

**TELFORD & WREKIN COUNCIL**

**SCRUTINY MANAGEMENT BOARD– 13.09.11**

**CHANGES TO THE SCRUTINY HANDBOOK**

**REPORT OF SCRUTINY GROUP SPECIALIST**

**1.0 PURPOSE**

- 1.1 To enable members to consider and agree the procedures to include in the Scrutiny Handbook.

**2.0 RECOMMENDATIONS**

- 2.1 That members consider the questions in section 5 of this report and agree the procedures to include in the Scrutiny Handbook
- 2.2 To note the process in section 4.2 as previously agreed for signing-off the changes to the Scrutiny Handbook.
- 2.3 That the Head of Governance, in consultation with the Chairman of the Scrutiny Management Board, is delegated to make minor changes to the Scrutiny Handbook when required.

**3.0 PREVIOUS MINUTES**

- 3.1 N/A

**4.0 SUMMARY**

- 4.1 At the meeting of the Scrutiny Management Board on 6<sup>th</sup> June 2011 the process for agreeing the changes to the Scrutiny Handbook to reflect the new scrutiny structure was agreed.
- 4.2 The process agreed was that Scrutiny officers would make the necessary changes to the Handbook, that it would then be circulated to the Scrutiny Assembly for comment and that the Chairman of the Scrutiny Management Board would approve the final changes taking the comments of Scrutiny Assembly members into account. The approved Handbook would then be sent to all scrutiny members.

- 4.3 However, in drafting the changes, there were several questions which arose that require a decision before a draft can be circulated to the Scrutiny Assembly.
- 4.4 The Scrutiny Management Board is therefore asked to consider the questions in section 5 and to agree the procedure that should be included in the updated Handbook. The draft Handbook is attached as Appendix 1.
- 4.5 Once the Scrutiny Management Board has agreed the procedures, the process for signing-off the final version of the Handbook will be as previously agreed.

## **5.0 QUESTIONS FOR MEMBERS TO CONSIDER**

- 5.1 One of the changes is in how In-depth reviews are carried out. Under previous arrangements, In-depth reviews were undertaken by task and finish groups which were open to all Scrutiny Assembly members to join, were separate from the scrutiny committees/sub-groups and did not have to be politically balanced. This enabled members to take part in reviews that they were interested in regardless of which committee or sub-group they sat on. Under the new arrangements, each Scrutiny Committee sets its own work programme and decides the topics and the method of review. Any In-depth reviews will therefore be done by members of the Scrutiny Committees. Members are asked to decide from the following options:
- a) That any Scrutiny Assembly member may attend any scrutiny meeting to hear the discussion but will not take part in the review. The Chairmen may use their discretion to allow questions.
  - b) Any Scrutiny Assembly member may join a review by expressing an interest in advance and taking a full part in the review.

The current draft of the Handbook describes option b) simply as this follows previous arrangements but will be amended pending the decision of the Scrutiny Management Board.

- 5.2 Allocation of meetings across the Committees. A flexible approach has been taken by scrutiny members to setting the work programme. All the Scrutiny Committees have met to agree the topics for the work programme, but there is still some scoping to be done to determine specific objectives and methods of review. There is a risk that without co-ordination across the Committees, an unrealistic work load will be set. It is suggested that members should agree:
- a) That there should be no more than one Spotlight or In-depth undertaken by a Scrutiny Committee at any one time and that reviews should be undertaken in order of priority.

- b) That the Scrutiny Management Board oversees the delivery of the work programme, and where there are competing demands for resources members are asked to decide how resources should be allocated.

5.3 The process that has been agreed for dealing with Scrutiny Suggestions is that all suggestions are initially considered by the Scrutiny Management Board to decide whether the suggestion is suitable for scrutiny and for onward referral to a Scrutiny Committee. Members are asked to decide from the following options:

- a) That this process will apply in all circumstances
- b) That if a suggestion is urgent, or the suggestion clearly relates directly to the work of a particular Scrutiny Committee, that the Chairman of the Scrutiny Management Board may exercise discretion to refer the matter straight to the relevant Scrutiny Committee unless it is an issue which the Chairman feels should be scrutinised by the Scrutiny Management Board.
- c) That if b) above is agreed, for urgent matters, the Chairman of the Scrutiny Committee may e-mail the committee members to establish whether they want to hold a meeting about the topic and this will be decided by a simple majority. It should be noted that the work programme may need to be revised to accommodate extra meetings.

5.4 Terms of Reference for the Scrutiny Assembly, Scrutiny Management Board and the Scrutiny Committees have been drafted for the Handbook. Members are asked to consider these carefully to ensure they accurately reflect the remit of each Committee, and whether any amendments are required. Members should pay particular attention to the Terms of Reference for the Co-operative and Communities Scrutiny Committee as this is a new Committee and the remit is less clear than the other thematic Committees.

Members should note that Terms of Reference may be affected by new legislation:

- Health and Adult Social Care – Health and Social Care Bill
- Scrutiny Management Board – Police Reform & Social Responsibility Bill
- Co-operative and Communities – Localism Bill

5.5 Previous Terms of Reference limited the number of Co-optees on each Committee to no more than 50% of the number of elected members. Members should decide whether this limit should be retained, except for the Children & Young People Scrutiny Committee where the number of co-optees should not exceed the number of elected members. There is currently provision for 8 co-optees on the Committee; 2 statutory parent governor representatives, 2 statutory diocesan representatives (one vacancy), 2 young people

representatives (one or two vacancies), 1 head teacher representative, and 1 higher education representative.

- 5.6 Members should decide how they wish information about the scrutiny work programme to be disseminated. At the previous Scrutiny Management Board meeting, it was proposed that the Scrutiny Extranet would no longer be used due to duplication of work and low usage by members. The proposals for communicating the work programme are:
- a) The work programme is posted on the website and circulated to Scrutiny Assembly members, Cabinet members and senior officers once agreed
  - b) Notice of formal Scrutiny meetings will be published on the website with agendas and papers. There will be a link from the Scrutiny work programme web page to the Council meetings webpage.
  - c) A monthly (or regular) "What's On" update is sent out to Scrutiny Assembly members with the meeting dates and agenda items for all Scrutiny Committees. This can also be posted on the website.
- 5.7 Circulation of the Scrutiny Handbook. It has been suggested that the Scrutiny Handbook is circulated and made available electronically.

## **6.0 KEY POINTS FOR MEMBERS TO NOTE**

- 6.1 That the Scrutiny Management Board is responsible for hearing Call-in requests.
- 6.2 The Chairman of the relevant Scrutiny Committee will determine whether a decision taken by the Cabinet or by an officer under delegated powers is of sufficient urgency not to be subject to call-in, including decisions contrary to the Council's policy framework or approved budget.
- 6.3 The Chairman of the relevant Scrutiny Committee will determine whether a key decision can be taken by Cabinet if it has not been published in the Council's Forward Plan.
- 6.4 The relevant Scrutiny Committee may be requested to review ward issues by a ward member as a Councillor Call for Action.
- 6.5 That the Policy for Co-opted Scrutiny Members is being reviewed and is subject to change.
- 6.6 That the Scrutiny Committee Chairmen are the media spokespeople for scrutiny and members who have not already done so should attend media training as soon as possible.

**7. Equal Opportunities**

There are no specific equal opportunity issues arising from this report.

**8. Environmental Impact**

The report proposes the Scrutiny Handbook is made available electronically to save paper.

**9. Legal Comment**

The statutory provisions for the Council's scrutiny function are contained in the Local Government Act 2000 (as amended), the Local Government Act 2003 (as amended) and associated legislation. The terms of the Scrutiny Management Board and Committees must comply with the legislation and give due regard to government policy and guidance. Accordingly, any changes to the scrutiny process must take into account the aforementioned legislation and guidance irrespective of whether the procedures are set out in the Handbook rather than the Constitution.

At recommendation 2.3 the Board are asked to give a delegation to the Head of Governance, in consultation with the Chairman of the Scrutiny Management Board, to allow minor changes to be made to the Handbook when required. This delegation is intended to be used to amend minor points such as small changes in contact details or other wording if there are changes to statute and changes need to be made by a certain date. Any changes will be reported back to the Scrutiny Management Board and significant changes will remain a matter for the Board.

**10. Links with Corporate Priorities**

The Scrutiny Handbook sets out that the Scrutiny Assembly will input into the priority planning process.

**11. Opportunities and Risks**

The Scrutiny Handbook update will clarify processes for Scrutiny Members.

**12. Financial Implications**

There are no direct financial implications arising from this report. All costs of administering Scrutiny are funded from their annual revenue budget of £139,570. There is also a separate revenue budget for members' allowances; any financial issues will be highlighted during financial monitoring.

**13. WARD IMPLICATIONS**

There are no ward specific implications arising from this report.

**14. BACKGROUND PAPERS**

None

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