



Full Council
27 February 2017

**Report from the Director of Policy,
Performance and Partnerships**

For information

Wards affected: ALL

Review of new scrutiny committee structure

1.0 Summary

- 1.1 This report reviews the new structure of two scrutiny committees which came into effect on 18 May 2016, and examines the impact of the dual structure on addressing the challenges and strategic issues for scrutiny at Brent Council.

2.0 Recommendations

- 2.1 Full Council notes and agrees the content of this report.

3.0 Detail

- 3.1 On 22 February 2016, Full Council approved a new structure for scrutiny at Brent Council. This was to replace the Scrutiny Committee with the Community and Wellbeing Scrutiny Committee and the Resources and Public Realm Scrutiny Committee. The new system came into effect on 18 May 2016.
- 3.2 On 22 February 2016, Full Council agreed there should be a review of the new scrutiny arrangements including strategic matters such as budget setting and policy formation, and that there would be a follow-up report done in 2016/17.
- 3.3 The dual committee system operates quite differently to the previous structure. Each of the committees has discrete responsibilities for scrutinising the council's executive and covers different parts of the local authority's services. A rationale for moving to a dual rather than a single committee structure was that it would help the members on the committees to develop a more consistent and coherent work programme around important policy agendas and services. By concentrating on focused areas it would also help members to develop an in-depth understanding and knowledge of policy and strategic issues, which would assist them in scrutinising the council's executive and external

organisations. The work programmes for 2016/17 have demonstrated a more focused approach to policy than existed under the single Scrutiny Committee, and a more consistent focus on issues affecting children's services, health and adult social care as well as environmental services, finance and resources than existed under a single committee.

- 3.4 Each committee is broadly aligned to a council department and its services. Community and Wellbeing Scrutiny Committee has oversight of the Children and Young People and Community Wellbeing departments while the remit of Resources and Public Realm committee corresponds with Resources, Regeneration and Environmental Services, and Chief Executive's Department. The major areas of the council's services looked at by each committee, include:

Community and Wellbeing

Adult social care
Children's services
Cultural services
Education
Health
Housing
Public Health
Wellbeing

Resources and Public Realm

Budget
Business policy
Environmental policy
Environmental services
IT
Recycling
Regeneration
Transport

The alignment has worked well. The departments are engaged with a particular committee, and there is a clear separation of responsibilities between them. On the whole the focus on discrete areas has helped the members to gain a more in-depth specialism and understanding of services and key policy issues. However, there have been some policy issues, such as air quality, which have overlapped and the committee chairs have had to decide who then looks at the issue. In addition, it should be noted that the scope of each committee is still large and a challenge for members is to retain a sufficient body of knowledge about policy and operational issues over a large number of services.

- 3.5 Each of the committees are made up of eight elected members, including a chair and vice-chair. However, because the remit of the Community and Wellbeing Committee includes the council's role as a local education authority, it also has five members who are co-opted for the purposes of school education.
- 3.6 The two committees have powers for the scrutiny of external organisations and agencies. Community and Wellbeing Scrutiny Committee oversees scrutiny of NHS agencies and organisations, including Brent Clinical Commissioning group and the NHS hospital trusts, NHS England and NHS Property Services. It also takes part in the North West London Joint Health and Overview Scrutiny

Committee with seven other councils. Resources and Public Realm Scrutiny Committee has powers to review strategies for crime and disorder and flooding.

- 3.7 The mechanism for either of the scrutiny committees influencing the policies of the Cabinet or an external organisation is by making recommendations. All recommendations are agreed by committee members. They can either be developed during a committee meeting or as part of a more wide-ranging and in-depth task group report. Scrutiny has no legal powers to compel the Cabinet or an external organisation to accept or implement any of its recommendations.

Cabinet

- 3.9 Scrutiny's most important strategic relationship is with the Cabinet. Essentially, scrutiny's role lies in reviewing and reflecting on executive policy and proposals. In 2016/17 the scrutiny committees have ensured that recommendations made at committee meetings about policy are referred to Cabinet to be considered.
- 3.10 In 2016/17 there has been one call-in of a Cabinet decision. On the whole, the new structure is helping to work towards pre-scrutiny of executive decision-making, which means examining policy before the main decision is taken by Cabinet. Pre-scrutiny allows difficulties to be teased out and problems to be addressed, and assists Cabinet in its decision-making role.
- 3.11 An example of pre-scrutiny was a special meeting of the Community and Wellbeing Scrutiny Committee in October 2016 to consider the future options for management of housing services. The committee meeting made five recommendations which were noted in the main report when it was discussed and a decision was made by the Cabinet the following month.
- 3.12 Part of the rationale for changing the single Scrutiny Committee was that it had concentrated scrutiny activities into a relatively small group rather than allowing the wider participation from more non-executive members. The dual structure means there are now 16 non-executive members who are regularly scrutinising the local authority's executive as well as external organisations. In addition to the committee meetings there have also been four task groups which have been set up by the Community and Wellbeing Scrutiny Committee and Resources and Public Realm Scrutiny Committee in 2016/17 which has helped to broaden member participation in scrutiny.

In 2016/17 the task groups have included:

- Signs of Safety, Chair Cllr Hoda-Benn
- Child and Adolescent Mental Health Services, Chair Cllr Shahzad OBE
- Devolution of business rates, Chair Cllr Davidson
- Fiscal levers and small businesses, Chair Cllr Stopp

Budget Panel

- 3.13 In addition to the task groups, a Budget panel chaired by the Chair of the Resources and Public Realm Committee, which was set up by the two scrutiny committees to review the local authority's 2017/18 Budget proposals. The panel

included the Chair of Community and Wellbeing Scrutiny Committee as a member, and was made up members of the two committees or their substitutes. There were four meetings in all, which included detailed discussions of Budget setting priorities with senior officers from all of the local authority's departments.

- 3.14 As a cross-cutting area of council policy, the Budget is a strategically important area of work for scrutiny. The scrutiny Panel examined the Cabinet's Budget plans and offered suggestions for improvements where appropriate. In total, the Panel made seven recommendations around strategically important issues as well as commenting on the detail of more specific proposals in the 2017/18 Budget. It is generally felt that members being able to gain a greater in-depth understanding of policy and strategic issues by having a dual committee system has also helped the Panel in the development of its work.

External scrutiny

- 3.15 The single Scrutiny Committee was felt to have hindered the development of a productive relationship for scrutiny with statutory partners. The dual structure has enabled the Community and Wellbeing Scrutiny Committee to have a more dedicated approach to the relationship with health partners as well as other members of the North West London Joint Health and Overview Scrutiny Committee. Healthwatch Brent has also been more involved, taking part in discussions at committee on a number of occasions. This more focused relationship can also be seen in scrutinising the work of the Brent Local Safeguarding Children Board and the Brent Safeguarding Adult Board. Similarly, this improvement can be seen in the Resource and Public Realm Scrutiny Committee's relationship with the Safer Brent Partnership and external partner organisations who are responsible for crime and disorder strategies.

Community involvement

- 3.16 As well as improving democratic accountability, scrutiny also enables members to promote community involvement and participation in governance. This has worked well under the dual structure. Scrutiny has been more visible in the community because members of both committees have organised visits prior to committee meetings to see at first-hand how services are delivered and speak with service users and residents. For example, members of the Community and Wellbeing Committee visited a supported living centre in Wembley before a discussion about the New Accommodation for Independent Living (NAIL) project, and members of the Resources and Public Realm Committee visited town centres in the borough before considering a report on Brent's high streets at committee.
- 3.17 As well as presenting at Brent Connects area forums, the chairs of the two committees have also taken part in Youth Takeover Day 2016 and in Local Democracy Week 2016. During the week, the chairs of the committees hosted scrutiny cafes allowing residents to drop-in and raise issues or concerns, visited schools and took part in a radio phone-in on K2K Radio about local democracy and participation. These combined efforts have brought scrutiny at Brent Council to the attention of far more residents and allowed great participation in scrutiny.

Scrutiny networks

- 3.18 The two committees has built links with scrutiny members elsewhere in London as there are challenges and issues which cut across local authority boundaries. This has largely been done through the London Scrutiny Network. Cllr Davidson presented at a meeting of the Network about the task group which he chaired on the devolution of business rates. The task group on business rates also met with the Under Secretary of State for Communities and Local Government. Scrutiny's engagement with the Centre for Public Scrutiny (CfPS) has also stepped up. A representative from the CfPS met with Brent Council's scrutiny members in June and October to do training around their role in accordance with the governance of the council, as well as to outline the legal and statutory function of Scrutiny with regard to both the council and other public service providers. In addition, the Chair of Community and Wellbeing Scrutiny Committee led a workshop at the CfPS annual conference in December 2016.

Conclusions

- 3.19 While this report has reviewed the new structure at Brent Council, it is important to place it within the context of wider evaluations of scrutiny in local government. Scrutiny's effectiveness across local government in England is being reviewed by the Communities and Local Government Committee in Parliament. The committee's scope includes the operational independence of scrutiny, the extent and nature of its powers, use of specialist external advisers and external scrutiny, among other issues. A report is expected later this year.
- 3.20 Overall, Brent Council's change to a dual scrutiny structure has been generally positive. The new structure is helping to improve local accountability and decision-making through greater pre-scrutiny, more focused scrutiny activities, and greater involvement of non-executive members in scrutinising the Cabinet.

4.0 Financial Implications

- 4.1 There are no immediate financial implications arising from this report.

5.0 Legal Implications

- 5.1 There are no legal implications arising from this report.

6.0 Diversity Implications

- 6.1 There are no diversity implications immediately arising from this report.

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