

COUNCIL

27 March 2023

REVIEW OF STRATEGIC OVERVIEW AND SCRUTINY COMMITTEE

Report of the Portfolio Holder for Finance, Governance and Performance, Change and Transformation

Strategic Aim:	A modern and effective Council	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr K Payne, Portfolio Holder for Finance, Governance and Performance, Change and Transformation	
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Ward Councillors	N/A	

DECISION RECOMMENDATIONS

That Council:

1. Receives and notes the report on the Strategic Overview and Scrutiny Committee.
2. Recommends that the Strategic Overview and Scrutiny Committee develop and implement an improvement plan addressing areas of concern early in the new municipal year.
3. Recommends that as part of the 2023 Member Induction, all Councillors regardless of role be mandated to attend relevant training events on the role of Scrutiny and the skills required.
4. Agrees that the membership of the Committee be reduced from nine to seven elected Members, with effect from Annual Council in May 2023.

1 PURPOSE OF THE REPORT

1.1 To report to the Commission on the review of the Strategic Overview and Scrutiny Committee.

2 BACKGROUND AND MAIN CONSIDERATIONS

2.1 On 11 April 2022, the Council agreed to change its operational Overview and Scrutiny function, moving from three committees broadly based on directorates, to a single Strategic Overview and Scrutiny Committee with commissioning powers to set up small Working Groups, Task and Finish Groups, Single Issue Panels and /or Inquiries.

2.2 Some of the objectives in establishing a single Committee included:

- Establishing more informal methods of Scrutiny to facilitate greater involvement from Members beyond those appointed to the Committee.
- Ensuring better communication between Scrutiny and the Executive including informal discussions on potential items for review.
- Better focused Scrutiny undertaking detailed examination of certain items.
- Enabling Scrutiny to become more strategic and better able to examine cross-directorate themes based on those of the Corporate Strategy.
- Delivering work of genuine value and relevance to the work of the wider Council and not stuck in unnecessary bureaucracy and meetings.

2.3 As part of the resolution, it was agreed that there would be a review with a report back to Council on the effectiveness of the Strategic Overview and Scrutiny Committee in delivering its set objectives.

3 WORK UNDERTAKEN BY SCRUTINY IN THE 2022-2023 MUNICIPAL YEAR

3.1 The work undertaken by the Committee so far in the municipal year has been analysed; the results have been collated and are set out at **Appendix A**.

3.2 The Committee has undertaken at least one piece of work in each of the Council's directorates, whether in the form of receiving a report or Portfolio Holder update at a committee meeting or commissioning an Evidence Panel/Task and Finish Group.

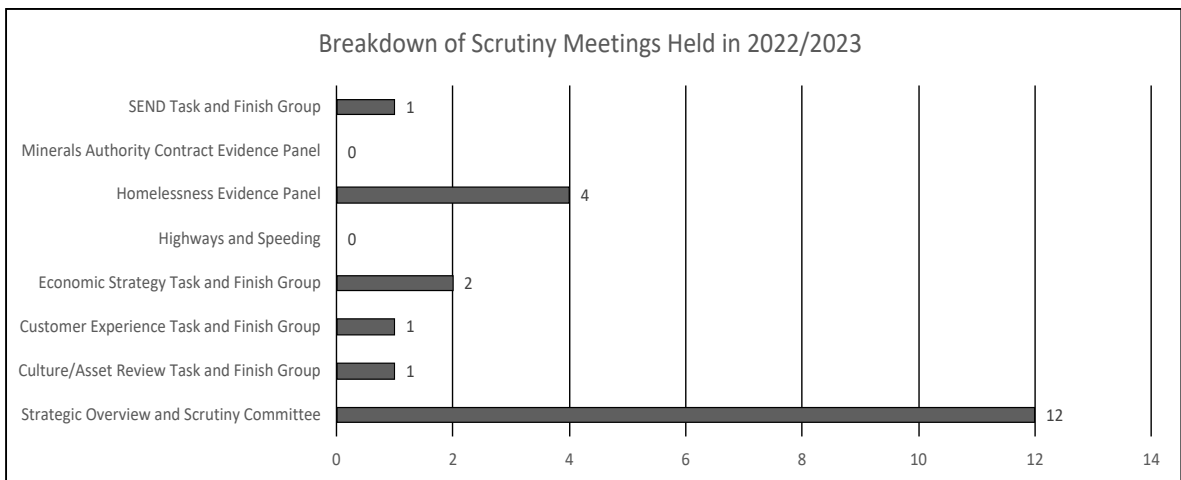
3.3 Scrutiny has also undertaken pieces of work outside of formal Committee meetings and these are detailed in full at **Appendix B** but summarised below:

Name	Membership and Chair/Lead Member	Purpose	Status as of February 2023
Homelessness Evidence Panel	Councillors Burrows, Lambert, Payne,	For members to understand the legislation related to homelessness and	FINISHED Recommendation 6.2 to be amended for approval at Scrutiny

	Toseland and Waller (Chair).	who is at risk of homelessness; how RCC responds to both legislative demands and needs of residents and make recommendations for improvement.	Committee on 9 th March. All other recommendations approved by Scrutiny Committee on 9 th February 2023.
Economic Development Task and Finish Group	Led by Councillor A Brown with Councillors Ainsley, Baines, Begy and Waller.	The aim of this review was to analyse available data and experiences of other authorities to recommend focus areas to be considered in the production of an economic development strategy. This strategy needs to align with other plans so the Council can effectively deliver the communities 'Future Rutland' vision.	ONGOING Engagement continues with officers with further meetings of the group planned in the Spring of 2023.
Culture Review	Led by Councillor A Walters with Councillors Baines, Begy, Fox and Waller.	To review the Council's Cultural Offer in the context of transformation and the asset review.	CEASED The Committee: AGREED that the Culture/Asset Review Task and Finish Group should cease. AGREED that Councillor E Baines would, with support of Governance, continue to seek information from educational establishments as to how the culture offer would be of most benefit to students and how they might become more involved. AGREED that, after the elections in May 2023, the Committee should consider re-commencing the

			Culture/Asset Review Task and Finish Group with updated Terms of Reference following the outcome of the Council's transformation programme.
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3.4 In total there have been 21 meetings of the Committee or one of its informal bodies in the 2022-23 municipal year and these are set out below, of the 12 meetings of the Committee 10 were scheduled, with a meeting adjourned and rescheduled, and a further Special meeting called.



It should be noted that the number of meetings held in 2020/21 was impacted by the COVID-19 Pandemic.

3.5 As detailed in Appendix B there were further suggestions for pieces of work, such as a working group on the Customer Experience, and the opportunity to shadow and input into a peer review of SEND. However, these pieces of work did not progress due to a lack of Member engagement.

3.6 Other suggestions originally made for a Group or Panel were subsequently revised through the scoping process and instead came forward as reports or updates directly to the Committee.

3.7 The work undertaken by Scrutiny over the course of the municipal year is set out below, by directorate.

Number of Items Covered by Scrutiny for 2022/2023 Per Directorate



The full details of each individual item considered by the Committee, or its groups can be found in Appendices A and B.

- 3.8 The Committee has also appointed two Members to attend meetings of the Leicester, Leicestershire and Rutland Joint Health Scrutiny Committee which has met 3 times in the 2022-23 municipal year and has reviewed health matters affecting Rutland. Full details of these meetings can be found on Leicester City Council's website:
<https://cabinet.leicester.gov.uk/mgCommitteeDetails.aspx?ID=420>
- 3.9 Analysis shows that meetings of the Strategic Overview and Scrutiny Committee have continued to feature updates or reports for noting, leading to a continued lack of formal recommendations coming forward to Cabinet or Council.
- 3.10 However, there has also been an increase in scrutiny work that may not necessarily result in formal recommendations, such as the work of the Economic Strategy Task and Finish Group, or actions arising from the regular Portfolio Holder updates.
- 3.11 In future officers at all levels can also assist the Committee to put forward more formal recommendations where appropriate.

4 RESPONSIBILITIES OF THE STRATEGIC OVERVIEW AND SCRUTINY COMMITTEE

- 4.1 The responsibilities of the Committee are primarily set out in Article 6 and Procedure Rules 133 to 171 of the Constitution.
- 4.2 Some of the key responsibilities of the Committee are set out below, with analysis on whether these have been met:

Responsibility	Finding
Review and/or scrutinise decisions made, or actions taken in connection with the discharge of any of the Council's functions.	A number of updates on various Council areas have been received by the Committee.
Review, develop or propose policies in connection with the discharge of any of the Council's functions.	The only agreed direct recommendations concerning Council policy have come from the Homelessness Evidence Panel and on

	Waste management early in the municipal year.
Conduct research, community and other consultation in the analysis of policy issues and possible options.	Wider community consultation has not taken place with regard to the work of the Committee and its groups, although the opportunity to do was available with several groups that did not proceed The Committee and its groups have not undertaken community or other consultation in this year. Several proposed groups that did not proceed may have involved community consultation.
Consider and implement mechanisms to encourage and enhance community participation in the development of policy options.	As above this has not taken place.
Question members of the Cabinet and/or Committees and senior officers about their views on issues and proposals affecting Rutland.	All members of the Cabinet have attended and taken questions from the Committee on at least one occasion.
Liaise, review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and	This has been undertaken with regard to dentistry and certain services via the Homelessness Evidence Panel only.
Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;	The Committee has received a performance report but only one recommendation regarding collection of one indicator was suggested.

4.3 The Committee is also the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006 and is responsible for local authority scrutiny of health matters under the National Health Service Act 2006.

5 ENGAGEMENT WITH THE CABINET

5.1 Each of the six Cabinet Members attended Scrutiny on more than one occasion throughout the year, either to provide a general update and take questions from the Committee or to present a report.

5.2 However, there does appear to be a lack of further engagement with Cabinet Members which was intended by the refresh of the function, with Cabinet Members

having felt unable to suggest items for consideration for Scrutiny, whilst respecting Scrutiny manages its own work programme.

6 TRAINING AND DEVELOPMENT OPPORTUNITIES

- 6.1 At the beginning of the municipal year, the Centre for Governance and Scrutiny was engaged to deliver a training session open to all Members. This was considered an important session to deliver given the new structure and a general gap in training provided to Members due to the impact of the COVID-19 Pandemic.
- 6.2 Those who attended positively engaged in the session, however turnout was low - with only 7 of the Members attending, of whom 3 were Members of the Strategic Overview and Scrutiny Committee.
- 6.3 Members have also had the option to attend the East Midlands Scrutiny Network, which shares best practice examples of Scrutiny and provides opportunities for networking and sharing of ideas. However, attendance from Rutland County Council has been limited to three individual Members despite meetings of the network being advertised directly to Members by the Chair and Governance and one in-person meeting of the Network being hosted at Catmose.
- 6.4 It is recommended that attendance at Scrutiny-related training be mandated for all Members as part of Member Induction, with such training to include areas such as questioning skills, prioritisation of workplan items.

7 IMPROVEMENT PLAN

- 7.1 As part of the report to Council in April 2022, it was agreed to develop a Rutland Scrutiny Improvement Plan setting out the ambition and expectations for the function.
- 7.2 A draft improvement plan prepared by officers was presented to the Committee on 9 June and 5 October 2022. However, the Committee chose not to progress the draft plan at these junctures.
- 7.3 Some of the suggestions in the Improvement Plan that have not been progressed include:
- Quarterly meetings with Cabinet and senior Council officers to discuss prioritisation and agreement on work that can deliver work of value to the wider authority, such as through policy development.
 - Development of targeted Scrutiny Member training based on skills audit.
 - Better community engagement at all stages of the scrutiny process.
- 7.4 It is recommended that the Committee take ownership of a new Improvement Plan early in the 2023-24 municipal year.

8 MEMBER SURVEY

- 8.1 A survey on the Strategic Overview and Scrutiny Committee, ran from 21 January to 3 February. The full results of the survey can be found at Appendix C. The survey was open to all Members with some different questions posed, dependent upon the

participant's role in relation to the Committee (Committee Member / Cabinet Member / Neither)

8.2 15 Members responded to the survey. These are some of the key points arising from Members' responses:

- Two respondents felt the Committee had been able to drive improvements in public services, with four thinking the Committee has amplified the voices and concerns of the public, which corresponds with a later question on effectiveness of engagement with stakeholders and the public, to which no Member responded, 'Very effective.'
- One Member felt the Committee had not been effective at scrutinising all Council services, which matches the breakdown of meeting items undertaken by officers which showed an imbalance in the number of items per directorate.
- Several Members identified the need for more recommendations to be progressed to Cabinet or Council. This might be linked to later answers suggesting recommendations needed to be followed more.
- Members also remarked on the number of agenda items coming before the Committee and a corresponding lack of focus or prioritisation.

8.3 Approximately six Members referenced desired changes to the Committee structure, although they did not specify how this would address other areas of concern.

8.4 The survey also highlighted where communication or engagement need addressing, for example:

- When asked whether the Committee and its Task and Finish Groups/Evidence Panel had been effective at engaging with external partners and the wider public, no members answered 'Very', 6 answered 'Somewhat' and 4 replied 'Not at all.'
- One Member stated that as far as they were aware, "there has been no formal sub-committee, task or finish groups, or evidence panels instigated". In fact though, 3 such groups have progressed with a number of other proposals coming forward, all of which have been the subject of all-Member communications inviting Members to participate. Information on the number of groups has been included on all agendas for the Committee, which are circulated to Members as a matter of routine.

9 CONSTITUTION COMMISSION

9.1 An informal meeting of the Constitution Commission was held on 2 March 2023, at which Members were invited to provide views of the findings of the Review.

9.2 The views of the Commission on the Overview and Scrutiny Function have informed this report and can be summarised as follows:

- It was felt that there had been a great level of disengagement from Members across many Council activities but particularly Scrutiny. This disengagement was attributed to this being the last year of the Council term prior to elections.
- There was a consensus that although the function was not working as intended by the move to a single Committee, this could be significantly attributed to the lack of engagement set out above, and the right course of action was to continue with the current structure. It was felt that the Committee should take responsibility for progressing the function in the future by developing an improvement plan and assessing its progress against this. With any subsequent changes required to the Constitution to facilitate improvements going through the usual process.
- The inability of some Task and Finish Groups to advance was attributed to the lack of Member engagement, the SEND and Customer Experience groups were cited as examples.
- Discussion focused on how Scrutiny needed to be better advertised and promoted to Members in order to bring about greater engagement.
- Although it was acknowledged some matters such as regular meetings with the Cabinet had not progressed, it was felt responsibility for this did not solely lie with Scrutiny.
- Discussions regarding the appointment of the Vice-Chair did not lead to any recommended change from current practice of appointment at the first Committee meeting of the year (See Section 12)
- The Commission also acknowledged that the Council and particularly the Governance team were working with limited resources ,that this would have an impact on the number of meetings and groups that could be supported at any one time and t the Committee should take this into consideration when setting its work programme.

9.3 Throughout discussions Members also cited the need for appropriate training for all Members in and out of Scrutiny as part of Member induction, mandating of Scrutiny training for all Members has therefore been recommended as part of this report.

10 OFFICER QUESTIONNAIRE AND VIEWS

10.1 Alongside the survey of Members, a separate survey was undertaken and open to all members of the Corporate Leadership Team, any officer or external stakeholder who has reported to or otherwise assisted the Overview and Scrutiny function this municipal year. Several responses were received from officers.

10.2 Officers were of the view that the current structure was the right one for the Council, particularly given the flexibility it allowed to examine different topics at the most appropriate level.

10.3 The new function had enabled some positive pieces of work, such as the Economic Strategy Task and Finish Group, and that group's professional approach to its dealings officers and external consultants was highlighted, as wells as the group's engagement with officers throughout all stages of the process and the willingness to align the group's meetings to best coordinate with existing work.

10.4 There were also positive comments on the approach to some scoping work where Members worked with officers at an early stage of the relevant policy process to

identify and agree the most appropriate way for the Scrutiny function to be involved.

- 10.5 Many of the other views echoed Members' survey responses, including a view that the Committee has taken its lead from the Forward Plan, that there has been an imbalance in the Committee's work regarding directorates and that a limited number of reviews have progressed beyond the scoping stage.
- 10.6 It was also remarked that the Committee has lacked the focus and prioritisation necessary in agenda-setting to ensure topics are picked for scrutiny consideration in a way that can maximise the benefits of the function.
- 10.7 Some respondents identified a lack of engagement on the part of both the Committee and the wider non-executive membership on certain topics, which has hampered Scrutiny's ability to have a positive impact on the proposed areas of Scrutiny.
- 10.8 Officers also raised concerns regarding the culture of Scrutiny, with several referring to Scrutiny appearing to operate like a Shadow Cabinet.
- 10.9 References were also made to participants feeling there was an overly adversarial nature to some meetings with examples of a lack of respect for officer professionalism and both officers and Portfolio Holders being subjected to unproductive questioning without a clear objective.
- 10.10 Other comments relating to the timing and location of meetings have been noted, for example difficulties caused by evening meetings in person for those with other commitments.
- 10.11 Some respondents expressed the view that there will be an opportunity to implement improvements after the elections in May 2023 – and that, for example, concerns may be addressed by providing mandatory training to all Members on the role of Scrutiny and the skills required by those involved in Scrutiny; and by implementing an improvement plan incorporating areas including workplan prioritisation and promoting a positive working relationship between Scrutiny, Cabinet, the wider Membership and Officers.

11 SIZE OF THE COMMITTEE

- 11.1 Several Members and Officers commented in their survey responses that the size of the current Committee (9 elected Members and 4 statutory co-opted Members) was not necessary given the ability of non-Committee Members to participate in the work of the Committee.
- 11.2 It is therefore recommended that the Committee be reduced to 7 Members (retaining the 4 statutory co-opted Members) with effect from Annual Council in May 2023.

12 APPOINTMENT OF THE VICE-CHAIR

- 12.1 At its meeting on 21 November 2022, the Constitution Commission asked that the review into the Strategic Overview and Scrutiny Committee should consider the method for appointment of the Vice-Chair – whether the Vice Chair should continue to be appointed by the Committee itself at its first meeting of the municipal year in common with all other Committees of the Council, or whether the Vice Chair should be appointed by Annual Council alongside the Chair.

- 12.2 A question on the matter was included in the survey of Members and of the 9 Members who had a view on the matter, 7 stated they were in favour of the Vice-Chair continuing to be appointed by the Committee, with 2 in favour of moving to appointment by Annual Council.
- 12.3 The view of Officers and the Constitution Commission is that there is no justification for treating the appointment of Vice-Chair of the Strategic Overview and Scrutiny Committee any differently from that of other committees.

13 FINANCIAL IMPLICATIONS

- 13.1 Under the Council's adopted Member Allowance Scheme the Chair of the Council's Scrutiny Committee receives a Special Responsibility Allowance, currently set at 1.5 x Basic Allowance which equates to £7,416.
- 13.2 Costs of external training, such as that from the Centre for Governance and Scrutiny, has been met from within existing Member Training budgets but the value for money of this training has been hampered by attendance levels.
- 13.3 Some training and development opportunities such as those from the Local Government Association and the East Midlands Scrutiny Network are free to attend.
- 13.4 The Council and particularly the Governance team are working within limited resources and as acknowledged by the Constitution Commission this has an impact on the number of meetings and groups that could be supported at any one time. The Committee should take this into consideration when prioritising its work programme.

14 LEGAL AND GOVERNANCE CONSIDERATIONS

- 14.1 All local authorities operating a Leader-and-Cabinet model of executive arrangement are required by the Local Government Act 2000 to appoint at least one Overview and Scrutiny Committee although the number of committees and their remit and responsibilities are for individual Councils to determine.
- 14.2 Statutory guidance relating to Overview and Scrutiny was published by the-then Ministry of Housing, Communities and Local Government (now the Department for Levelling-Up, Housing and Communities) and sets out expectations for local authorities to have a strong organisational culture supporting scrutiny, appoint appropriate Members and engage in effective work-planning.
- 14.3 The primary sections of the Council's Constitution relating to Overview and Scrutiny are:
- Article 6 – Overview and Scrutiny
 - Procedure Rules 133 – 171

15 DATA PROTECTION IMPLICATIONS

- 15.1 A Data Protection Impact Assessments (DPIA) has not been completed because no personal data has been r[processed in the preparation of this report.

16 EQUALITY IMPACT ASSESSMENT

- 16.1 An Equality Impact Assessment (EqIA) has not been completed because no changes to policy or services are being proposed.

17 COMMUNITY SAFETY IMPLICATIONS

- 17.1 No direct community safety implications have been identified. However, the Strategic Overview the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006 with responsibility to review or scrutinise decisions made in connection with the discharge by responsible authorities of their crime and disorder functions

18 HEALTH AND WELLBEING IMPLICATIONS

- 18.1 No direct health and wellbeing implications have been identified.

19 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 19.1 The report has been written in accordance with the resolution of Council in April 2022 following consultation with relevant stakeholders.
- 19.2 Although there have been concerns raised by members and officers over the effectiveness of the Strategic Overview and Scrutiny Committee, the recommendations put forward in this report provide an opportunity for the Committee to address these in full in the next municipal year.
- 19.3 The rationale for the individual recommendations are set out in the relevant sections of the report.

20 BACKGROUND PAPERS

- 20.1 Statutory Guidance on Overview and Scrutiny published by central government on 7 May 2019: <https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>
- 20.2 Report No. 74/2022 – Review of Overview and Scrutiny Arrangements - Considered by Council on 11 April 2022.
- 20.3 Agendas and minutes of the Strategic Overview and Scrutiny Committee: <https://rutlandcounty.moderngov.co.uk/mgCommitteeDetails.aspx?ID=429>
- 20.4 Agendas and minutes of the Leicester, Leicestershire and Rutland Joint Health Scrutiny Committee (Hosted by Leicester City Council): <https://cabinet.leicester.gov.uk/mgCommitteeDetails.aspx?ID=420>

21 APPENDICES

- 21.1 Appendix A – Scrutiny Meetings 2022-23
- 21.2 Appendix B - Groups and Panel Summary
- 21.3 Appendix C - Member Survey and Responses

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.