments made by Members and the Scrutiny Committees.

2. RECOMMENDATION

- 2.1 That the recommendations relating to the revised Scrutiny Committee structure, as set out in paragraph 2.1 – 2.8, of the Review of the Scrutiny Process report be approved.
- 2.2 The Standards Committee be recommended to approve the changes to the Council's Constitution to enable the revised Scrutiny structure to be implemented.

3. BACKGROUND

- 3.1. The Executive Cabinet at its meeting held on 19th October 2005 considered a report on a review of the scrutiny process. A copy of that report is attached at Appendix 1. The Executive Cabinet resolved:
“ that the proposals set out in the report be referred for consideration at a forthcoming Members Workshop on Scrutiny and then by Scrutiny Committees, with a view to any comments being reported back to a future Meeting of the Cabinet at which any recommendations will then be made to the Standards Committee and full Council as appropriate.”
- 3.2 A workshop was held with members on 25th October 2005. A copy of the notes from that workshop are attached at Appendix 2.
- 3.3 The report was considered at the meeting of the Housing and Planning Policy Scrutiny Committee held on 24th November 2005. That Committee resolved:
*“(i) that the report be noted; and
(ii) that the Executive Cabinet be informed that:
(a) it is this Committee's view that the proposed new scrutiny system, as detailed in the report submitted, be supported; and
(b) this Committee prefers the suggestion of the use of ad hoc task groups rather than fixed task groups.”*
- 3.4 The report was considered at the meeting of the Health and Leisure Scrutiny Committee held on 29th November 2005. That Committee resolved:
“that the various recommendations set out in the report at paragraphs 2.1 – 2.8 be supported.”

3.5 The report will be considered at the meeting of the Policy and Strategy Scrutiny Committee held on 6th December 2005. The recommendations of that Committee will be reported verbally at the meeting.

5. Financial Implications

5.1 There are no financial implications arising from this report.

6. Legal Implications

6.1 Section 21 of the Local Government Act 2000 states

21. (1) *Executive arrangements by a local authority must include provision for the appointment by the authority of one or more Committees of the authority (referred to in this Part as Overview and Scrutiny Committees).*

(2) Executive arrangements by a local authority must ensure that their Overview and Scrutiny Committee has power (or their Overview and Scrutiny Committees have power between them)-

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,

(b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,

(c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,

(d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,

(e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.

6.2 Sections 15 - 17 of the Local Government and Housing Act 1989 relate to the duty to allocate seats on Committees in accordance with the political balance on the Council.

Background Papers

None

Contact officer

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BROMSGROVE DISTRICT COUNCIL

EXECUTIVE CABINET

19TH OCTOBER 2005

REVIEW OF THE SCRUTINY PROCESS

| | |
|------------------------------|---------------------------------------|
| Responsible Portfolio Holder | |
| Responsible Head of Service | Head of Legal and Democratic Services |

1. SUMMARY

1.1 To consider a review of the Council's Overview and Scrutiny Committees.

2. RECOMMENDATION

2.1 That the revised Scrutiny Committee structure, as set out in paragraph 3.16, and the terms of reference for the Overview and Scrutiny Committee, as set out in paragraph 3.18, be approved.

2.2 Members are requested to decide whether to adopt a system of a fixed number of Task Groups or the creation of ad hoc Task Groups, as detailed in paragraph 3.17.

2.3 That the terms of reference for the Task Groups, as set out in paragraph 3.19, be approved

2.4 That the revision to the call in procedure, detailed in paragraph 3.20, be approved.

2.5 That the system of using criteria for to establish the need to carry out a particular scrutiny exercise, as detailed in paragraphs 4.5 to 4.8, together with the use of the scrutiny proposal form, as set out in the appendix to the report, be approved and adopted.

2.6 That new working methods, as set out in paragraphs 4.9 – 4.18 inclusive, be approved and adopted.

2.7 That the Standards Committee and the Council be recommended to approve necessary amendments to the Council's Constitution arising from the approval and implementation of the revised Overview and Scrutiny Committee System.

2.8 The Head of Legal and Democratic Services be authorised to arrange a calendar of meetings for the Overview and Scrutiny Committee for the remainder of the current municipal year.

3. BACKGROUND

- 3.1 The system of scrutiny committees was introduced as a consequence of the Local Government Act 2000.
- 3.2 As part of the Recovery Plan process the Council has undertaken to carry out a complete review of its scrutiny committees.
- 3.3 This review takes in to account
 - Views of members expressed in a recent survey
 - Examples of best practice from across the country
 - Examples of other authorities which have received a “poor” or “weak” CPA rating and who have since reviewed their scrutiny processes
 - Reviews of scrutiny arrangements carried out by other authorities
 - Advice taken from the Centre for Public Scrutiny document “Overview and Scrutiny – Guidance for District Councils”
 - Analysis carried out using the Centre for Public Scrutiny “Self evaluation framework for Overview and Scrutiny in local government”
 - The recent establishment of a Performance Management Board

THE CURRENT SYSTEM

- 3.4 Bromsgrove currently has three Scrutiny Committees each consisting of 13 members. Within their terms of reference, Overview and Scrutiny Committees:
 - (a) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions;
 - (b) make reports and/or recommendations to the full Council and/or the executive in connection with the discharge of any functions;
 - (c) consider any matter affecting the area or its inhabitants;
 - (d) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive and/or any policy or area Committees; and
 - (e) consider best value reviews.
- 3.5 The terms of reference of the Committees are as follows

| | |
|---------------------|---|
| Policy and Strategy | <ul style="list-style-type: none">• Local democracy and the achievement of effective, transparent and accountable decision making by the Council• The Council's budget, the management of its budget, capital, revenue borrowing and assets (including land and people) and its audit arrangements• The provision, planning, management and performance of the Council's central services, including support services, best value, the community plan and any other Council function not otherwise addressed by any other Committee |
|---------------------|---|

| | |
|-----------------------------|--|
| Housing and Planning Policy | <ul style="list-style-type: none"> • The provision, planning, management and performance of the Council's housing, town and country planning, building control and other technical services • The physical, social and economic environment and welfare of Bromsgrove, including the provision, planning and management of its housing and the built environment |
| Health and Leisure | <ul style="list-style-type: none"> • The provision, planning, management and performance of the Council's leisure and environmental health services • The holding to account of health authorities, as proposed under the NHS Plan. |

3.6 The existing Committees were based largely upon an amalgamation of the former Housing, Recreation, Amenities and Tourism, Policy and Resources, Planning and Highways and Environment and Health Committees. The linkage to the old Committee system has not enabled members to break away from that system and fully embrace the new requirements of Overview and Scrutiny.

3.7 It is clear from comments received from members that they consider that the current Overview and Scrutiny Committee arrangements are not working as well as had been anticipated. Comments submitted by Members included:-

- *Limited effectiveness to date due to lack of capacity to improve*
- *It has not been effective because the historic system of officers and Executive cabinet formulating policy has been continued*
- *Rather patchy and differs from one Committee to another*
- *Have not seen much evidence to date of scrutiny being involved in development of policy – more emphasis on review of services rather than policies. In summary I don't think scrutiny works at a strategic policy level.*
- *I do not believe that scrutiny is very effective at all. The people concerned are trying to use it like the old Committee system and for purely political reasons. There have been odd occasions when something good has come from it but on the whole it is used by councillors trying to find something to do. We are at fault for not organising it properly.*

3.8 Members identified in the survey that they felt that the use of Task Groups had been the most effective part of the current scrutiny process. When asked how useful they felt the use of Task Groups had been several Members said: they had been “very useful” and other comments included-

- *Useful in experimenting with different types of enquiries*
- *Has to be the only way to scrutinise properly*
- *The Task Groups have raised the profile of certain topics. They have increased member interest.*
- *Very useful to look at some issues in depth.*
- *Most helpful and beneficial I have found them most informative and you learn a lot from the Task Groups to pass on to others*
- *The only one I can judge on is Refuse. The feedback from that Task Group was excellent and very beneficial. The museum Task Group is only in its early stages but should be beneficial.*

- *In some areas of work this has been successful, improvements could be made by always looking at the financial implication*
- 3.9 In the response to the survey members have identified the need to change the way the scrutiny process works. Members suggested improvements included:-
- *Having an over-arching scrutiny chair with powers*
 - *We need to assess subjects against our risk/outcomes guidelines rather than acting on a whim*
 - *More selective in policy or service that is to be scrutinised*
 - *Some “policies” could have been discussed and proposed by the Scrutiny Committees*
 - *We need long term future plans from executive with items mapped for each Scrutiny Committee from this other flexibility can then be added on.*
 - *Earlier involvement in new projects.*
 - *Scrutiny and Overview may be even more effective if there were less items to be scrutinized and more time spent on each of the discussions. Each scrutiny done more thoroughly.*
 - *All members of Scrutiny Committees need to be positively engaged in what is possible to achieve.*
 - *I think the number of scrutiny panels should be reduced to one and the guidance they are given should be to concentrate on identified problem area to see why they are not working and to find out what the public thinks about it. They are currently inward looking.*
- 3.10 There is a need to ensure that the scrutiny process becomes more effective. It needs to be able to assist the council achieve its priorities, review its performance, develop policies, hold the Executive to account and allow members the opportunity to raise issues of concern to residents of the District. Scrutiny should result in improved value, quality of service and enhanced performance.
- 3.11 Officers are also aware of the strengths and weaknesses of the current system and have undertaken considerable research in to what may be the most appropriate ways of carrying out the Overview and Scrutiny role. There are two main aspects to improving the scrutiny process. One is to ensure that the correct structures are in place to enable good scrutiny to be carried out. The second is promoting effective ways of working.

PUTTING THE RIGHT STRUCTURES IN PLACE

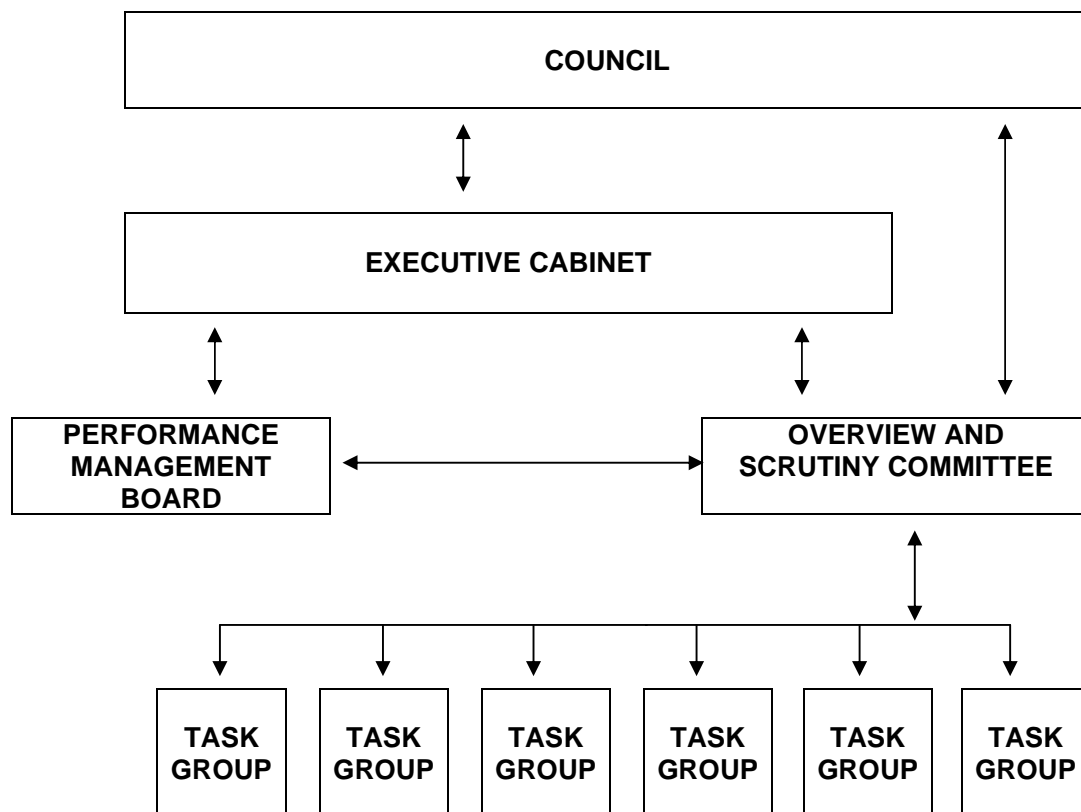
- 3.12 There is no right or no wrong approach to how Scrutiny Committees should be organised though some are viewed as being better than others. The Centre for Public Scrutiny has stated

“There is no ‘ideal type’ Overview and Scrutiny structure; Local circumstances will dictate the most appropriate Committee structure. Those authorities where Overview and Scrutiny is struggling tend to be those where party politics predominate and where Councillors are struggling to move away from the old Committee system.”

- 3.13 The need for a review of the scrutiny process has been identified in the Recovery Plan and the comments from members. Examples from other authorities demonstrate that in order to make scrutiny an effective tool for the Council there is a need to move away from the current three Scrutiny Committees and instead adopt a revised approach, which enables scrutiny to make a proactive and positive contribution to the work of the Council.
- 3.14 Whilst each Council will operate its scrutiny function in a slightly different way from others, many authorities have adopted a structure which provides an overarching Committee which
- reviews the scrutiny work programme
 - considers proposals for scrutiny
 - considers the Executive Cabinet's Forward Plan
 - monitors the work of the Task Groups
 - considers the final reports of the Task Groups and make recommendations to the Executive Cabinet

This Committee decides the scrutiny work programme and then allocates work to Task Groups which report to it. The Task Groups will only carry out one scrutiny exercise at a time but will do so in depth and investigate the subject thoroughly.

- 3.15 The benefits of such a system are that
- The Committee can co-ordinate and prioritise the scrutiny exercises which are carried out
 - It allows the development of structured scrutiny work programme
 - Scrutiny can assist the Council to develop or review policies which in turn can enable the Council to achieve its priorities
 - It still allows the Executive to be held to account
 - It breaks the link with the old Committee system
 - As there is only one Committee, it can select any issue affecting the Council and ask for a Task Group to look at it.
- 3.16 The review proposes therefore that this Council adopts such a scrutiny system and that the current three Committees are replaced with one Committee. This Committee will be responsible for co-ordinating all the scrutiny work. The membership of the Committee would remain at the current number of 13 which will allow all groups on the council to be represented. The scrutiny reviews will be carried out by a number of Task Groups. There are two options (set out in the following paragraph) in relation to the Task Groups either that there will be a fixed number of Task Groups and the scrutiny reviews will be allocated to each Task Group on the basis of their existing workload or that ad hoc Task Groups are appointed to deal with individual pieces of scrutiny work as they arise. The diagram below shows how this would work in practice.



TASK GROUP OPTIONS

3.17 In order for Task Groups to be effective it is essential that they continue to have the same small size as present. It is therefore suggested that Task Groups should have a membership of no more than seven councillors. As stated above there are two options for the Task Groups.

Fixed number of Task Groups

The first option is to establish a fixed number of Task Groups each with an agreed membership. The effect of this would be that

- Non executive members would be allocated a place or places on the various Task Groups. Members would know which body they served on and once the work programme has been formulated and agreed which matters that Task Group would be working on.
- Because the Task Groups would be permanent, they would fall under the requirements to allocate seats on a proportional basis. Due to the small size of the Task Groups it is likely that the smaller groups on the Council would not be allocated seats on every Task Group, although they would be represented on some Task Groups.
- Work would be allocated to Task Groups in turn or depending on their workload. This may mean that members of a particular Task Group are asked to scrutinise matters in which they have little or no interest or specialised knowledge.
- If all the Task Groups were busy working on scrutiny reviews other matters which have been added to the scrutiny work programme would have to wait until a Task Group became available to begin a new piece of work.

Ad Hoc Task Groups

The second option is that the Overview and Scrutiny Committee would establish ad hoc Task Groups to undertake individual scrutiny reviews on a “task and finish” basis.

The effect of this would be :-

- Members would serve on permanent bodies but would be appointed to a Task Group established for a particular purpose by the Overview and Scrutiny Committee.
- Because Task Groups would be appointed on an ad hoc basis they would not fall under the requirements to allocate seats on a proportional basis. Members would be appointed in a personal capacity without regard to their membership of any political group. This would allow greater flexibility of membership and more opportunity for cross party working.
- Task Groups would be established to respond to the need to carry out scrutiny reviews and could therefore react quickly to the need to carry out particular pieces of work.
- Would allow individual members to take part in reviews on matters in which they have an interest or specialised knowledge.

3.18 PROPOSED TERMS OF REFERENCE FOR THE OVERVIEW AND SCRUTINY COMMITTEE

1. The Overview and Scrutiny Committee will oversee and co-ordinate the scrutiny and review of any of the Council's functions, and the performance of other public bodies whose work affects the residents of the District.
2. The Overview and Scrutiny Committee will oversee and co-ordinate the scrutiny and review process through:
 - co-ordination of the policy development and review programme in accordance with the overall framework set by Council, and agree the terms of reference of each review and monitor progress of these reviews against the programme;
 - determination of the scrutiny work programme;
 - to allocate scrutiny reviews listed in the scrutiny work programme to the Task Groups;
 - consideration of requests for reviews or investigations from individual members, the Executive Cabinet, the Performance Management Board and/or Council; and
 - consideration of decisions of the Executive Cabinet which have been called-in.
3. The Overview and Scrutiny Committee will, following scrutiny or in-depth analysis of policy issues by the Task Groups, consider reports prepared by those Groups and make recommendations to the Executive Cabinet or where appropriate the Council, on the development of the Council's budget and policy framework.
4. The Overview and Scrutiny Committee may consider any matter affecting the District and its inhabitants.
5. The Overview and Scrutiny Committee will report annually to Council on its work and make recommendations for future work programmes and amended working methods if appropriate.

3.19 TERMS OF REFERENCE OF THE TASK GROUPS

1. Each of the Task Groups will be composed of no more than seven elected members.
2. Each task group may co-opt no elected members to serve on the task group. Co-opted members will be able to contribute to the debates and work of the task group but will not be able to vote on any decisions made by the task group.
3. The Task Groups will carry out scrutiny reviews allocated to them by the Overview and Scrutiny Committee.
4. The Task Groups will keep the Overview and Scrutiny Committee informed of the progress of each scrutiny review and will produce a report (which may or may not include recommendations) for consideration by the Overview and Scrutiny Committee at the end of the review.

CALL IN

- 3.20 The reduction of the number of Scrutiny Committees from three to one will necessitate a revision to the call in procedure which is set out in the Council's constitution. At present, call in can be generated by any three members of the relevant Scrutiny Committee. This could be changed, for example, to any five members of the Council who represent at least two of the political groups on the Council.

4. NEW WAYS OF WORKING

- 4.1 The Centre for Public Scrutiny has developed four principles of good scrutiny, namely that effective public scrutiny:
- *provides a critical friend challenge to Executives as well as external authorities and agencies;*
 - *reflects the voice and concerns of the public and its communities;*
 - *takes the lead and own the scrutiny process on behalf of the public; and*
 - *makes an impact on the delivery of public services*
- 4.2 In order to ensure that the scrutiny function operated by this Council meets those principles it is necessary to review not only the structures for carrying out scrutiny but also the way scrutiny works. Set out below are some of the major issues which need to be addressed. This is not an exhaustive list but should be seen as a starting point. Scrutiny is a constantly evolving process and other issues will arise through the operation of the scrutiny process, the development of new ways of working or best practice by other authorities or through member development.

CRITERIA FOR SCRUTINY

- 4.3 At the scrutiny training session held in February 2005 members were advised that some authorities have adopted a system where any matter suggested as a subject for scrutiny needs to demonstrate how doing so would be of benefit to the Council. It is proposed to introduce a similar system.

- 4.4 Any non executive member will be able to propose that a matter be the subject of scrutiny. Members would be expected to complete a scrutiny proposal form, a copy of which is attached. The form defines the subject the member wishes to see scrutinised and the reasons why the member thinks it is a suitable subject for scrutiny. It also begins the scoping process by outlining the range of witnesses the member feels should be invited to give evidence.
- 4.5 With the exception of matters which are the subject of the call in procedure, in order to be added to the scrutiny work programme a subject should meet at least two of the criteria set out below. The more criteria the subject meets the greater priority the Scrutiny Committee will need to give the proposal.
- It is an area of council activity which has been identified as performing poorly
 - It is an area of concern identified by CPA/external audit
 - It is a corporate plan priority
 - It is a government priority area
 - It is an external priority area
 - It is of key interest to the public
 - It has a high level of budgetary commitment
 - There is a pattern of overspending or under spending
 - It is new government guidance or legislation
 - It is a proposed new policy for the Council
 - It is a review of an existing Council policy to enhance the service provided
 - It effects more than three wards within the District
 - It is an area which affects not only Bromsgrove but also one of the neighbouring authorities
 - It concerns the work of an external organisation or agency whose work has a direct affect on the health or well being of the residents of the District
 - It is a review of progress made since a previous scrutiny exercise
 - It is a post implementation review of a new policy or way of working
- 4.6 However if the subject suggested for scrutiny falls in to one of the following categories will not be added to the work programme:-
- The issue has already been the subject of a “Call in”
 - The issue is already being considered by the Executive
 - The issue is already being scrutinised or relates directly another currently active scrutiny exercise
 - The issue is already being considered by an officer group who will be submitting a report to the Executive in the near future
 - The issue is already programmed to be reviewed (e.g. as part of a Best value review) within the next year
 - The issue has already been scrutinised within the last year
 - New legislation or government guidance is expected on the issue within the next year
- 4.7 Some authorities which use a similar system have developed a scoring matrix by which scrutiny topics can be prioritised. It is not considered appropriate or necessary to introduce such a matrix at this point though such a system could be introduced at a later date.

- 4.8 One of the consequences of the change to this system is that it will allow members to become more focused on carrying out effective scrutiny and will spend less time considering reports presented for information or for noting.

HOLDING THE EXECUTIVE TO ACCOUNT

- 4.9 One of the most important roles of the scrutiny process is to hold the Executive to account. This should not be a negative experience in which the Scrutiny Committee merely criticises the Executive. Instead the Scrutiny Committee should be acting as a critical friend. Where criticism is required it should be done in a proactive way, one in which the perceived problems are highlighted and positive, solutions, backed by costed evidence, are provided.
- 4.10 One of the most common and effective ways of holding the Executive to account is for Scrutiny Committees or Task Groups to invite the relevant portfolio holders to attend their meetings and for members to give evidence and to answer questions on the subject. Currently Portfolio Holders are not generally expected to speak to Scrutiny Committees about the areas for which they are responsible this is generally left to officers. In many other authorities it is the portfolio holder who is expected to present reports and to give the case why the Cabinet may have made a particular decision or is proposing a policy. Likewise Scrutiny Committee chairmen are not expected to attend and address cabinet meetings to present the recommendations arising from a scrutiny exercise. In many places both of these are quoted as examples of good practice as they give the members ownership of the workload of the Council and members do not have to rely on officers so much. By taking responsibility for areas of the Council's work members gain a better and more detailed knowledge of the issues.

CROSS PARTY WORKING

- 4.11 An important role of overview and scrutiny is the promotion of cross party working. The scrutiny function should be carried out in spirit of co-operation and where individual party politics are not a predominant feature. It demonstrates a Council that is able to provide constructive criticism, informed and reasoned advice, opinions and recommendations for the Executive Cabinet to consider. This is recognised nationally as best/ good practice.

PERFORMANCE MANAGEMENT

- 4.12 The Executive Cabinet at its meeting held on 22 June 2005 approved the establishment of a Member Performance Management Board. That Board will have overall responsibility for monitoring progress and performance against the Councils strategic objectives and key Performance Indicators. It will review, challenge and drive overall progress and performance by considering bi-monthly reports. In addition, it will be able to call in exception reports on unsatisfactory performance and consider proposals for improvement. This will remove the need for the Scrutiny Committee to receive the regular performance indicator reports. However it will not prevent the Scrutiny Committee from deciding to scrutinise performance reports and detailed reports on specific issues of concern. The Scrutiny Committee will be able to examine in detail how performance in a specific area might be improved, unsatisfactory performance rectified or alternative approaches to providing a specific service

BUDGET MONITORING

- 4.13 The Council is legally required to refer major policy documents including at the highest level the budget to a Scrutiny Committee for consideration. The formal budget consultation will therefore continue with the draft budget being considered by the Overview and Scrutiny Committee. This will be supplemented by one or more separate presentations to members on the draft budget which will allow members the opportunity to ask questions and seek clarification on detailed aspects of the budget. The Overview and Scrutiny Committee will also have the ability to refer to one of the Task Groups specific areas of the budget for more detailed scrutiny.

INFORMATION REPORTS

- 4.14 The work of the Overview and Scrutiny Committee will concentrate on
- reviewing the scrutiny work programme
 - considering proposals for scrutiny
 - considering the Executive Cabinet's Forward Plan
 - monitoring the work of the Task Groups
 - considering the final reports of the Task Groups and making recommendations to the Executive Cabinet

Consequently as well as not receiving regular reports on performance indicators (see above) the Scrutiny Committee will no longer consider reports for information, to be noted, minor update reports, or updates on other areas of performance (e.g. numbers of officer recommendations overturned by Planning Committee). Such reports are a hang over from the old Committee system and should form no part the work of the Scrutiny Committee. If members still require such information it can be provided in the fortnightly "Briefly Bromsgrove" bulletin or any subsequent members' information newsletter.

TRAINING

- 4.15 Members have received three training sessions on the role, purpose and structures of scrutiny and have recently highlighted the need for training on scrutiny effectiveness. There will be a need to review training available for members and to provide further training as appropriate.
- 4.16 To date there has been little if any training for officers which has been specifically related to scrutiny. Officers are or can become involved in the scrutiny process at various times and it is important that to support and develop their understanding of the role of scrutiny. Such training should be aimed at the range of officers at various levels within the organisation who become involved in scrutiny reviews. This will allow them a better understanding of the role of scrutiny and what they can do to ensure that it is an effective tool for the Council.

PUBLIC ENGAGEMENT

- 4.17 The Centre for Public Scrutiny has identified that "*Effective public scrutiny should reflect the voice and concerns of the public and its communities, should own the process on behalf of the public and should make an impact on the delivery of services.*" But has also acknowledged that "*It is highly unlikely that people will care about investigations into internal matters such as departmental recharges or procurement*

initiatives. In selecting topics of inquiry, attention should be paid to public priorities and issues of local concern."

4.18 To date little has been done to raise the public profile of the scrutiny process. The Museum Task Group issued a press release and made use of the web site to attract comments from the public on the future of the Museum. If this process was followed at the beginning of each scrutiny exercise it would demonstrate the range of scrutiny work being undertaken. Members can be encouraged to proposed items for scrutiny which are more likely to encourage the public to become engaged in the scrutiny process. The web site currently offers the public the opportunity to suggest topics which members could scrutinise but this has so far generated very few suggestions.

5. Financial Implications

5.1 There are no financial implications arising from this report.

6. Legal Implications

6.1 Section 21 of the Local Government Act 2000 states

21. (1) Executive arrangements by a local authority must include provision for the appointment by the authority of one or more Committees of the authority (referred to in this Part as Overview and Scrutiny Committees).

(2) Executive arrangements by a local authority must ensure that their Overview and Scrutiny Committee has power (or their Overview and Scrutiny Committees have power between them)-

(a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,

(b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,

(c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,

(d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,

(e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area.

6.2 Sections 15 - 17 of the Local Government and Housing Act 1989 relate to the duty to allocate seats on Committees in accordance with the political balance on the Council.

Background Papers

Results of survey of Bromsgrove District Councillors on attitudes towards the scrutiny process.

Bromsgrove District Council “A Guide to Overview and Scrutiny”

Centre for Public Scrutiny document “Overview and Scrutiny – Guidance for District Councils”

Centre for Public Scrutiny “Self evaluation framework for Overview and Scrutiny in local government

Kerrier District Council Review of Overview and Scrutiny report dated 16 April 2003

Kerrier District Council Overview and Scrutiny Annual report 2003/2004

Maidstone Council Overview and Scrutiny E-Bulletin

Malvern Hills District Council Constitution

North East Lincolnshire Council “IDeA Overview and Scrutiny Check Up Final Report February 2005

Rossendale Borough Council “Scrutiny Pack”

Rushcliffe Borough Council “Performance Management Board” leaflet

Swindon Borough Council “Review of Scrutiny Arrangements” Final Report

Torbay Borough Council “Review of Overview and Scrutiny in Torbay Council” Report by Professor Steve Leach

Wychavon District Council Constitution

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OVERVIEW AND SCRUTINY COMMITTEE

SCRUTINY PROPOSAL

Name of Councillor :

General Subject Area to be Scrutinised:

Specific Subject to be Scrutinised

.....
.....
.....
.....
.....

This subject should be scrutinised because it meets at least two of the following criteria (please indicate which)

- It is an area of council activity which has been identified as performing poorly
- It is an area of concern identified by CPA/external audit
- It is a corporate plan priority
- It is a government priority area
- It is an external priority area
- It is of key interest to the public
- It has a high level of budgetary commitment
- There is a pattern of overspending or underspending
- It is new government guidance or legislation
- It is a proposed new policy for the Council
- It is a review of an existing Council policy to enhance the service provided
- It effects more than three wards within the District
- It is an area which affects not only Bromsgrove but also one of the neighbouring authorities
- It is a review of progress made since a previous Scrutiny exercise
- It is a post implementation review of a new policy or way of working

Should the relevant Portfolio Holder(s) be invited to give evidence? YES/NO

Should any Officers be invited to give evidence? YES/NO

If yes, state name and/or post title:.....
.....
.....

Should any external witnesses be invited to give evidence? YES/NO

If so, who and from which organisations?
.....
.....
.....

Should the Task Group receive evidence from other sources other than witnesses? If so, what information should the Task Group wish to see and from which sources should it be gathered?.....

.....
.....

Should a period of public consultation should form part of the Scrutiny exercise? YES/NO

If so on what should the public be consulted?

.....
.....

Will the Scrutiny exercise cross the District boundary and, if so, should any other authorities be invited to participate?

.....
.....
.....

Would it be appropriate to co-opt anyone on to the Task Group whilst the Scrutiny exercise is being carried out? YES/NO

If so who and from which organisations?

.....
.....

Signed

Councillor.....

Date.....