

Report of the Chief Executive

1. Purpose of report

- 1.1. Between September 2018 and February 2019, the Council has undertaken a review of its scrutiny function with independent assistance from the Centre for Public Scrutiny. A copy of their report is attached at Appendix One.
- 1.2. Following clarification and discussion with officers and the Cabinet, changes to the scrutiny structure are being proposed. It is also proposed that in line with the recommendations of the report that there should be improved training for scrutiny members following the 2019 local elections.
- 1.3. To minimise risk and ensure continuity, a managed and transitional approach to changing the structure was supported and is, therefore, being recommended to Full Council. It is envisaged that the transitional period which involves members of scrutiny will require between 12 and 18 months before fully moving to a revised scrutiny model.
- 1.4. General support for the revised and transitional models, and a willingness to change, was identified in a briefing session with scrutiny chairmen and vice chairmen and, subsequently, an open invitation session for all scrutiny group members. A copy of the main discussion points raised is shown at Appendix Two.

2. Recommendation

It is RECOMMENDED that Council:

- a) Notes the CfPS Review of Scrutiny report contained at Appendix One
- b) Agrees to disband the current scrutiny structure at the end of the municipal year
- c) Gives approval for the creation on the transitional model of scrutiny including the Corporate Overview Group and three themed scrutiny groups of growth, communities and governance effective from 1 June 2019
- d) Agrees the size and proportionality of the new scrutiny groups as outlined in paragraphs 4.13 and 4.16
- e) Requests the Chief Executive to explore options for independent support during the transitional period as outlined in paragraph 4.18
- f) Requests the Chief Executive to bring forward Terms of Reference for all scrutiny groups to Annual Council to allow nomination to groups to be made

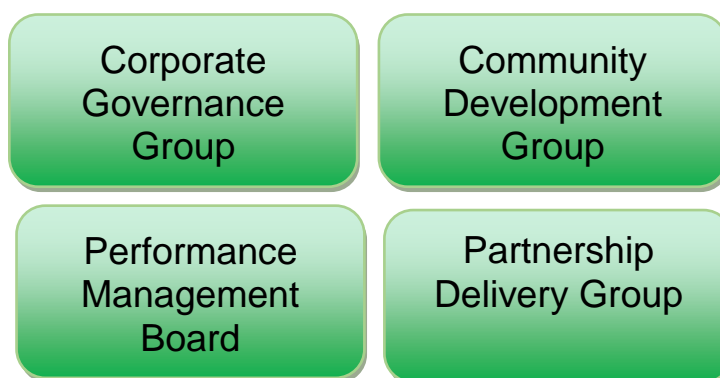
3. Reasons for Recommendation

- 3.1. The independent review of scrutiny at Rushcliffe Borough Council has identified a number of strengths and areas for improvement with the current structure and operation. To fully ensure that scrutiny is supporting the overall aims of the authority changes, to the structure, training, remit and workload of scrutiny groups are proposed.

4. Supporting Information

Background to the review

- 4.1. Following earlier planning and corporate peer challenges, the Council questioned whether the current scrutiny function (shown below and introduced in 2007) was really adding value to the decision-making process. The reasons for this were: growing frustration of scrutiny members, continuing financial pressures the authority is experiencing, the desire for greater transparency and accountability, and the growing need to ensure resources and members' skills are utilised more flexible and responsively.



- 4.2. The Centre for Public Scrutiny (CfPS), an independent consultancy focused on helping public sector organisations deliver effective scrutiny and governance, was engaged to undertake a review of scrutiny between September and December 2018.
- 4.3. The review included desk research looking at what we currently do as well as best practice from around the sector and the recommendations of the Government Select Committee into Scrutiny within Local Government; interviews with a range of councillors and officers; an online questionnaire open to all councillors; and a feedback and scoping session with Cabinet and management team.
- 4.4. Key lines of enquiry provided to the CfPS included:
- Is Scrutiny performing as efficiently as it could be?
 - Is Scrutiny contributing to the overall success of the authority?
 - Is Scrutiny fulfilling its purpose – i.e. to hold the Executive to account publicly?

Review findings

- 4.5. The CfPS observed that Rushcliffe was a high performing authority with a stable and clear majority. They believed that scrutiny is doing well but could 'always do better'. Additionally, they perceived that there is lots of activity at

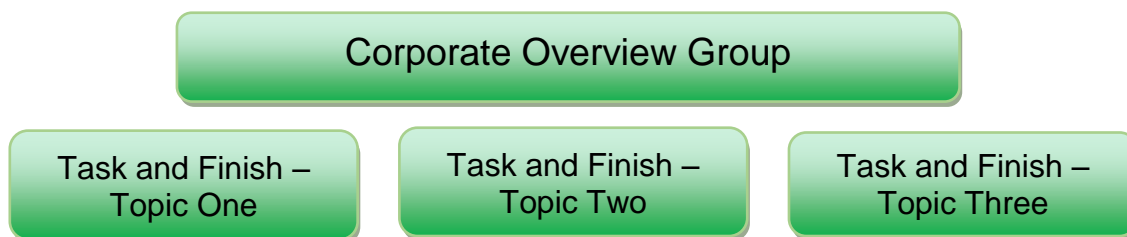
scrutiny but its focus could be better placed and that the Executive ambition could be better supported or enhanced by the scrutiny function.

- 4.6. The CfPS highlighted a number of strengths in their report:
- Rushcliffe is a well-run, high performing council; scrutiny is well managed and runs well as a function
 - There are high levels of officer support and engagement
 - Task and finish groups are effective and satisfying for members
 - Members and officers are well engaged and positive about their role.
- 4.7. However, they also identified a number of areas for improvement:
- No shared understanding within the scrutiny groups about the purpose of scrutiny
 - Work programmes are routine and repetitive
 - Lack of understanding or visibility of the Council's corporate strategy and how scrutiny may support its delivery
 - No, or limited, consideration of the forward plan, corporate strategy, MTFs or other key documents in setting the work programme
 - Public democratic accountability can be improved – the public has the right to know how decisions are reached and by whom
 - Provisions for holding the Executive to account are in the Constitution but are not utilised (for example, call-in procedures or inviting the portfolio holders to give account at scrutiny).
- 4.8. The CfPS also highlighted aspects of best practice from across the sector that they felt merited consideration at Rushcliffe. These included:
- Better training for members of scrutiny – post election
 - Terms of reference to be updated with clearer guidelines about role, purpose and function of scrutiny
 - Scrutiny should be balanced between holding the Executive to account and pro-actively contributing to the formulation of strategy, plans and solutions
 - If there is an issue of sufficient concern, members of the Executive can be invited to explain decisions or proposals
 - Timings and duration of meetings– most councils now meet in the day within business hours – set duration time of two hours is seen as best practice.
 - The practice of individual group meetings should be stopped and replaced with a single meeting to brief chairman before the meeting– the scrutiny group should act as one.

Proposed Scrutiny Structure

- 4.9. Following receipt of the report, a lead member of the CfPS review team met with senior officers and members of the Cabinet to present the team's findings. As a result of these discussions, he recommended a 15-member politically proportional structure, shown below, comprising one large Corporate Overview Group to create work programmes based on concerns highlighted by quarterly financial and performance monitoring reports, as well as items on the Cabinet Forward Plan, contained with the Corporate Strategy or Medium Term Financial Strategy, for indepth investigation by task and finish groups, which would be fluid in respect of membership.

- 4.10. Task and finish groups would be chaired by a member of the Corporate Overview Group and additional members would be drawn from all councillors without Executive responsibilities. Under this proposal, a separate Governance Group would be established to scrutinise standing items such as internal and external audit reports.



- 4.11. The proposed change is a radical step away from the existing and well understood scrutiny model. Therefore, moving to such a different model and way of operating the scrutiny function as well as delivering an extensive induction programme for new councillors, additional training for scrutiny chairmen and vice chairmen, and altering the way items are selected for scrutiny would require considerable resources and carry risks. Following further consideration and the willingness to focus upon making scrutiny more enjoyable and relevant for elected members, it is proposed that alterations to the existing structure are made through a transitional period. This will enable members to be engaged and involved in the development of the future scrutiny structure, enabling some of the features of the new structure to be incorporated whilst also maintaining sufficient resource focused on operational issues.

Transitional Model

- 4.12. This transitional model, which we envisage being in place between 12 and 18 months, will allow new councillors elected in May 2019 to undertake the induction programme and settle into their new roles, allow additional training for scrutiny chairmen and vice chairmen to take place and possibly extended to all members of scrutiny, and allow for new ways of identifying work programme items to be bed-in. It will also afford the Council the opportunity to provide independent support to the new chairman of the Corporate Overview Group, as well as evaluating the changes and providing feedback throughout the change process. The transitional model is highlighted below and utilises the existing structure whilst formally creating a corporate overview group, with the responsibility to drive a change in focus, determine and approve the overall work programme, and provide feedback to maximise the efficiency of the scrutiny function.



- 4.13. It is proposed, that to signal the importance of scrutiny and ensure focus upon the development of a revised scheme is maintained, the appointment of an independent (not a chairman or vice chairman of any other group or

committee) change champion is considered. It is suggested that the designated member would also be the chairman of the Corporate Overview Group. This group will initially be limited to seven members – the remaining six being the chairman and vice chairmen of the three additional scrutiny groups. The group will need to be politically proportional and this may have an impact on the allocation of seats following the May 2019 Election (based on the current membership of the Council, a minimum of two chairman or vice chairman positions would need to be filled by opposition members).

4.14. The role of the change champion will be to:

- work with the Executive and senior officers to deliver real change to the way scrutiny is delivered at Rushcliffe
- oversee the training of new councillors as well as those who continue in their roles including additional training for successful chairmen and vice chairmen
- lead the development of a new way of drawing up work programmes based on the Corporate Strategy, Cabinet Forward Plan and Medium Term Financial Strategy
- oversee the realignment of the transitional arrangements to meet the requirements of the model proposed above.

Corporate Overview Group

4.15. The Corporate Overview Group, during the transitional year, will be responsible for:

- transforming the culture, focus and objectives of scrutiny
- creation of a scrutiny development programme to guide the transition process
- meet as necessary setting the work programmes for the three other scrutiny groups based on the Corporate Strategy, Cabinet Forward Plan and Medium Term Financial Strategy as well as scrutinising standing items such as financial and performance management.

Themed Scrutiny Groups

4.16. Each of the three themed scrutiny groups will have nine members, as they do now, which will meet quarterly to deliver the work programme drawn up by the Corporate Overview Group. At the conclusion of the transitional period, it is currently envisaged that these three groups will disband and the Corporate Overview will increase in size and establish task and finish style groups to deliver scrutiny reviews as required.

4.17. The focus of these three themed scrutiny groups will be initially realigned to more accurately reflect the current aspirations and challenges of the authority. These are proposed to focus upon Growth, Communities and Governance.

Future Independent Involvement

4.18. It is recommended that additional, external support appointed to work with the Corporate Overview Group to develop an initial work programmes and highlight good working practices to be adopted when reviewing the programme in future meetings. In addition, allocated support could undertake training of new councillors, continuing councillors, chairmen and vice chairmen; support officers working with scrutiny; as well as reviewing the

progress of scrutiny during the transitional phase before supporting the transfer to the preferred model of scrutiny. It is envisaged that this support could come from the CfPS, East Midlands Councils or the Local Government Association.

Way forward

- 4.19. The timetable below has been proposed for the transitional phase and introduction of the desired model of scrutiny (assuming the Council agrees to proceed the final proposed model):

March 2019	Council decision to agree transitional scrutiny structure
May 2019	Council agreement for Scrutiny Terms of Reference, nominate members to new groups, agree calendar of meetings for 2019/20
May to September 2019	Induction programme for new councillors, scrutiny training and development Corporate Overview Group receives initial scrutiny items in respect of proposed corporate plan, performance and financial management Corporate Overview Group meets to develop work programmes for each of the themed groups
September 2019 to May 2020	Work programme of themed group commences Operation and evaluation Chairman of Corporate Overview Group engages with Executive and Executive Management Team to review operation and propose changes

- 4.20. The themed scrutiny groups may be asked to meet during the initial set up period (May to September) if items for urgent scrutiny are identified.

5. Alternative options considered and reasons for rejection

- 5.1. It must not be forgotten that the independent review of scrutiny undertaken by the CfPS concluded that scrutiny at Rushcliffe is 'doing well' and that, therefore, doing nothing remains an option following this review.

6. Risks and Uncertainties

- 6.1. As the CfPS review concluded that scrutiny at Rushcliffe was 'doing well', as outlined in paragraph 5.1, no change is a valid option. However, this presents the risk of scrutiny becoming stale, ineffective and complacent.
- 6.2. By changing scrutiny and upsetting the status quo, there is the risk that something that would have been picked up under the existing structure gets missed with a detrimental effect on the organisation or the services it delivers to residents.

7. Implications

7.1. Financial Implications

- Additional resource will be required (as mentioned at paragraph 4.18) and is expected to be utilised from either existing budgets or current year underspend. This is estimated to be up to £20,000.

7.2. Legal Implications

- The Local Government Act 2000 requires all local authorities to establish arrangements for effective scrutiny with sufficient power to
 - (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
- This report supports the discharge of this function in accordance with the legislative requirements.

7.3. Equalities Implications

- There are no equalities implications.

7.4. Section 17 of the Crime and Disorder Act 1998 Implications

- There are no Section 17 implications.

7.5. Other implications

- There are no other implications.

8. Link to Corporate Priorities

- 8.1. Delivery of effective scrutiny is an essential element of delivering the Council's Corporate Strategy and underpins all of its Corporate Priorities.

9. Recommendations

It is RECOMMENDED that Council:

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For more information contact:	Allen Graham Chief Executive 0115 9148520 agraham@rushcliffe.gov.uk
Background papers available for Inspection:	None
List of appendices:	Appendix 1 – CfPS report Appendix 2 – Discussion points raised during Councillor Briefing Sessions