

<p>CABINET MEETING – 8 April 2009</p> <p>EXECUTIVE SUMMARY SHEET – PART I</p>	
<p>Title of Report: RESPONSE OF CABINET – REVIEW OF SCRUTINY</p>	
<p>Author(s): City Solicitor</p>	
<p>Purpose of Report: To set out a proposed response to Cabinet to recommendations received from the Policy and Co-ordination Review Committee following a review of scrutiny arrangements, and propose consequential amendments to the Constitution.</p>	
<p>Description of Decision:</p> <ol style="list-style-type: none"> 1. Cabinet is asked to consider the report and the proposed response to the recommendations of the Policy and Co-ordination Review Committee. 2. Cabinet is requested to endorse the changes to the Committees' terms of reference set out in the 'new general scope' in Appendix 3 for submission to Council and recommends to Council that the descriptions of the current Committee remits also be retained, in the interests of clarity. 	
<p>Is the decision consistent with the Budget/Policy Framework? *Yes/No</p>	
<p>If not, Council approval is required to change the Budget/Policy Framework</p>	
<p>Suggested reason(s) for Decision: The Council's Overview and Scrutiny function is identified as a key improvement area for the Council and presents a development opportunity in response to the national agenda around community engagement. Cabinet's response to the Review Committee's recommendations supports development of the Council's Overview and Scrutiny arrangements, and complements work ongoing within the Community Leadership Programme to optimise member engagement in achieving the city's priorities.</p>	
<p>Alternative options to be considered and recommended to be rejected: The alternative option is to retain the current Review Committee arrangements. It is considered that this would prevent the Council's scrutiny function from making the most of the opportunity established for Overview and Scrutiny by the Local Government and Public Involvement in Health Act 2007 to develop a more strategic direction with stronger accountability of joint partnership working.</p>	
<p>Is this a "Key Decision" as defined in the Constitution? No</p>	<p>Relevant Review Committee: Policy & Co-ordination</p>
<p>Is it included in the Forward Plan? No</p>	

REPORT OF THE CITY SOLICITOR

**RESPONSE OF CABINET TO POLICY & CO-ORDINATION REVIEW
COMMITTEE – REVIEW OF SCRUTINY**

1. Purpose of the Report

- 1.1 To set out a proposed response of Cabinet to recommendations received from the Policy and Co-ordination Review Committee following a review of scrutiny arrangements, and propose consequential amendments to the Constitution.

2. Description of Decision

- 2.1 Cabinet is asked to consider the report and the proposed response to the recommendations of the Policy and Co-ordination Review Committee.
- 2.2 Cabinet is requested to endorse the changes to Committees' terms of reference as set out in the 'new general scope' in Appendix 3 for submission to Council and recommends to Council that descriptions of the current remits also be retained, in the interests of clarify.

3. Introduction/Background

- 3.1 The review of scrutiny was carried out by a Working Group established by the Policy & Co-ordination Review Committee at its meeting on 19 June 2008. The review was undertaken by a cross-party Working Group with additional support and challenge provided by the Audit Commission. The full report of the Working Group is attached at Appendix 1
- 3.2 The report contains the findings and recommendations from the review. The report was considered by the Policy & Co-ordination Review Committee at its meeting on 22 January 2009 and submitted to Cabinet for consideration.
- 3.2 The findings will be used to make the most of the opportunities offered by the Local Government and Public Involvement in Health Act 2007 in relation to new powers for Overview and Scrutiny.

4. Current Position

- 4.1 Cabinet has considered the recommendations submitted by the Policy and Co-ordination Review Committee, and proposes the following revised set of recommendations should be adopted:

Providing critical friend challenge

1. **Exchange of information** - Scrutiny Chairman and the Cabinet should meet quarterly, or as necessary.
 - Cabinet is committed to meeting with all Chairs of the Committees where this will support effective operation of scrutiny arrangements, and proposes an arrangement whereby the Head of Scrutiny coordinates such meetings as required to consider emerging policy, performance and service delivery issues.
 - An agenda providing details of the intended purpose and role of the meeting should be circulated in advance.
2. **Maintain Dialogue** - The Lead Scrutiny Member, the Leader, and Chief Executive should meet monthly, or as necessary
 - Cabinet supports the proposal in principle, but proposes that meetings take place bi-monthly, or as necessary, and that an agenda is circulated in advance, as above.
3. **Accountability** - Each Scrutiny Committee should include the planned involvement of the relevant portfolio holder in its work programme bi-annually.
 - Cabinet supports the planned level of involvement of portfolio holders but proposes that arrangements should remain flexible, as bi-annual involvement may be insufficient given the pace of development of Council business.
4. **Quality Assurance** - A monthly meeting of Chairmen and Vice- Chairmen should have both a coordinating function and be a forum for quality assurance for the implementation of the processes around scrutiny.
 - Agreed
5. **Guidance and Consistency** - Additional Protocols should be included in the Handbook to introduce quality standards for scrutiny processes, for example, to guide relationships between overview and scrutiny and partner organisations.
 - Cabinet agrees this approach, but proposes that further consideration should be given to the role of training, and the need for all Members to understand the purpose and role of Scrutiny to equip them to support the Scrutiny function.
6. **Scrutiny of external organisations** - Scrutiny should aim to play a much more active role in scrutinising the contribution of external organisations to service delivery and shared objectives. To develop its external relationships, scrutiny should establish a new dialogue with the

Sunderland Partnership with occasional meetings comprising representatives of LSP thematic groups and representatives of scrutiny chairs.

- Cabinet supports the recommendation in principle, but would like to see further thought given to arrangements, as this proposal could create a level of duplication where the Portfolio holder was also the lead representative of an LSP thematic group.

Lead and own the scrutiny process

7. **Member Lead** - The Lead Scrutiny Member role should be formally defined with a role descriptor to clarify and embed the role.

- Cabinet supports the need for clarity about what is expected from a Committee Chair, and notes the value of all involved having an understanding and appreciation of the complementary roles different Members have to fulfill. Cabinet therefore supports the proposal, at recommendation 8, that role descriptors/job descriptions are brought forward for all Member roles including that of Cabinet Member.
- Accordingly, Cabinet proposes that this recommendation be amended as follows;

Members' roles should be formally defined with a role descriptor to clarify and embed the roles.

8. **Other Member Roles** - Role descriptors should be developed for other scrutiny roles to achieve consistency of approach and even-handedness.

- Agreed, as above.

9. **All Member Involvement** - In carrying out policy reviews and other scrutiny tasks, the use of Working Groups is encouraged as a way of providing positive opportunities for all members to be more engaged with scrutiny.

- Cabinet supports this approach and that, so far as rules of political balance allowed, Members of minority groups should be included and supported to take part in Scrutiny working group arrangements.

10. **Training & Development** - The council should continue engaging members in suitable training opportunities, and signpost appropriate learning and development to officers and partners.

- Cabinet supports the recommendation, and would emphasise the requirement for more and better information at the point of induction following election to the Council. So far as political groups' arrangements allowed, opportunities should be taken to make

Member training for Scrutiny mandatory for all Members, including members of the Cabinet.

- Cabinet proposes that time should be set aside each week at a regular time for training to be available to all Members. Each session could then be delivered without delay to respond to Members' requirements for further information or skills.

Making an Impact on Service Delivery

11. A new scrutiny structure - scrutiny should be aligned directly to the five key priorities of the Sunderland Strategy, with the sixth Committee taking a clear overarching and coordinating role.

- Cabinet supports the recommendation that the Committees should be aligned directly to each of the five key priorities of the Sunderland Strategy, to complement developing partnership arrangements and strengthen the Council and partners' approach to ensuring the priorities were achieved across the city. This principle has already been adopted by Council at its meeting on 25th June 2008. Cabinet has no objection to the amendments to the names of the Review Committees. Further, the allocation of calls for action has now been agreed by Council (on 25th March, 2009).
- Cabinet notes that the proposal did not include any arrangements that would ensure specifically that the cross-cutting priorities (of sustainability, creating inclusive communities, housing and culture) were delivered, and therefore proposes that the sixth overarching Committee should be tasked with carrying out that role.

12. Planned activities - Work Programmes should include LAA objectives and targets in work programmes, culminating in the inclusion in the scrutiny annual report of the contribution and scrutiny's findings in relation to the LAA.

- Agreed.

13. Tailored information - Reports to scrutiny should, where appropriate, be tailored specifically to the role and function of scrutiny with brief, succinct, tailored reports and signposting to more detailed background information.

- Agreed. Cabinet notes that training in report writing for scrutiny had been arranged.

14. Focus and outcomes - agenda management guidance should be included in the Handbook, specifically that there should be clarity of purpose for each report.

- Agreed.

Reflecting the voice and concerns of the public

15. Share & Promote Outcomes - The Annual Report summarising the work of scrutiny across all committees should be published for wide circulation following submission to Council each year.

- Agreed

16. Shared Understanding of Profile of Scrutiny - A communication strategy for scrutiny should be developed which includes a re-branding of scrutiny to allow it to deliver the 4th block of good scrutiny.

- Cabinet notes the emerging complementary strands of the Community Leadership Programme and the interest development of arrangements to support democratic engagement. Cabinet support the development of a communication strategy for scrutiny within a communication strategy for the Programme as a whole. This will ensure recognition for the role of the community leadership Councillor at each level, and ensure that the role of scrutiny is widely understood and that the work of scrutiny receives appropriate recognition for its contribution in delivering city priorities.

4.4 Cabinet considers that the shorter summary terms of reference provides potential for lack of clarity about which topics fall within Review Committees' terms of reference and therefore recommends that Council combines the 'new general scope' with the current specific list of topics in the terms of reference. It also notes a summary of other main changes recommended in the report:

1. Relationship with cabinet and scrutiny – cabinet members would attend the monthly chairs meeting quarterly, they would attend scrutiny meetings twice a year (at the start and the end of the year), the lead scrutiny member will meet with the Leader monthly.
2. Relationship with partner organisations - the new structure provides the opportunity for openness and public accountability of public services. Scrutiny will have to agree mutual roles and practical arrangements about how to involve partner organisations in scrutiny.
3. New protocols will be developed to assist with consistency of good practice along with role descriptions for chairs, vice-chairs and scrutiny members. New protocols will include partnership working (to expand on the good practice developed in Health Scrutiny), the appointment of non-councillor representatives to scrutiny committees, and the use of working groups.

4.5 The Scrutiny Review should be seen alongside the work of the IDeA which supported a self-assessment of the Council's scrutiny function in 2008 with use of a self-evaluation tool, questionnaires and members' workshop. The final report from IDeA has been circulated to all members. The

recommendations from the IDeA Healthcheck are currently being translated into the practical improvements outlined at paragraph 4.4. The Community Leadership Programme continues to improve, refine and strengthen the processes and operational arrangements that support scrutiny in Sunderland.

5. Reasons for the Decision

- 5.1 The Council's Overview and Scrutiny function is identified as a key improvement area for the Council and presents a development opportunity in response to the national agenda around community engagement. Cabinet's response to the Review Committee's recommendations supports development of the Council's Overview and Scrutiny arrangements, and complements work ongoing within the Community Leadership Programme to optimise member engagement in achieving the city priorities.

6. Alternative Options

- 6.1 The alternative option is to retain the current Review Committee arrangements. It is considered that this would prevent the Council's scrutiny function from making the most of the opportunity established for Overview and Scrutiny by the Local Government and Public Involvement in Health Act 2007 to develop a more strategic direction with stronger accountability of joint partnership working.

7. Relevant Considerations / Consultations

- 7.1 The Working Group took evidence and deliberated in several meetings starting in July 2008 and concluding in January 2009. Chairmen and Vice-Chairmen of the Council's Review Committees were consulted and relevant links were established with IDeA during an on site Scrutiny Healthcheck. Support was provided by the Audit Commission.

8. Glossary

IDeA – Improvement and Development Agency

CfPS – Centre for Public Scrutiny

LAA – Local Area Agreement

9. List of Appendices

1. Policy & Co-ordination Review Committee Report 22 January 2009
2. Scrutiny Review Final Report
3. Remits of Scrutiny Committees

10. Background Papers

Audit Commission Discussion Paper: Developing Scrutiny with Impact

Gateshead Review of Scrutiny

Durham Review of Scrutiny

Newcastle Review of Scrutiny

Policy & Co-ordination Scrutiny Conference Report 19 June 2008