

## **Title of report: The Annual Scrutiny Work Programme 2022-2023**

**Meeting:** Scrutiny Management Board

**Meeting date:** 5<sup>th</sup> September 2022

**Report by:** Michael Carr - Interim Statutory Scrutiny Officer

### **Classification**

Open

### **Decision type**

**This is not an executive decision**

### **Wards affected**

(All Wards);

### **Purpose:**

1. This report presents the Annual Scrutiny Work Programme 2022-2023, made up of the Scrutiny Work Plans of the council's five scrutiny committees.

### **Recommendation(s)**

That the Annual Scrutiny Programme 2022-2023 be agreed.

### **Alternative options**

2. The alternative is to not agree the Annual Scrutiny Work Programme 2022-2023, which would provide less clarity and ability to plan ahead for reports to be provided for issues under consideration by the scrutiny committees.

### **Introduction**

3. Effectively prioritising and planning the work of scrutiny committees can be an essential feature of successful scrutiny. According to the Statutory Scrutiny Guidance 2019, prioritisation is essential, which means that there might be things that, despite being important, scrutiny will not be able to look at.
4. According to the Statutory Scrutiny Guidance, authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, within which it can clearly demonstrate it adds value. Work planning prioritisation is, therefore, necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and

relevance to the work of the wider authority. This is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as an effective strategic function of the authority.

5. In 2021 the Rethinking Governance Working Group (RTGWG) produced a report and recommendations as part of the Rethinking Governance programme and review. Recommendation 6 of the RTGWG report is to “Improve scrutiny work programme development process” and proposes that forms of expanded evidence be considered when developing the scrutiny work programme, eg. The corporate risk register, complaints summary, feedback from forums such as the parish council summit and citizens panel. When developing scrutiny work programmes, it is also recommended that mapping of county plan and delivery plan, and strategic partners be made to the relevant scrutiny committee.
6. Recommendation 8 of the RTGWG report proposed greater alignment of scrutiny committees to corporate objectives. Recommendation 3 of the report recommends consideration be given as to whether performance, management and risk information relevant to each committee could be communicated more efficiently and effectively.

### **The Development of the Scrutiny Work Programme**

7. It is proposed that, each year the scrutiny committees consider and agree an annual programme of work for the municipal year ahead, after considering the key issues facing the council and local community where consideration by a scrutiny committee might add value. Usually, the work programme would be for the municipal year period following the Council AGM, June to May the following year.
8. The work plan for each committee may then be agreed by the respective committees, in accordance with the council’s Constitution.
9. Work planning seeks to identify:
  - i. the main topics for consideration throughout the year,
  - ii. the purpose and scope of each topic
  - iii. when each topic should be considered, and
  - iv. which departments, external agencies and expert witnesses should be called as witnesses to provide evidence.
10. This year, the identified topics have then been developed into a joint work programme for the scrutiny committees, ratified by the Scrutiny Management Board, which can thereafter be published, reported to stakeholders for information and used to plan the meetings of the committees throughout the year ahead.

### **Scrutiny Work Planning for 2022-2023**

11. Scrutiny briefing sessions have been held for each scrutiny committee, which included briefings from the respective departments for each scrutiny committee on the overall

scene-setting and key issues for their departmental and portfolio service areas, to help to inform the scrutiny committee work plans.

12. The Centre for Governance and Scrutiny (CFGs) work planning training was also provided on 21 and 27 June 2022, which also assisted members in the challenging task of topic selection and prioritisation.
13. An informal meeting of the SMB then agreed its own Work Plan and brought together the entire work plans into one reference document:– The Annual Scrutiny Work Programme 2022-2023, which is to now being used to plan for the entire year's reports to and from scrutiny committees. The Work Programme should enable better planning ahead by the committees in receiving requested reports, arranging attendance and inviting any external witnesses identified, including any in-depth scrutiny inquiries (or scrutiny task groups). The Work Programme should thereafter direct the work of the committees.
14. The council has five scrutiny committees:
  - i. Scrutiny Management Board
  - ii. Environment & Sustainability Scrutiny Committee
  - iii. Connected Communities Scrutiny Committee
  - iv. Children & Young People Scrutiny Committee
  - v. Health, Care & Wellbeing Scrutiny Committee.
15. The remit of the scrutiny committees are set out in the council's Constitution under Part 3, Section 4 - Scrutiny Functions.

### **The Role of Scrutiny Committees**

16. The role of scrutiny committees is set out in the Local Government Act 2000, but broadly speaking, topics for scrutiny should either be to:
  - Hold the Executive (Cabinet) to account
  - Contribute to the strategic policy development and review.
17. Generally speaking, topics where a scrutiny committee is making recommendations for policy development may lend themselves to questions to seek evidence, which usually require more complex consideration and development of the proposals before they are agreed by the committee.
18. Topics identified for policy development should be timed to be considered *before* the matter needs to be agreed by the Cabinet or full Council (or external decision maker). These topics may also be programmed across more than one meeting, to allow time for key findings and scrutiny recommendations to be drawn up in a considered way and for proper consideration of legal, equalities and financial implications, before being agreed by the committee, or may be considered by a Scrutiny Task Group, which reports back to the main committee with a report and recommendations to the decision making body (Executive).
19. In addition, regard may also be given to other ways in which consideration by the committee may add value through the scrutiny process, such as stakeholder engagement

and consultation, pre-decision consultation with councillors, performance review and improvement, efficiency and best value review.

### **The Powers of Scrutiny Committees**

20. Scrutiny committees may call Cabinet Members and senior officers to answer questions in committee and may request reports to committee on the issues under review. They may also invite external witnesses, for example from partner organisations, community stakeholders or expert witnesses.
21. Scrutiny committees may make requests for information from council departments, and from external organisations, with specific statutory powers to request information from certain partner organisations, eg NHS bodies and the Community Safety Partnership.
22. Scrutiny committees may make recommendations to Cabinet or external organisation's decision makers on matters they consider in committee. The Cabinet has a duty to respond to scrutiny recommendations, setting out what, if any, actions it will take in response.

### **Outcomes from Scrutiny Work**

23. At the end of the municipal year, the scrutiny committees should aim to demonstrate that they have added value to the decision making process for the organisation and community, in terms of their statutory functions and wider implicit opportunities, such as to improve transparency, partnership working and more inclusive decision making.
24. Specifically, the scrutiny committees should help the council and Executive to demonstrate accountability through the scrutiny process, as well as to provide opportunities for non-executive members to participate in policy development, including through their power to make reports and recommendations to the Executive, external agencies (and full Council where appropriate).

### **Equality Duty**

25. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
26. A public authority must, in the exercise of its functions, have due regard to the need to –
  - i). eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - ii). advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - iii). foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
27. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this report concerns the administrative function of the children and

young people scrutiny committee, it is unlikely that it will have an impact on our equality duty.

### Resource Implications

28. The costs of the work of the committees will have to be met within existing resources. It should be noted the costs of running scrutiny can be subject to an assessment to support appropriate processes.
29. The councillors' allowance scheme contains provision for co-opted and other non-elected members to claim travel, subsistence and dependant carer's allowances on the same basis as members of the council. If the committee agrees that co-optees should be included in an inquiry they will be entitled to claim allowances.
30. It is suggested that a scrutiny committee should only have one in-depth scrutiny task group inquiry running at a time.

### Legal Implications

31. The council is required to deliver a scrutiny function in accordance with the Local Government Act 2000 s9F – 9FI. The development of a work programme will assist the committees and the council to deliver a scrutiny function.
32. The Scrutiny Rules in Part 4 Section 5 of the council's constitution provide for the setting of a work programme, the reporting of recommendations to the executive and the establishment of task and finish groups within the committees' agreed work programme.

### Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the development of the work programme should help mitigate this risk.

### Appendices

**Appendix 1** - The Annual Scrutiny Work Programme 2022-2023.

### Background papers

None identified