

Council

24 September 2015

Review of Governance Arrangements

Recommendations

- (1) That the protocols on member/officer relations (Part 4 Section 3 of the Constitution) be amended as set out at 3.4 of the report to make explicit the need for local members to be advised of changes in services within their division.
- (2) That a system for regular briefings to all members be introduced with issues being identified through Cabinet Portfolio Holder, Chair and Spokespersons meetings set out at 4.3 of the report.(Reference to this to be included in Part 4 Section 3, paragraph 5.1 Overview and Scrutiny Procedural Matters).
- (3) That entries to the Forward Plan should normally be entered four months ahead of the proposed decision date, and that each Group Leadership Team monitor and review the Forward Plan on a regular basis as set out at paragraph 5.6 of the report.
- (4) That the Budget and Policy Framework(Part 2 Section 2 of the Constitution) be revised as set out in **Appendix A** (and referred to in section 6 of the report).
- (5) That a core programme of overview and scrutiny work based on key priority areas is developed (as proposed at 7.4) and in accordance with the selection criteria outlined at **Appendix B** (the selection criteria to be included at 5.2 of the protocols on member/officer relations in Part 4 Section 3 of the Constitution).
- (6) That the remits for the Overview and Scrutiny Committees be amended as set out at section 8 of the report.
- (7) That the Strategic Director of Resources make the necessary amendments to the Council's Constitution to reflect the changes set out in recommendations (1)-(6).

1.0 Background

1.1 This review responds to the request at Council on 25th September 2014 that Leaders Liaison Group take forward a review of governance arrangements. The review has taken account of the following:

- The feedback from the Community Leadership survey circulated to all members in August 2014. The survey gathered members' views regarding the County Council's governance arrangements, including decision-making, the role of Overview and Scrutiny and other Committees and community engagement.
- The points raised in debate at the Council meeting.
- The recommendation from the LGA Corporate Peer Challenge regarding the approach to Overview and Scrutiny.

2.0 Scope of review

2.1 The key area of concern highlighted by members in the survey was the limitations in effectively influencing and engaging in decision-making (particularly within their local areas), and also more widely in Council and through Overview and Scrutiny.

2.2 The Member Survey asked questions about how members viewed their individual effectiveness on a particular body as well as the collective effectiveness of each body. The responses throughout the survey, whilst positive in part, reveal that the majority of members are unhappy with the level of engagement in issues and their ability to influence decision-making both locally and strategically. The key themes running through the survey responses are that members wish to:

- Be kept up to date on what is happening in their local area and across the county. This includes timely briefings from officers at local level (a number of members also wished to have better information on who to contact on specific issues), as well as communication on key issues at strategic level.
- See more effective timetabling of business, allowing Overview and Scrutiny more opportunity to influence decision-making (allowing for more and earlier 'pre-decision' as highlighted by the Peer Review).
- A greater use of task and finish groups for undertaking in-depth, time limited scrutiny.
- Have greater opportunity to input into strategic decision-making. A number of members commented that there should be more opportunity for Council to debate strategic/policy issues.
- Have some individual decision-making power to enable them to better represent and respond to issues in their community.

2.3 The motion at Council re-emphasised these concerns and Leaders Liaison Group requested that the review of existing governance arrangements was

undertaken to ensure inclusivity of members and improvements in the County Council's decision-making process.

- 2.4 One of the recommendations from the Peer Review was the need to “*focus any pre-decision scrutiny on outcomes for local people and align this work to the Council's Forward Plan to add value to strategic decision making*”. It was agreed that this recommendation would also form part of the review.
- 2.5 The final scope of the review, supported by Leaders Liaison Group, is set out below:
- Methods to engage with local members, at the earliest stage and throughout, regarding decisions which affect their area.
 - Member engagement in strategic decision-making and the use of senior member/spokesperson meetings and briefings.
 - Consideration of the budget and policy framework and its impact on the role of Council vis-à-vis the Cabinet.
 - The role of Overview and Scrutiny and the parameters and methods for pre-decision scrutiny.
 - The options and parameters for local decision making and identifying more locally designated budgets.

3.0 Member engagement – at local level

3.1 Member Induction/Keeping members briefed

A comment in the Member Survey from one of the members elected in 2013 reveals the importance of providing some historic information for members that impact on their area as well as keeping members up to date on current issues:

‘As a new councillor I have to refer and look up previous past resolutions which affect my area – i.e. a travellers site planned in my division some two years ago. Officers should contact the local member as soon as any major applications are submitted.’

These, and other comments about the need for a list of local contacts (WCC and other agencies/partners), will be taken forward for future induction programmes but it is also proposed that the current protocols be strengthened and disseminated to all officers.

3.2 Consultation with local members on draft reports

There have been a number of occasions when the local member has not been asked for comments on reports, as required by the Council's protocols. Although the Committee Management Information System (CMIS) does remind authors to consult the local member we propose that this is reinforced by ensuring all consulted are listed on the report.

In addition, there are some issues that fall within a member's division that are also of interest to a wider group of members because the service concerned serves a wider area (e.g. Leamington Fire Station is of interest to all members in the Leamington area). It is proposed that officers include those members when circulating draft reports.

3.3 Notifying members of issues within their divisions

In addition to sharing draft reports with local members, there is a general requirement that officers notify members of 'significant issues' that impact on their area. Again this does not always happen. This may be because officers are interpreting 'significant' issues differently. For example they may not be advising of a temporary closure or change to a service. Equally members are not always being advised of any consequential service or property changes that arise from decisions or are not kept up to date on projects once a decision has been made.

3.4 Amendments to protocols (Section 3 of Part 4 of the Constitution)

It is proposed to address these points by adding to the protocols (as indicated below in italics) and by reissuing the revised protocol to all officers:

"Officers should normally notify members of any significant issues which particularly affect the member's division. ***This should include any changes to services in the area, such as opening times and use of buildings, including any temporary changes or temporary closures.*** This requirement does not normally apply to details relating to individual recipients of services.

Officers should endeavour to ensure members are kept informed of progress of projects within their division, including capital projects and highway works.

Officers should seek the comments of the local member on reports which particularly affect their division and where appropriate indicate their comments in the text of the report. ***There may be occasions when the impact of proposals is wider than the local member. On these occasions the other members within the relevant area should also be consulted.***"

4.0 **Member engagement – at strategic level**

4.1 The Member Survey revealed that some members do not feel up to speed on issues. There are a number of bulletins and briefings supplied to members electronically and there is information being shared at overview and scrutiny committees, which is appreciated, but members have commented that this is not the most effective use of committee time which could otherwise be directed to in-depth scrutiny. As well as dissemination being inconsistent, this

does not guarantee that information on the key strategic issues facing the Council is being received by all members in a timely fashion.

4.2 The conclusion to be drawn from the survey is that members would welcome a more systematic and timely approach to briefings and dissemination of information. An opportunity to ensure this happens exists by regularising and strengthening the role of the current Portfolio Holder/Overview and Scrutiny spokespersons meetings.

4.3 A new approach is proposed:

Composition

Meetings should comprise the relevant Cabinet Portfolio Holder(s), Overview and Scrutiny Chair and spokespersons with support from the Strategic Director, appropriate Heads of Service and a Democratic Services Officer.

Purpose/agenda

Strategic Director/Heads of Service updates

The first part of the meeting will be service updates (to include OOP performance, additions to Forward Plan, information on upcoming items for Cabinet, big issues, etc.).

Identification of items for bulletin

The meeting should also decide what information it wishes to send out to the wider Council membership by way of briefing. This will be put into bulletin form and e-mailed to members after each meeting by the Democratic Services Officer.

Review of work programmes

The second part of the meeting could include an overview of all democratic work programmes (i.e. Overview and Scrutiny, Cabinet, Council) to consider whether there should be any change to the O&S work programme within the service area.

Frequency

The current Cabinet Portfolio Holder/spokespersons meetings match the frequency of Overview and Scrutiny Committee meetings, but need not. It is proposed that the briefing meetings be every two months to ensure timely exchange of information and onward briefing of members.

5.0 Forward Planning

5.1 Effective forward planning is crucial for enabling overview and scrutiny to properly engage with key issues coming forward. Members' comments in the member survey support this.

One response which highlights the importance of forward planning is the need for *'clearer thinking, focussed on strategic issues. There is a whiff of 'making it up as we go along.'*

Other comments include:

'Cabinet should be taking the views of a wider pool of members.'

'There should be more time for scrutiny to feed into Cabinet reports so that there are better informed decisions.'

- 5.2 The Peer Challenge also reported the view amongst members that more added-value could be achieved by encouraging appropriate scrutiny work to take place at a pre-decision stage. The Peer Review suggests the Forward Plan is used to structure the work plan. At present, the Overview and Scrutiny Committees have a list of the items in the current published Forward Plan on their agendas. The problem is that items tend to be put in the Forward Plan as little as six weeks before the decision is to be taken. If a Committee requests to see an item, it inevitably receives a 'finished' report on its way to Cabinet or Portfolio Holder. The level of influence at this stage is likely to be low. Other authorities (e.g. Leicestershire, Hertfordshire, Staffordshire and Worcestershire) that use 'pre-decision' scrutiny have found it most effective when done at an early stage and built into the work programme in a timely fashion.
- 5.3 The Peer Review recommended that there should be a clear and explicit agreement between Cabinet and Overview and Scrutiny members about which decisions are appropriate for pre-scrutiny review and that the issues are strategic and significant in their impact and reach. This report is not suggesting that all items for Overview and Scrutiny should be identified in this way as Overview and Scrutiny should retain its autonomy but there is an argument for a programming process that enables OSC to better identify the strategic issues to which their work could add value.
- 5.4 When the Forward Plan was first introduced, there was a legal requirement that it covered key decisions for the forthcoming four months. Although this requirement has changed to at least 28 days notice, many councils have continued to produce Forward Plans covering the forthcoming four months.
- 5.5 Warwickshire's approach to the Forward Plan has been to encourage officers to put items in the Plan as soon as they are aware of them. The formal report production cycle begins six weeks before the date of the proposed decision. It is at this point that items must be in the Forward Plan and draft reports should be in preparation. Some officers do put items in the Forward Plan up to a year ahead, but the majority work to the six week cut-off point. It would be helpful if the Forward Plan covered a longer view across all services. It is particularly important that the key issues requiring decisions around service changes are programmed ahead – at least four months in advance of the expected decision.

- 5.6 To ensure this happens, it is proposed that each Group Leadership Team review and update the Forward Plan on a regular basis. Earlier consideration of items will also allow the routing of items to be planned via Corporate Board and/or Leaders Liaison Group where this is considered appropriate. A more comprehensive Forward Plan will also be more useful in providing an overview of business and issues at any given point in time.

6.0 Member influence on strategic decision making – role of Council

- 6.1 The issues put to Council for decision are largely determined by whether or not they are included in the Council's Budget and Policy Framework. This framework is a list of policy documents that either legislation or the Council has determined should require approval by full Council. Any plan that is included in the framework can only be amended by Council.
- 6.2 This review has looked at the Council's current Budget and Policy Framework and concluded that it requires updating as it lacks over-arching strategies in a number of key areas of the Council's services. In addition, it also fails to reflect the significant amount of partnership work the Council is engaged in via a number of sub-regional strategies.

The need to update the list is supported by the results of the Member Survey – only 40% of members who responded consider that Council meetings influence the development of strategic policy. Ensuring that key policy areas are in the Policy Framework will allow wider member input into policy development as any amendments to the Framework will require formal approval by Council, not Cabinet.

One member commented that: *'There should be greater opportunities to have an issue debated at council....It can be easily thought that the function of Council is to pay lip-service to democratic process as most decisions are influenced and made outside of council itself.'*

- 6.3 Proposed changes/additions to the Policy Framework are set out in **Appendix A**. The additions to the Framework will mean that Council will be responsible for approving (and amending when necessary) a more comprehensive number of high level policy documents.

7.0 Overview and Scrutiny (O&S) – Work Programme

- 7.1 The Member Survey revealed that members were in agreement about the role of O&S in raising issues of public concern and that in-depth scrutiny of issues adds value to decision making. There was also agreement that the capacity for this is undermined by the number of items and lack of focus on items that will bring outcomes for the public.
- 7.2 The current number of meetings is inconsistent across the Committees and some are meeting often in an effort to tackle large workloads.

One member commented in the survey that there should be *'less crammed agendas and a real capacity to do in-depth scrutiny and achieve tangible improvements.'* Chairs should *'be prepared to say no as we simply cannot look at x and y as to do so limits the value added.'*

If alternative methods can be used for keeping members informed, as indicated elsewhere in this report, this will free up time for focused O&S.

- 7.3 Having an effective Work Programme is critical. Member feedback and the Peer Review recognised that the current programmes of work are too heavy for effective scrutiny to take place consistently and there is a danger that they may not include the areas that are most likely to lead to change or effective outcomes.

Proposed process

- 7.4 Each Committee should develop a focused core work programme based on the Council's key priorities (set out in the OOP) but that also allows room for additions in-year. To assist this, the annual work programming sessions should include the relevant Portfolio Holders and officers to help draw out the key areas under each of the five OOP outcomes that could benefit from O&S input. The focus should be on selecting items that are strategic and significant and likely to add value to outcomes for local people. There should also be a clear distinction between whether the review is 'overview' i.e. in helping in policy development, or in 'scrutiny' mode, i.e. reviewing proposed or past decisions and methods and timescales should be set.

The Portfolio Holders and Chair and Spokespersons meetings can assist in ensuring the programme progresses in year and that any other important strategic issues that arise in year are accommodated.

- 7.5 The selection criteria at **Appendix B** would be applied to ensure time is spent on reviews that add value. (This makes explicit that responses to Council consultations should not be undertaken by O&S. Doing so can lead to duplication of effort and sends a confusing message to the public. It can, however, be a legitimate role for O&S to analyse the outcome of the consultation, prior to its submission to Cabinet).

8.0 Overview and Scrutiny Structure

- 8.1 The Member Survey indicates that 83% of members consider Task and Finish Groups (TFGs) are the most effective method for undertaking Overview and Scrutiny, followed by Select Committee mode. One member commented that there is a need for a *'clearer definition of the role [of O&S], less items, less political, more Select Committee style investigations.'*

8.2 Task and Finish Groups are consistently recognised as effective for both scrutiny and as a method of developing informed policy proposals but it will require committees to operate in a different way to avoid heavy agendas if members wish to accommodate more Task and Finish Group work.

8.3 The following proposes a change to the committee remit to produce a more even spread of work by moving Fire and Rescue and Libraries from Communities OSC to Corporate Services OSC. This will also provide the Corporate Services OSC an opportunity to include a focus on more 'outward-looking' services.

OSC	Remit	Strategic Director	PfHs
Adult Social Care & Health (as at present)	Adult social care services including social care to older people and people with disabilities, policies and services for safeguarding adults, and any matter relating to planning, provision and operation of health services for adults and children.	People Communities	Adult SC Health
Children, Young People and Families (as at present)	Education and skills, services for children, families and young people including schools, 16-19 years education, pre-school children, child protection, family support and social care, children with specific needs and the youth service.	People Communities	Education & Learning Health
Communities (<i>Fire and Rescue and Libraries moved to Corporate</i>)	Community safety, trading standards, transport and highways, economic development and environment, adult learning, heritage, tourism, flood risk management and emergency planning,	Communities	Ed&Learning Environment Transport & Highways Community Safety
Resources & Fire & Rescue (<i>includes Fire & Rescue and Libraries</i>)	Fire & rescue, budget, medium term financial plan, corporate business plan, planning and performance arrangements, finance, property, information technology, facilities management, workforce strategy and development, law and governance, libraries, customer service and communications	Resources Chief Fire Officer	Deputy Leader Community Safety Customers

9.0 Local Decision Making

It is proposed that more thought is given to different approaches to local decision making and that a separate exercise is undertaken and reported on separately at a later date.

10.0 Timescales associated with the decision and next steps

The Council's constitution will be updated immediately following agreement by Council and the necessary administrative changes will be made by Democratic Services.

Appendices:

Appendix A – Policy Framework Options
Appendix B – Scrutiny Topic Selection Criteria

	Name	Contact Information
Report Author	Georgina Atkinson Jane Pollard Janet Purcell	georginaatkinson@warwickshire.gov.uk janepollard@warwickshire.gov.uk janetpurcell@warwickshire.gov.uk
Head of Service	Sarah Duxbury	sarahduxbury@warwickshire.gov.uk
Strategic Director	David Carter	davidcarter@warwickshire.gov.uk
Portfolio Holder	Cllr Kam Kaur	cllrkaur@warwickshire.gov.uk

Options for the Policy Framework

We have identified below for discussion some suitable additions to modernise the Budget and Policy Framework. However, if these are included any amendments to them in the future must be approved by full Council and not Cabinet.

Plan or Strategy	Comments
Current items to be retained:	
Any plan or strategy for the control of the authority's borrowing, investments or capital expenditure or for determining the authority's minimum revenue provision e.g. <ul style="list-style-type: none"> • Corporate Capital Strategy • Medium Term Financial Plan • Treasury Management Strategy 	
One Organisational Plan	Replaces the Corporate Business Plan
Development Plan Documents – see below: <ul style="list-style-type: none"> • Waste Core Strategy (July 2013) • Minerals Plan (once adopted) 	
Community safety Agreement	Replaces the Crime and Disorder Reduction Strategy
Local Transport Plan	
Youth Justice Plan	
Food Law Enforcement Service Plan	<u>Delete</u> - no longer any statutory requirement to include
Adult and Community Learning Plan	<u>Delete</u> – no longer any statutory requirement to include
Fire & Rescue Integrated Risk Management Plan	Section 21, Fire and Rescue Services Act 2004
Suggested additions:	
Coventry and Warwickshire Strategic Economic Plan	
Sub-Regional Infrastructure Plan	Currently being drafted
Coventry and Warwickshire Skills Strategy	

Procurement Strategy	There is a joint sub-regional procurement strategy with Coventry and Solihull; however it is not up to date and is not recommended for including in its current form. Will be revised in 2015.
Commissioning Strategies for Social Care Services	Joint Commissioning Framework for CYP currently in draft form – there is currently no overarching strategy in place for Adult and Children’s Services.
Health and Wellbeing Strategy	
Customer Services and Access Strategy	
Annual Pay Policy Statement	Currently part of Budget resolution – requirement to be approved by Full Council
Education Strategy	
School Sufficiency Strategy	
Early Intervention Strategy	Currently in draft form
Corporate Parenting Policy	

NOTE – It is recommended that an overarching Commissioning Strategy is produced for Adult and Children’s Services for inclusion in the Policy Framework, with the detailed implementation strategies to continue to report to Cabinet, such as: Dementia Strategy, Statement of Intent for Older People’s Residential and Nursing Care, Statement of Intent for Extra Care Housing, All Age Autism Strategy and the Child Poverty Strategy.

Scrutiny Topic Selection Criteria

The overall purpose of a scrutiny review is to:

- Assist the Council to achieve its corporate aims and objectives
- Deliver positive outcomes for local people

Reasons to reject a scrutiny review:

- The issue is already being addressed / being examined elsewhere and change is imminent.
- The issue is not relevant to all or large parts of the Council.
- There is little evidence to support the need for the review.
- The issue is the subject of current consultation by the Council.
- The topic would be better addressed somewhere else (and will be referred there).
- Scrutiny involvement would have limited / no impact upon outcomes for local people.
- The topics may be sub-judice or prejudicial to Council's interest
- The topic is too broad to make a realistic review.
- New legislation or guidance relating to the topic is expected within the next year.
- The topic area is currently subject to inspection or has recently undergone substantial change.

