

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

**COMMUNITY SCRUTINY COMMITTEE – THURSDAY, 13
JULY 2023**



Title of Report	PROPOSALS FOR THE ESTABLISHMENT OF A SCRUTINY COMMISSION	
Presented by	James Arnold Strategic Director of Place	
Background Papers	Insert hyperlinks to any relevant background papers	Public Report: Yes
Financial Implications	None identified at this stage but as the process proceeds there is the possibility that a special responsibility allowance could be introduced for the Chair. Therefore, there would be an increase in the overall Members allowances costs at the point of establishment. If established this would be a pressure on the Council's budget and would need to be funded from corresponding savings to ensure financial sustainability.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	The introduction of a formal Scrutiny Commission would require changes to be made to the Constitution at Council to set out its composition and terms of reference.	
	Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	None identified.	
	Signed off by the Head of Paid Service: Yes	
Reason Agenda Item Submitted to Scrutiny Committee	To provide information and receive comment on the proposals to establish a Scrutiny Commission.	
Recommendations	<p>THAT SCRUTINY COMMITTEE:</p> <ol style="list-style-type: none"> 1) PROVIDES COMMENTS ON THE DRAFT PROPSALS TO MOVE FORWARD WITH THE ESTABLISHMENT OF THE SCRUTINY COMMISSION. 2) PROVIDES COMMENTS ON THE DRAFT TERMS OF REFERENCE FOR THE PROPOSED SCRUTINY COMMISSION AT APPENDIX 1. 3) PROVIDES COMMENTS ON THE DRAFT JOB DESCRIPTION FOR THE CHAIR OF THE SCRUTINY COMMISSION. 4) PROVIDES A STEER ON THE IMPLEMENTATION TIMEFRAME FOR THE ESTABLISHMENT OF THE SCRUTINY COMMISSION. 	

1. BACKGROUND

- 1.1 Following the Corporate Peer Review in 2019, the Scrutiny Cross Party Working Group was established to deliver the outcomes in relation to the Council's scrutiny function. This group made the recommendation to establish an informal Scrutiny Work Programming Group to oversee the work programming for both Scrutiny Committees.
- 1.2 The Scrutiny Work Programming group was created in February 2022 following the agreement of both Scrutiny Committees. It was agreed that the group would operate for a year and that consideration would be given as to whether to formalise the group by the creation of a Scrutiny Commission during that time.

2. THE SCRUTINY WORK PROGRAMMING GROUP

2.1 The terms of reference of the Group are:

Lead Officers	Strategic Directors
Terms of Reference	<ul style="list-style-type: none"> • Consider requests for inclusion on the work programmes of each Scrutiny Committee; • Consider whether there are other ways of receiving information; • Consult with members of Scrutiny Committees, Senior Officers, Cabinet Members for horizon scanning on policy development; • Look at the corporate priorities, Council Delivery Plan and Cabinet Forward plan and identify key issues/topics for investigation/inquiry; • Consider events and decisions in the Council's calendar which could require an input/consultation via Scrutiny; • Review any follow up work required after previous scrutiny
Membership	Membership to comprise the chairs of the two Scrutiny Committees and an opposition scrutiny committee member from each group.
Meetings	The Work Programming Group will meet approximately every two months (six meetings a year).

- 2.2 The Group is made up of Scrutiny Chairs and an opposition scrutiny member from each group. Support to the group is provided by the Strategic Director of Communities, the Strategic Director of Place and the Democratic Services Officer.
- 2.3 Although the terms of reference allow for six meetings per year, once the group began its work it was felt by Members and Officers that meeting every three months was more appropriate as this falls in with each round of Scrutiny Committees.
- 2.4 At its meeting on 22 November, the views of the Group were sought about how the Group was working. They can be summarised as follows:

- 2.4.1 The Group felt that it added value to the scrutiny process and that it was necessary to have this work programming element as it was conducive to good scrutiny by the authority. However, they felt that more cross-party discussions were required before a formal view was taken and therefore requested that a report be considered by the Scrutiny Cross Party Working Group on the pros and cons of a Scrutiny Commission before being taken to Strategy Group.
- 2.5 Following this request, a meeting of the Scrutiny Cross Party Working Group was convened on 11 January to seek their views, which were:
- that a recommendation be taken to Council to create a formal Scrutiny Commission.
 - the implementation timeline as detailed in section 5.0 of this report.
 - that the current Scrutiny Work Programming Group continue during the implementation of the formal Scrutiny Commission and complete its full cycle of work.
- 2.6 Preparatory work on this matter was undertaken with the Scrutiny Cross Party Working Group ahead of the local elections in May 2023. This report now brings forward that work for consideration by this committee. The same report will be taken to both Scrutiny Committees.

3.0 PROPOSALS FOR CONSIDERATION

- 3.1 A draft terms of reference for the Scrutiny Commission is attached at Appendix 1. The draft has been modelled on the current terms of reference for the informal Work Programming Group and comments from the Scrutiny Cross Party Working Group. The draft follows the format of the Council's Constitution.
- 3.2 The proposed composition of the Scrutiny Commission is based on the current Scrutiny Work Programming Group of five Members. In accordance with the current political makeup of the Council, this would be:
- Three Alliance Members
Two Labour Members
- 3.3 A job description for the Chair of the Scrutiny Commission has been drafted and is attached at Appendix 2, this will assist the Member who is appointed to this new role and be considered by the Independent Remuneration Panel (IRP).
- 3.4 The Local Authorities (Members' Allowances) (England) Regulations 2003 require local authorities to establish independent remuneration panels in order to make recommendations in relation to allowances. The Council is required to have regard to the recommendations of the IRP when making any decisions on allowances. The composition and functions of the Council's IRP are set out in Section D9 of Part 2 of the Constitution, which confirms the following:
- 3.4.1 that the IRP is an independent body appointed by Council for a four-year term for the purpose of making recommendations to Council in relation to the Members Allowance Scheme;
- 3.4.2 it is comprised of five independent members (the current members were appointed in November 2020);

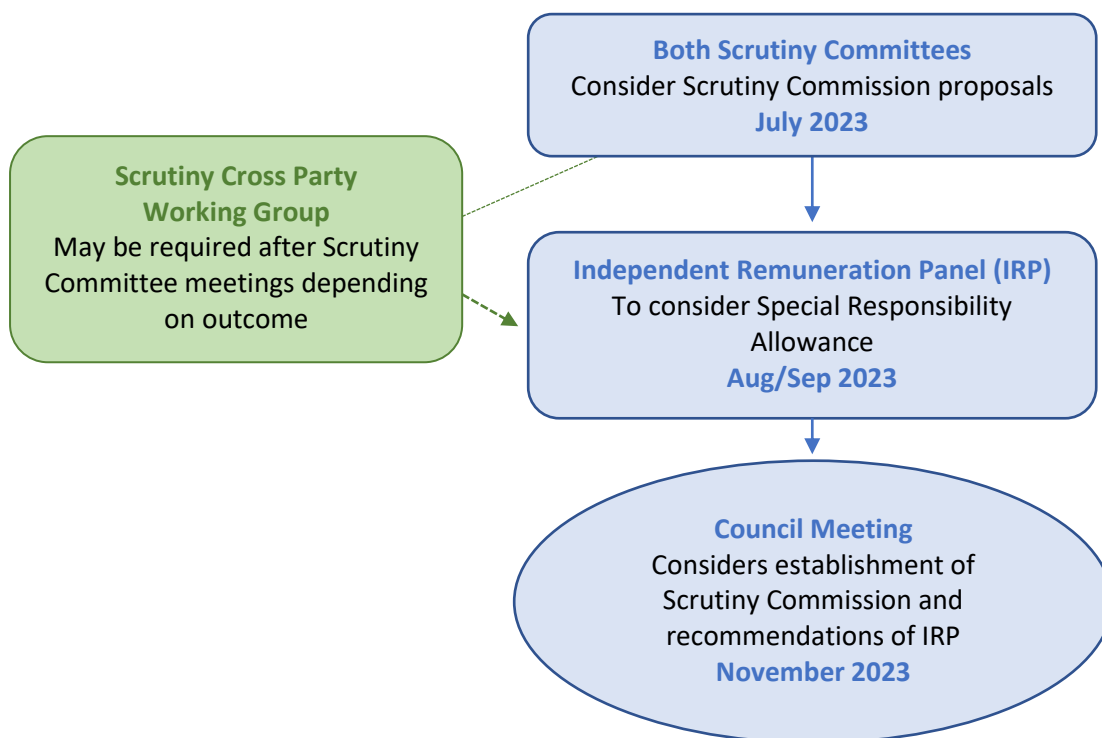
3.4.3 its functions include making recommendations about the responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance.

The IRP would, therefore, consider the job description for the Chair of the Scrutiny Commission, the level of remuneration against the other Chairs that are in receipt of a special responsibility allowance and make recommendations to Council in relation to such allowances.

3.5 Both Scrutiny Committees are asked to consider the draft proposals and indicative timeline as presented at section 4.0.

4.0 TIMELINE FOR IMPLEMENTATION

4.1 The proposed implementation timeline is detailed below and is based on discussions had by the Scrutiny Cross Party Working Group. As Members are being asked to comment on the proposals, this timeline is indicative only and there is flexibility to make adjustments dependant on the preferences of both Scrutiny Committees.



4.2 The initial discussions of the Scrutiny Cross Party Working Group in relation to the commencement of the Scrutiny Commission was that establishment be made as soon as practicable, therefore, the earliest date being November 2023. Members may decide to continue with the informal Scrutiny Work Programming Group arrangements for the remainder of the 2023/24 civic year and formally appoint to the Scrutiny Commission alongside all other committees and groups at Annual Council in May 2024 for the 2024/25 civic year.

5.0 NEXT STEPS

- 5.1 Should Members wish to progress as proposed, officers will convene a meeting of the IRP to consider any special responsibility allowance for the Chair's role. The chairs of Scrutiny Committees currently receive an allowance of £2,707.66.
- 5.2 Depending on the outcome at both Scrutiny Committees when considering this report, a further meeting of the Scrutiny Cross Party Working Group could be called, if necessary, to consider any comments made prior to consideration by the IRP.
- 5.3 Following the receipt of the IRP recommendations, a full report requesting the establishment of the Scrutiny Commission will be taken to Council for consideration.
- 5.4 Should it be agreed for the Scrutiny Commission to be established, the informal Scrutiny Work Programming Group will no longer be required and therefore disbanded.

Policies and other considerations, as appropriate	
Council Priorities:	All
Policy Considerations:	Requirements of the Council's Constitution
Safeguarding:	No issues identified
Equalities/Diversity:	No issues identified
Customer Impact:	No issues identified
Economic and Social Impact:	No issues identified
Environment and Climate Change:	No issues identified
Consultation/Community Engagement:	Strategy Group, Scrutiny Cross Party Working Group, Scrutiny Work Programming Group and to be considered by both Scrutiny Committees.
Risks:	No issues identified
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SCRUTINY COMMISSION

1 COMMITTEE FORM AND STRUCTURE

Committee Scope

- 1.1 The Scrutiny Commission is not able to make decisions but can make recommendations to either of the Scrutiny Committees.

Composition

- 1.2 The **Scrutiny Commission** will comprise five Councillors in **Political Balance** to include the Chairs of both Scrutiny Committees.
- 1.3 Members of the Scrutiny Commission will comprise Members from both Scrutiny Committees.
- 1.4 Members of the **Scrutiny Commission** must not be **Cabinet Members** or members of the **Audit and Governance Committee**.
- 1.5 The Chair and Deputy Chair will be appointed by **Full Council** annually.
- 1.6 The **Scrutiny Commission** will meet approximately every three months (four meetings a year).

Quorum

- 1.7 The **Quorum** for the **Scrutiny Commission** will be three **Councillors**.

2 MATTERS RESERVED TO THE SCRUTINY COMMISSION

- 2.1 To coordinate the work of the two Scrutiny Committees. This will be done by:
- 2.1.1 Reviewing the work programmes of both Scrutiny Committees.
 - 2.1.2 Considering requests for inclusion in the work programmes.
 - 2.1.3 Allocating specific issues on an ad-hoc basis.
 - 2.1.4 Looking at corporate priorities, Council Delivery Plan and Cabinet Forward Plan, and identifying key issues/topics for investigation/inquiry.
 - 2.1.5 Ensuring that scrutiny work takes account of officer and councillor capacity.
 - 2.1.6 Considering events and decisions in the Council's calendar which could require input/consultation via Scrutiny Committees.

- 2.2 To consult with members of Scrutiny Committees, Senior Officers and Cabinet Members for horizon scanning on policy development.
- 2.3 To take action on behalf of scrutiny committees in commenting on matters referred from the Cabinet which are of an urgent nature.
- 2.4 To review any follow up work required after previous scrutiny.
- 2.5 To consider scrutiny task and finish groups when required including the scope, terms of reference and timing, and refer to relevant Scrutiny Committee for formal establishment.
- 2.6 To oversee the preparation of the Scrutiny Annual Report.
- 2.7 To monitor the effectiveness of scrutiny through reviewing the implementation of recommendations.

DRAFT JOB DESCRIPTION OF A SCRUTINY COMMISSION CHAIR

Purpose
<ul style="list-style-type: none"> • Ensure the Council's Cabinet, officers and statutory partners are properly held to account, in line with legislation; • Ensure that scrutiny makes a positive contribution to the development of policy and the continuous improvement of the Council's operations; • Lead the scrutiny function and chair meetings of the Scrutiny Commission holding specific responsibility for the programming and direction of reviews, accessing professional advice, where appropriate, and the assembly and presentation of reports to Council; • Provide strong and fair leadership and clear guidance to members and officers in respect of the scrutiny function; • Liaise with the Leader and Chief Executive on issues of proposed policy or strategic issues affecting the Council.
Key duties and responsibilities
<ul style="list-style-type: none"> • Chair the meetings of the Scrutiny Commission, enabling effective contributions from each Commission Member; • Propose an annual scrutiny work programme, drawn up after consultation with the Cabinet and Corporate Leadership Team; • Lead the investigation of policy proposals referred to the Commission by the Cabinet, in particular by leading the Commission in determining a timetable for investigation and obtaining preliminary background information, selecting witnesses and determining whether evidence is to be given orally or in writing; • Take a lead role in scrutinising policy decisions taken by the Cabinet or Portfolio Holder and monitor/use the Call-in Procedure as appropriate; • Take a lead role in scrutinising the decisions of officers; • Invite relevant Cabinet members to attend Commission meetings, coordinate the questions to be asked, submitting in advance a list of the issues to be discussed or requests for detailed information; • Liaise with the Leader of the Council, the Chief Executive and the Directors to make sure that scrutiny contributes to effective decision-making; • Oversee publication of reports, including the annual report on scrutiny and statements to council and elsewhere; • Be responsible for the constitutional arrangements relating to the taking of decisions on the grounds of urgency if they are not on the forward plan or are outside the budget and policy framework;

- Make sure that the work of the Commission and its Committees contribute to the delivery of continuous improvement in services and the implementation of best practice;
- Maintain an overview of the work of all the Scrutiny Committees in order to make sure effective co-ordination and progress of all work;
- Support and advise the Chairs the Scrutiny Committees;
- Maintain an overview of the scrutiny function and to learn from practice elsewhere, making sure of the continuing development of scrutiny through improving both practice and how it is organised;
- Encourage the involvement of all interested parties and stakeholders, individuals, voluntary and community groups in scrutiny matters.

Key skills and knowledge

- Advanced leadership skills;
- The ability to represent the Council and champion the scrutiny function in a variety of settings both inside and outside the Council;
- The ability to communicate effectively and to work constructively with officers, councillors, partners, members of the public, the media and other organisations;
- The ability to build effective relationships within and outside the council;
- Advanced listening and questioning skills;
- A high standard of communication skills with officers, councillors, co-optees, partners, external bodies and members of the public;
- Advanced presentation and public speaking skills;
- The ability to deal with complex strategic issues and problems on behalf of the Commission and the scrutiny function as a whole
- The ability to obtain and weigh up evidence and make decisions and recommendations based on that evidence
- A detailed understanding of the legal and constitutional arrangements relating to the scrutiny function and particularly those of the Commission Chairman;
- A detailed understanding of the Council's approach to scrutiny and its relationship with the other parts of the council's decision-making structures;
- A detailed knowledge of the challenges facing the scrutiny function and the role of the Chair in addressing them;
- An awareness of the strategic importance of the scrutiny function within the Council.