

ITEM NO: 10

DECISION-MAKER:	COUNCIL		
SUBJECT:	SCRUTINY STRUCTURES 2008/09		
DATE OF DECISION:	19 MARCH 2008		
REPORT OF:	CHAIR OF OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE		
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STATEMENT OF CONFIDENTIALITY

None

SUMMARY

This report sets out recommendations from the Overview and Scrutiny Management Committee on the 28th February 2008 seeking Council's support for the introduction of a revised overview and scrutiny structure for the 2008/09 municipal year. If the proposals to expand the remit of the Overview and Scrutiny Management Committee and to establish a number of inquiry based scrutiny panels in 2008/9 are agreed in principle, they will be formally submitted for approval to the Annual Council Meeting in May.

RECOMMENDATIONS:

- (i) That the Council supports in principle an overview and scrutiny structure for the 2008/09 municipal year based on the following elements:
 - An Overview and Scrutiny Management Committee comprising of 8 - 10 members (with the final number dependent on political proportionality) with meetings held on a monthly basis apart from in May and December.
 - The following activities being added to the Overview and Scrutiny Management Committee's existing terms of reference:-
 - Scrutiny of all corporate and resource management issues,
 - Responsibility for the exercise of all decisions called-in,
 - Responsibility for scrutiny of the Forward Plan,
 - Responsibility for performance and budget monitoring,
 - Responsibility for formally responding to the Councillor Call for Action,
 - Engaging with the Leader of the Council and appropriate members of the Southampton Partnership in "State of the City" debates.
 - Scrutiny panels being established for the 2008/09 municipal year based on the following themes:
 - Children and Young People
 - Environment and Sustainability
 - Economic Well-being

- Healthy City
 - Safer Communities
 - Scrutiny panels in 2008/9:
 - Undertaking a series of scrutiny inquiries, to include the involvement of relevant partners as appropriate.
 - Initiating a phased programme of inquiries, resulting in periods of activity for all scrutiny panels depending on the resources available, with topics for inquiries being identified by key partner organisations, individual scrutiny panels and the Overview and Scrutiny Management Committee.
 - Being comprised of between 4 – 6 members (with the final number depending on political proportionality).
 - The implementation of a training and support programme that includes:-
 - Scrutiny skills for elected members.
 - Briefings for elected members on areas of activity and the responsibilities of the Executive as well as relevant partner organisations.
 - Training for partners on participating in the overview and scrutiny process.
 - Training for Council staff on engaging with the revised scrutiny arrangements.
 - Each political group being requested to nominate a scrutiny champion who can advise new members on overview and scrutiny matters and channel queries to relevant officers.
 - The delegation of authority to the Solicitor to the Council following consultation with the Head of Corporate Policy and Performance, to develop and implement member training as is deemed necessary to support these arrangements; and
- (ii) That any required constitutional changes arising from the approval of these proposals be considered in a report from the Solicitor to the Council at the Annual Meeting in May 2008.

REASONS FOR REPORT RECOMMENDATIONS

1. To agree a provisional framework for the delivery of overview and scrutiny activities in 2008/9 for final determination at the Annual Meeting of the Council in May 2008.

CONSULTATION

2. The initial revised scrutiny proposals were developed in consultation with the Chair and Vice-Chair of Overview and Scrutiny Management Committee and the Solicitor to the Council. The proposals were considered by the Overview and Scrutiny Management Committee (OSMC) on 28th February 2008 and modified to those set out in the report's recommendations to reflect the discussion at the meeting, including consideration of alternative proposals put forward by one member of the panel.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. None.

DETAIL

4. The recommendations in this report are similar to the proposals submitted to Full Council in May 2007. However, at that time the Council considered that the proposed changes were premature because further modifications would be necessary to scrutiny structures when the Local Government and Public Involvement in Health Bill was enacted during 2007/08. This legislation is now in place and it has therefore been taken into account by the Overview and Scrutiny Management Committee in formulating the revised proposals.
5. Throughout 2007/08, the Overview and Scrutiny Management Committee has been keen for Full Council to consider a revised framework for delivering overview and scrutiny activities in 2008/09 in advance of the Annual Meeting. Committee members have therefore requested an in principle decision of the proposals set out in this report in March for the following reasons:
 - It is easier for the Council to consider this issue in more depth at this meeting than at the Annual Meeting in May when there are numerous other considerations for the smooth running of democratic processes which need to be agreed.
 - Members are keen to avoid the hiatus in scrutiny activities which has occurred in previous years when structures for the year could only be developed by the Overview and Scrutiny Management Committee after the Annual Meeting.
 - If Council supports the proposals officers would have an opportunity to undertake preparatory work for the delivery of the new inquiry based scrutiny programme.

The Local Government and Public Involvement in Health Act 2007 and Scrutiny

6. The Local Government and Public Involvement in Health Act 2007 contains the following requirements for the operation of overview and scrutiny:
 - Executive Members to attend scrutiny meetings when requested, and to respond to overview and scrutiny reports.
 - External partners to supply information to overview and scrutiny committees when requested.
 - Individual councillors are able to place items on the agendas of overview and scrutiny committees and bring forward matters of concern to local communities through the Councillor Call for Action.
7. In practice many of these issues are already being addressed through the Council's existing scrutiny arrangements. However, specific areas where the Council needs to establish appropriate arrangements to respond to the new Act include:-
 - Deciding whether the Council wishes to delegate executive powers to members in their own wards. If it does, then the overview and scrutiny procedure rules will need to reflect this in due course. This is a matter that will be considered at the Annual Council Meeting in May.

- Protocols and procedures will need to be established to engage key partners in overview and scrutiny activities. The Secretary of State has yet to publish Regulations to address this issue but in the meantime South East Employers have completed a scrutiny and accountability pilot programme within Southampton which elected members and partners have contributed to. The outcomes from this review have helped to shape the proposed arrangements for bringing partners into the scrutiny process as set out in this report.
- The development of procedures to facilitate the Councillor Call to Action. Full details of the changes required to the Council's Constitution cannot be assessed pending the publication of guidance from the Secretary of State. However, in practice this is likely to be a route of last resort and most issues should be capable of resolution without the need to bring them to an overview and scrutiny committee. At the present point in time it is envisaged that the frequency of the use of this procedure should be viewed in similar terms to the use of call-in.
- The development of protocols and procedures for engagement with Local Involvement Networks (LInKs) need to be established to enhance the local accountability of publicly funded health and social care services.

Other Drivers For Change

8. In addition to the changes required to the operation of overview and scrutiny to respond to the Local Government and Public Involvement Act, the proposals contained within this report's recommendations also address a number of issues raised by scrutiny members, including:
 - Creating the capacity to enable members to undertake additional scrutiny inquiries without the need for additional staffing resources.
 - Enabling more timely engagement with the Forward Plan.
 - Continuing to develop a focus for scrutiny meetings, with short agendas resulting in meetings which usually last no more than 2 hours.

Proposals for the Overview and Scrutiny Management Committee

9. One of the proposed developments that will enable individual scrutiny panels to undertake more inquiry work is to focus most of the engagement with the Executive on the Overview and Scrutiny Management Committee. In addition to its role in setting and monitoring standards for scrutiny and overseeing the output from scrutiny panels, it is therefore proposed that in 2008/9 the Committee should also undertake the following activities:
 - Scrutiny of all corporate and resource management issues,
 - Responsibility for the exercise of all decisions called-in,
 - Responsibility for scrutiny of the Forward Plan,
 - Responsibility for quarterly performance and budget monitoring,
 - Responsibility for formally responding to the Councillor Call for Action,
 - Engaging with the Leader of the Council and appropriate members of the Southampton Partnership in "State of the City" debates.

10. To deliver the volume of work required it will be necessary for meetings of the Overview and Scrutiny Management Committee to be monthly, apart from in May (elections and the Annual Meeting) and December (Christmas and New Year), when this is likely to be impractical. In practice, the Committee needs to be large enough to secure informed debate with, and questioning of, the Executive on a wide range of activities. OSMC members were therefore of the view that it needed to be larger than a scrutiny panel, and that the ideal size should be in the region of 8 to 10 elected members, with the final number within this range being determined by political proportionality after the local elections. Appropriate arrangements will also be required to ensure that church and parent governor representatives are included on the Committee when educational matters are on the agenda.

Proposals for Scrutiny Panels

11. If the Overview and Scrutiny Management Committee is given the main responsibility for scrutiny of the Executive, then it would be possible to develop a framework of scrutiny panels which could undertake more inquiry work. It has become increasingly clear that many inquiry issues cut across more than one portfolio. OSMC members therefore supported the development of wider thematic based scrutiny panels which reflect key issues within the Local Area Agreement, as follows:-
- Children and Young People
 - Environment and Sustainability
 - Economic Well-being
 - Healthy City
 - Safer Communities
12. It should be noted that the Healthy City scrutiny panel would have additional responsibilities for responding to consultations from NHS organisations delivering services in the city if substantial variations in services are proposed. It would also consider any references from the Southampton LInK on health service and social care issues.
13. Creating scrutiny panels within the thematic structure outlined above would provide further opportunities to bring partner organisations into the scrutiny process.
14. The recent scrutiny and accountability pilot programme in Southampton has clarified several elements concerning the engagement of partners in the scrutiny process. Key issues identified through this review include:-:
- Members expressed the view that partners should contribute to scrutiny inquiries as expert witnesses and advisers rather than as co-opted members on scrutiny panels.
 - The Southampton Partnership should be invited to suggest ideas for inquiries at the start of the municipal year when the Overview and Scrutiny Management Committee is developing its preliminary work programme.
 - Any partners providing evidence to scrutiny inquiries would be informally consulted on the inquiry's recommendations prior to their submission to the executive.

15. In terms of the size of scrutiny panels, committee members agreed that they should be comprised of between 4 and 6 members, with the final number depending on political proportionality. As with the Overview and Scrutiny Management Committee, it will be necessary to make provision for the inclusion of church and parent governor representatives if an inquiry has a key focus on the Council's education function.

Introduction of Revised Scrutiny Arrangements

16. Supporting the recommendations contained within this report does not bind the Council to a particular course of action but provides an indication of intent pending further consideration at Full Council in May. However the report's approval would enable officers to undertake a number of preparatory activities in advance of the Annual Meeting including:
- Working with members and partners to identify potential topics that could be the subject of scrutiny inquiries early in the new municipal year and to undertake preliminary research on the topics identified.
 - Developing training for members, officers and partners on the revised arrangements for scrutiny.
 - Identifying where the proposals require changes to the Constitution to enable them to be included within the report from the Solicitor to the Council to the Annual Meeting.
17. The Overview and Scrutiny Management Committee also supported the idea of each political group identifying a scrutiny champion. This member would provide their group with political advice on overview and scrutiny issues, assist new members in the understanding of and participation in the Council's scrutiny processes, and could also refer any queries from their group on the operation of the scrutiny process to appropriate officers.

FINANCIAL/RESOURCE IMPLICATIONS

Capital

18. None

Revenue

19. The proposals set out in this report will be met from the 2008/9 approved revenue budget for the Leader's Portfolio.

Property

20. None

Other

21. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

22. The duty to undertake overview and scrutiny is set out in Section 21 of the Local Government Act 2000. The additional requirements for overview and scrutiny set out in the Local Government and Public Involvement in Health Act 2007 are referred to in this report.

Other Legal Implications:

23. None.

POLICY FRAMEWORK IMPLICATIONS

24. None.

SUPPORTING DOCUMENTATION

Appendices

	None

Documents In Members' Rooms

	None

Background Documents

Title of Background Paper(s)

Relevant Paragraph of the
Access to Information
Procedure Rules / Schedule
12A allowing document to be
Exempt/Confidential (if
applicable)

	None	

Background documents available for inspection at: N/A

FORWARD PLAN No: N/A

KEY DECISION? No

WARDS/COMMUNITIES AFFECTED:	All
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