

 <p>Brent</p>	<p align="center">Full Council</p> <p align="center">22 February 2016</p> <p align="center">Report from the Director of Performance, Policy and Partnerships</p>
<p>For Action</p>	<p align="right">Wards Affected: ALL</p>
<p>Future Scrutiny Structure</p>	

1.0 Summary

- 1.1 This report proposes a new structure for the operation of the Scrutiny function in Brent. It considers the key principles that should inform the Council's approach to scrutiny activities; the role of Council departments and senior officers in supporting effective scrutiny and the resources available to ensure a robust approach is taken to both internal and external statutory scrutiny duties.

2.0 Recommendations

That Full Council:

- 2.1 approve the new scrutiny structure set out in the report for implementation in May 2016;
- 2.2 note that a review of scrutiny arrangements concerning strategic matters such as budget setting and policy formation will be the subject of a follow up report later this year; and
- 2.3 subject to recommendation 2.1, authorise the Chief Legal Officer to amend the Constitution to record the new scrutiny structure.

3.0 Detail

The current scrutiny structure

- 3.1 The purpose of the Scrutiny Committee, and the activities it commissions, is to enable all members who are not part of the Cabinet to engage with and influence the policy development and decision-making of the Council. This is achieved through scrutiny of the Council's performance and decisions, member-led investigations of local issues or community concerns and the scrutiny of other public agency services. The findings from scrutiny work are reported to the Cabinet for their consideration and response.
- 3.2 Scrutiny provides the opportunity for community involvement and democratic accountability led by elected members. Engagement with service users and with the general public helps to improve the quality, legitimacy and viability of recommendations made by the Scrutiny Committee to the Cabinet.
- 3.3 The Council's Scrutiny Committee plans and co-ordinates scrutiny activity covering all aspects of Council services as well as the statutory responsibilities with regard to Health Scrutiny and partnership activity. The Scrutiny Committee meets 10 times during the year and is also responsible for hearing any call-ins of key decisions. The Committee consists of fourteen members comprising eight Councillors, four voting education co-opted members and two non voting co-opted members.

The role of the Scrutiny Committee is to:-

- Hold the Cabinet to account for their decisions.
 - Support policy development through commissioning member-led investigations of issues affecting the community or borough.
 - Provide scrutiny of external public services, including health services.
 - Review and monitor performance to ensure continuous improvement.
 - Receive call-in of key decisions, public petitions and community calls to action.
- 3.4 Scrutiny activities are not limited to the members of the Committee and all elected members can and should participate in time-limited reviews of local issues and services. Meetings of the Scrutiny Committee are open to the public, but other evidence gathering and review work can take place in a variety of informal local and community settings. Meetings of scrutiny task groups are frequently attended by other partners, local residents and service users as part of the process of gathering evidence.

External Scrutiny

- 3.5 The Scrutiny Committee may undertake external scrutiny of other organisations who provide local services. The Council has a statutory power to scrutinise local health provision and also crime and disorder functions. This can be through requesting information from other public agencies or by asking them to attend a meeting of the Committee for questions. Members can also investigate any issue that is affecting local communities or the borough. External scrutiny is an area in which real value can be added, enabling members to explore issues of public concern and take the lead on behalf of their community.

Principles for scrutiny

- 3.6 Scrutiny provides councillors with the opportunity to question Cabinet Members, officers and others in order to gain knowledge around an issue and make effective, evidenced-based recommendations. It also enables members to represent the views of their local constituents and to provide community leadership.

The principles of effective scrutiny are:-

- Being Member-led.
The Scrutiny Committee determines its own work programme and decides what evidence to seek. Members take an active role in the scrutiny process, for example by going on visits, taking part in consultation activities with service users, residents and discussions with local organisations.
- A consensual approach.
Effective scrutiny works towards developing a consensus-based view of the service or issue under consideration, focussed on the needs of service users and residents.
- It is evidence based.
Scrutiny should take evidence from a wide and balanced range of sources in order to develop a rounded view of the issues under consideration. Recommendations made by scrutiny should be firmly supported by the evidence gathered.
- Provide constructive challenge.
Good scrutiny should foster a style of constructive challenge with officers and other witnesses, enabling sharing of views in an open and positive manner.

Impact of the Single Scrutiny Structure

- 3.7 The purpose of moving to a single Scrutiny Committee meeting on a frequent basis was to enable a more consistent, holistic and streamlined approach to all scrutiny activities commissioned by a single committee. The introduction of a single committee to replace the previous four themed scrutiny committees also made a considerable saving in terms of member allowances. Prior to May 2014 each scrutiny committee had a chair, vice-chair and six members with respective allowances. The annual potential cost of each committee was £38,020 in member allowances, making a total for the whole scrutiny function of potentially £152,080. The current cost of member allowances for a single scrutiny committee is potentially £36,190 making a potential saving of £115,890 on the previous model. These costings are maximum potential costs only as members already in receipt of a special responsibility allowance would not be entitled to a second special responsibility allowance for their scrutiny role. The costings nonetheless provide a useful illustration of the indicative costs implications.

- 3.8 It was considered that operating separate scrutiny committees produced a fragmented approach to scrutiny with each committee developing its own work programme which did not always reflect the cross-cutting aspects of complex policy issues. It was also felt that a single committee would be a more effective use of the finite officer resources available to support scrutiny given the pressure on resources.
- 3.9 However after nearly two years of operating the single Scrutiny Committee structure, the anticipated advantages have not outweighed the logistical issues of monthly meetings and has resulted in a concentration of scrutiny activities into a relatively small group of members and officers.
- 3.10 Having one committee responsible for all scrutiny activities has meant that the committee has not developed in depth specialism and understanding of services or key policy agendas. With a wide variety of issues being considered at each meeting the agendas can be incoherent and this makes it difficult to develop continuity on specific subjects or issues between committee meetings.
- 3.11 In particular the move away from themed committees has resulted in less active engagement of service areas in working constructively with scrutiny members as there is less perceived ownership of one corporate Scrutiny Committee. This has both distanced service departments from scrutiny and meant that less members overall are actively engaged in debate and discussion on the policy issues and performance of Council services. In practice the current model means that only eight members are actively engaged in scrutiny discussion on a regular basis (although other members who are not part of the formal scrutiny committee do contribute to task groups). Previously around 30 non-executive members regularly contributed to a scrutiny committee at least once a quarter.
- 3.12 The single Scrutiny Committee model has also impacted on the development of a productive scrutiny relationship with statutory partners, particularly in relation to the duties of the Council to scrutinise the provision of local health services and partnership work on community safety. It has proved difficult to accommodate a consistent work programme on health issues, children's services and adult social care within the single work programme. This has limited the development of an in depth understanding of these complex and critical service areas, which was noted in the findings of the recent Ofsted inspection of Brent's Safeguarding and Looked After Children's services.
- 3.13 The disadvantage of a single Scrutiny Committee structure could not necessarily have been foreseen. Brent is still the only Council in London to operate a single scrutiny committee structure, although three others have a main committee with themed sub-committees. However as the Council enters the next phase of change with the development of the Brent 2020 Vision and the programme of outcome based reviews, it is vital that we reconsider the most appropriate scrutiny structure which will facilitate the effective engagement of members in shaping the future direction of the Council via the Scrutiny function. This is particularly important given the political composition of the Council and the challenging nature of the issues the borough faces.

Key objectives

3.14 There are a number of key objectives which any new scrutiny structure should be designed to achieve. These are:-

- To enable non-executive members to develop a thorough understanding of key policy and service issues which supports effective and constructive scrutiny of performance and decision-making across Council services and meets the statutory requirements of scrutiny.
- Maximises the number of Members engaged in regular scrutiny activities and enables non-executive members to contribute to the shaping of Council policy at the right point in the policy development process.
- A structure that covers both the breadth of internal and external issues but also provides sufficient scope for the committee to develop specialisation and become experts in their subject areas.
- The frequency of scrutiny meetings is aligned to the decision-making timetable and enables high quality reports to be produced with scrutiny input made at the right time in the development of options and proposals.
- Can take a holistic view of partnership, performance and resourcing issues in relation to the individual service or issue under scrutiny.
- Enables clear accountability of Lead members and senior officers for decisions and service performance.
- The scrutiny function should be responsive to the views and concerns of service users and residents, actively seeking their opinions to shape their work programme.
- Is properly resourced and supported by senior officers and services within the Council and the contribution of scrutiny members is a valued part in the process of defining the Council's future policy direction.

3.15 In order to achieve these objectives it is therefore proposed that the future Scrutiny committee structure should, as set out below, be more closely aligned to the organisational structure of the Council as well as providing more opportunity for in-depth scrutiny.

Proposed Scrutiny Structure

3.16 The proposal is to have two scrutiny committees combining the following remits:-

- **Community and Well being Scrutiny Committee**

This committee would cover Housing, Adult Social Care, Public Health and the statutory responsibilities with regard to scrutiny of local health services and major reconfigurations of provision. It would also scrutinise the children and young people's service, partnership work undertaken by the Children's Trust and scrutiny of Safeguarding arrangements. The committee would be composed of eight elected members (seven from the Labour Group and one opposition group member which is consistent with current political balance

arrangements). The four voting education co-opted members and the two non voting education co-opted members would be part of this committee.

- **Resources and Public Realm Scrutiny Committee**

This committee would cover corporate resources, (including Customer Services, Policy, Partnerships and Performance, Procurement and IT) as well as regeneration, environment and community safety. The committee would be composed of eight elected members (seven from the Labour Group and one opposition group member which is consistent with current political balance arrangements).

3.17 In order to cover the extent of their remit each committee would meet six times during the year. A total of 12 scrutiny meetings would be held during the municipal year. There could be some advantages to this model as a result of a more integrated approach to cross-cutting issues as each committee would have a broader overview of each related set of services.

3.18 Any called-in items would be considered by the committee with the responsibility for scrutiny of the service which is the subject of the called-in decision. As the committees would be meeting every other month this could possibly require the scheduling of a specific meeting of the committee for the sole purpose of hearing the call-in, should a scheduled meeting not fall within the time deadline.

3.19 Strategic and Operational Directors would still be expected to take a central role in developing the work programme and reporting to the scrutiny committee covering their service responsibilities in collaboration with the Head of Strategy and Partnerships. Officer support from Policy, Performance and Partnerships would continue to be provided.

Cost implications

3.20 The indicative cost implications in respect of special responsibility allowances are set out below. As previously stated, however, these costings are potential maximum costs only and actual costs are likely to be lower as some of the members will already be in receipt of a special responsibility allowance.

3.21 In addition, in accordance with the provisions of the Members' Allowance Scheme, a 1% uplift in allowances has been factored in. On this basis the total potential costs are £40,614 higher than the current scrutiny structure.

2 x Chairs allowance at £14,140	£28,280
2 x Vice Chairs at £5,050	£10,100
12 x SRA allowance for committee members at £3,202	£38,424
Total	£76,804

3.22 If approved, it is proposed that the new scrutiny structure be implemented immediately after the annual meeting of Council on 18 May 2016 and that the

Chief Legal Officer be authorised to amend the Constitution to record the changes made.

- 3.23 As well as reviewing the Council's scrutiny function in structural terms, members are asked to note that a review of scrutiny arrangements concerning strategic matters such as budget setting and policy formation will be the subject of a follow up report later this year.

Conclusions

- 3.24 The experience of operating a single committee model has focused scrutiny activities on a relatively small number of members, while also limiting the opportunity to develop depth and specialism due to the unreasonably wide remit of the committee. The proposals within this report seek to redress this situation with more themed committees meeting less frequently but with a closer alignment and relationship with Council departments. There is a potential increase in the cost of the scrutiny model of approximately £40,614 related to member allowances. There are no additional costs associated with staff resources. However the benefits of engaging more members in scrutiny discussions, with meaningful well planned agendas are significant.

4.0 Financial Implications

- 4.1 These are addressed in the body of the report.

5.0 Legal Implications

- 5.1 These are addressed in the body of the report.

6.0 Diversity Implications

- 6.1 None

Background Papers

None

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