

	<p style="text-align: center;">Overview and Scrutiny Committee 19th October 2006</p> <p style="text-align: center;">Report from the Director of Policy & Regeneration</p>
Wards Affected: ALL	
<p>Introduction to Overview & Scrutiny in Brent</p>	

1.0 Summary

- 1.1 This report provides an introduction to the general principles of Overview & Scrutiny (O&S), the local approach adopted in Brent (including the new O&S structure adopted in September), and forthcoming training for members.

2.0 Context

- 2.1 Overview & Scrutiny Committees were established in 2000 as part of the Government's Local Government Modernisation Agenda.
- 2.2 There legislative basis is outlined in the Local Government Acts of 2000 (Part1, Section 21), and 2003 (Part 8, Chapter 1, Section 115), and has been extended by the Health and Social Care Act 2001 (Part 1, Chapter 15, Section 7- *Local Authority scrutiny of health service provision*).
- 2.3 The Overview and Scrutiny function is outlined in Article 6 (Parts, 1, 2, &3), Part 5 (Terms of reference), and in Standing Orders (21) & (22) of the Council's Constitution.
- 2.4 Overview and Scrutiny is not directly involved in executive decision-making. Its role has been to create alternative proposals, assist in policy development/review, regularly monitor performance, and check the delivery of services against actual aims.
- 2.5 Overview and Scrutiny has sought to engage non-executive (backbench) members and community representatives more closely in the decision-making process and provide greater opportunities for challenge and review.

3.0 General Principles

3.1 In “*Practice, Progress and Potential*” the Centre for Public Scrutiny (CfPS) outline the following necessary conditions for scrutiny to become an effective challenge:

- Access to **independent policy advice** to allow for evidence-based challenge.
- The majority party (or coalition parties) should be prepared to operate in the spirit of **constructive challenge** both from its own members and from opposition members.
- Parties not represented in the executive should be prepared to operate in the spirit of constructive challenge and **not use the O&S process for overtly political challenge** or party political point scoring.
- Processes should ensure that O&S committees always receive a detailed response from the Executive to those recommendations it has made – even if it involves disagreement with the recommendation.

3.2 The review of the Overview & Scrutiny structure in Brent conducted earlier this year, considered the following factors in the development of a new model:

- That the council should recognise the contribution of an effective O&S function to the corporate health of the organisation.
- That Councillors should lead the O&S process and be able to contribute to O&S in a number of ways including: formal scrutiny meetings, raising issues for the work programme, and in consultation and evidence gathering.
- That wide public engagement in work programming, evidence gathering and participation in reviews is important.
- That time limited task and finish groups are widely seen as the most effective and successful part of O&S.
- The Executive should provide a detailed response to O&S recommendations and there should be a system for following up progress made on recommendations and monitoring their implementation & impact.
- O&S can support councillors in their community leadership role.
- Councillors should be given the opportunity to develop the skills and knowledge required to operate effectively.
- Work plans should be focused and connect with council priorities and community concerns.

4.0 Brent’s Approach

4.1 Brent’s new Overview and Scrutiny model was agreed by Council at its meeting on the 11th September 2006. A diagram of the new structure constitutes **Appendix (A)**.

4.2 The review of Overview and Scrutiny was conducted by a cross-party constitutional working group which was convened following local elections in May 2006. In developing a new scrutiny model for Brent the Constitutional Working Group was keen to ensure that it would:

- Challenge the Executive
- Contribute to policy
- Contribute to decision making
- Monitor performance including external contractors
- Monitor Financial probity
- Scrutinise partners

4.3 Previously, Brent had adopted a model which formally distinguished between “Overview” and “Scrutiny”, the Overview Committee having a cross-cutting remit to assist policy development and review, with the Scrutiny Committee being charged with checking the implementation and progress of decisions made by the Executive. It was also vested with the formal power of “call-in”. The scrutiny committee initiated three “service based” panels and two select committees. A separate Health Overview Panel had delegated powers to fulfil the Council’s statutory duty in overseeing the local health services.

4.4 The new model adopted seeks to build on those elements of the previous structure which were seen as effective and to generally streamline the process. A number of reasons for change included; the remit of previous committees encouraged ‘silo’ working, previous work programmes lacked focus with little member involvement, and little support was available outside of that provided by service areas.

4.5 It is also anticipated that the new Overview and Scrutiny Committee will be enabled to play a more active role in monitoring partnership activities within the borough.

4.6 The new structure comprises of an overarching Overview & Scrutiny Committee, three Select Committees with a distinct focus and remit, and an additional Children and Families Overview and Scrutiny Committee. This seeks to ensure that best practice is maintained where appropriate, that child protection issues have a clear home within the structure, and that the forensic nature of the Select Committees and flexibility of task groups is preserved.

4.7 Brent’s previous structure had a high call-in threshold, set at 40% of the Overview and Scrutiny Committee (or 40% of non-executive members). The introduction and success of the Forward Plan Select Committee has meant that “call-in” has been used infrequently. This reflects the view that call-in is a poor substitute for proper pre-scrutiny and the Forward Plan Select Committee is a more effective tool for amending policy decisions. In light of this, the Constitutional Working Group recommended a change to the trigger for call-in. It has now been set by council at five non-executive Members.

5.0 Member Training

5.1 A programme of member training and events is planned for 2006/7. Members will be updated as dates are confirmed and a paper will be presented at the meeting.

5.2 A launch event for Overview and Scrutiny in Brent will be held on 2nd November 2006 at 7pm in the Town Hall.

6.0 Communications

- 6.1 The Council's website has a dedicated link to overview and scrutiny activities through its local democracy section:
(<http://www.brent.gov.uk/Democracy.nsf/b64069fdf9bcd24180256a94004088aa/58e4d1d8f93c710780256dbb00448bfd!OpenDocument>).
- 6.2 A quarterly newsletter, "*In Check*", will be produced to highlight the work of task groups and committees, encourage public participation, and to raise the profile of scrutiny within Brent.
- 6.3 Regular information updates on the progress of all overview and scrutiny work will be brought to this committee via the "work programme review" standing item.

7.0 Further information

- 7.1 The following sources of information have specific sections for members:

Centre for Public Scrutiny –www.cpfs.gov.uk

A useful website that brings together guidance and best practice from across England. Has specific links to health and partnership scrutiny. As well as a good archive of reviews carries out in various policy areas.

Improvement and Development Agency (IDeA)- www.idea.gov.uk

A source of sharing best practice in local government and a host for useful tools to conduct scrutiny investigations.

Local Government Association (LGA) – www.lga.gov.uk

Website which brings together information from across England, provides policy advice, and details of lobby campaigns.

Department for Communities and Local Government (DCLG) - www.dclg.gov.uk

Central Government department website which hosts the latest legislative developments in local government, neighbourhood, and regional policy.

- 8.0 **Appendix (A)** "*Diagram- Overview and Scrutiny Structure, London Borough of Brent*", 2006.

Contact Officers:

James Sandy
Policy and Performance Officer
020 8937 1609
james.sandy@brent.gov.uk