

OVERVIEW AND SCRUTINY STRUCTURAL OPTIONS

1. Current Position

At the beginning of Council year 2002/03 there were 17 scheduled Overview and Scrutiny (O&S) meetings in the Council calendar. By 1 May 2003 the four Overview Committees and the two Sub-Committees created during the year had met a total of 43 times. 6 'special' meetings were devoted to Public Private Partnership (PPP) scrutiny and 5 were needed to hear called-in decisions.

In addition, Overview and Scrutiny Officers have supported 28 Review Group and Panel meetings.

The four Overview Committees have each taken a different approach to conducting their business:

- Environment, Transport and Localities (ET&L) has used special meetings to explore particular topics, e.g. Waste Management and Milton Keynes and South Midlands Study. More detailed work has been carried out by Review Groups – 2 completed to date, one ongoing and 2 more planned.
- Learning, Community and Economic Development (LCED) has also used the special meeting to listen to views on School System Re-organisation. Work outside of main Committee meetings has been undertaken by Panels, sometimes set up on a one-off basis, to make comments/recommendations to Cabinet on behalf of the Committee.
- Social Care, Housing and Health (SCHH) has not used special meetings or Review Groups as such. It has undertaken work outside of the full Committee meetings through the creation of two Sub-Committees – one for Housing and one for Health and Social Care. The Health Sub-Committee is the response to the statutory requirement to scrutinise the NHS locally. The Housing Sub-Committee has focussed on an intensive piece of work relating to Homelessness.
- Treasury Overview has had no special or themed meetings outside of those required by the PPP process but has set up 2 Review Groups - one on Contract Management and one on Statistical Information.

The picture is one of 4 separate Committees each choosing different combinations of activity to pursue their work programmes. While there is no right or wrong way to progress Overview and Scrutiny work, it is clear that without any co-ordination between Overview Committees the ability to share resources equitably or to plan cross-cutting investigations will be difficult.

2. Research Findings

- **Survey results -**

Analysis of both Member and Officer responses to the questionnaire found most agreement was with the statement that O&S should be able to carry

out more work on reviewing and developing policies (**Appendix 1**).

The majority (64 -73%) of both Members and Officers see Overview & Scrutiny as a suitable forum for local issues and agree that there should be a dedicated panel to consider call-ins.

Opinion was equally split (amongst both Members and Officers) on whether there should also be dedicated panels for scrutinising Council performance and policy framework documents.

70% of Member responses were in favour of a co-ordinating board to allocate and prioritise O&S work. By contrast, only 44% of Officers supported this idea.

Comments received generally acknowledged that what had worked well were themed meetings (or specials) and Review Group work. Problem areas for O&S were identified as meetings being too bureaucratic and political, needing firmer chairing and more focussed work programmes.

- **Other Authorities –**

Information has been compiled from direct contact, Comprehensive Performance Assessment (CPA) reports and web-sites from authorities in our Audit Commission family group, from authorities with excellent CPA assessments, and from recognised “best practice” authorities (see **Appendix 1**). From a total of 32 other authorities examined the findings were as follows:

- the majority of Councils (23 out of 32) have some form of Overview & Scrutiny co-ordinating committee.
- there appears to be no correlation between excellent CPA results and specific O&S arrangements.
- where a co-ordinating committee exists it most frequently includes the chairs of the individual O&S committees.
- where a Council does not have a formally constituted co-ordinating committee there is usually an arrangement for allocating responsibility for cross-cutting issues or requiring collaboration.
- many authorities were described in their CPA assessments as having underdeveloped O&S or a function that is “still bedding in”. Hartlepool BC, is an “excellent” CPA authority but according to its report “the Council’s scrutiny process is not effective at present and needs strengthening by training councillors”. Conversely, Bedfordshire County Council is a “poor” authority but its O&S arrangements are cited as best practice. For only a few authorities was Overview & Scrutiny held up as effective.

- CPA comments often noted that performance management was a weakness or an area that scrutiny committees needed to develop.
- structures for overview and scrutiny vary but the main choices seem to be:
 - (i) One general purpose scrutiny committee (unusual outside small councils)
 - (ii) A scrutiny management board with sub-committees with a thematic remit
 - (iii) A standing scrutiny board setting up time-limited panels for particular scrutiny investigations
 - (iv) Thematic committees only
 - (v) A set of scrutiny committees based on cabinet portfolios
 - (vi) separation of policy development function from holding executive to account – Overview committees and Scrutiny committees
 - (vii) A mix of thematic committees with one or more having a specific functional responsibility – often Best Value

3. Options

OPTION 1:

- Do nothing with structure of Overview & Scrutiny committees – concentrate on Member training and procedural improvements.
- Task and finish groups appointed by individual committees.

OPTION 2:

- Create an O&S co-ordinating board to oversee and prioritise allocation of work and resources to existing committees.
- Task and finish groups appointed by co-ordinating board.

OPTION 3:

- As option 2 but with functional panels instead of existing directorate based committees (see **Appendix 2**).
- Task and finish groups appointed by co-ordinating board.

OPTION 4:

- Thematic committees meeting on a more frequent basis and operating in select committee style.
- No task and finish groups.

4. Conclusions

1. In spite of the weaknesses pointed out in inspection reports and comments of Members and Officers, Overview and Scrutiny in Milton Keynes Council is not uniformly poor. Some good work has been carried out, notably by ET&L Committee, which has identified some success pointers.

2. However, with different committees working in different ways there is no controlling mechanism to match resource to work programmes. The danger is that individual committees carry on creating more review groups, working groups, panels, sub-committees and spread the allocated resource ever more thinly.
3. Work programmes are being pursued in an unco-ordinated manner and would benefit from better planning.
4. There is evidence that a co-ordinating O&S board is fairly common in other authorities and that this arrangement would find support amongst Members.
5. Milton Keynes' problems with O&S are by no means unique and there is no universal "fix".

5. Recommendations

1. Option 3 is recommended for the following reasons:
 - (a) It provides the vital element of co-ordinating all Overview and Scrutiny work and as such will take into account priorities and resourcing requirements.
 - (b) The functional split of standing panels, as opposed to service based committees, will make a clearer distinction between policy development work and holding the executive to account.
 - (c) A secondary advantage of this type of split is the break from previous service committees and operational issues for which O&S Members do not have decision making responsibility.
 - (d) Dedicated panels will offer the opportunity to specialise in different ways, e.g. performance management, external scrutiny.
 - (e) There is a wider opportunity for all non-executive Members to be involved in some capacity in Overview & Scrutiny .

6. Constitutional Implications

The recommended option will require new Terms of Reference to be formulated.

7. Appendices

- **Appendix 1** - Bibliography and list of authorities
- **Appendix 2** – Structural Option 3