

THE OVERVIEW AND SCRUTINY COMMITTEE

28 May 2012

UPDATE ON 2011/12 INFORMAL SCRUTINY GROUPS, APPOINTMENT OF
BATCH 3 INFORMAL SCRUTINY GROUPS AND REVIEW OF THE NEW
OVERVIEW AND SCRUTINY PROCEDURES

REPORT OF HEAD OF POLICY

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This report sets out progress to date with the programme of Informal Scrutiny Groups (ISGs) appointed by The Overview and Scrutiny Committee in 2011/12. Out of the 11 ISGs appointed, 7 have submitted their final reports to both The Overview and Scrutiny Committee and to Cabinet. The Leader Funding ISG's final report is elsewhere on this agenda, and the Project Integra and the Performance Indicator ISGs will present their findings on 9 July.

The Overview and Scrutiny Committee are asked to consider the list of proposed ISGs topics for review in 2012/13, and to select five topics which will form batch 3 in the programme of ISGs, as well as a sixth topic for appointment once the Public Access to Data and Information via the City Council's website ISG presents its final report.

This report also sets out the initial findings of the review of the new overview and scrutiny procedures put in place for 2011/12 which replaced the scrutiny panel system with one Overview and Scrutiny Committee and a programme of ISGs. Members and officers were consulted on their views of how well the new system has worked over the previous Municipal Year. The report makes recommendations on how to address the issues raised by this review.

RECOMMENDATIONS:

- 1 That progress with batch 1 and batch 2 Informal Scrutiny Groups (ISG) appointed in 2011/12 be noted.
- 2 That the following Councillors be reappointed to the Public Access to Data and Information via the City Council's Website ISG:

Cllr Wright (chair), Cllr Warwick, Cllr Gemmell, Cllr Maynard
- 3 That The Overview and Scrutiny Committee establish 5 ISGs from the list of topics set out in paragraph 3.4 of the Report, and an additional ISG be commenced once the reappointed Public Access to Data ISG has reported.
- 4 That The Overview and Scrutiny Committee determine which topics are suitable for a Member Training Session or Committee report, rather than an ISG.
- 5 That the membership of the continuing ISGs be confirmed and Group Managers be asked to nominate the membership of the five ISGs referred to in Recommendation 3 above to the next meeting of this Committee (ISG Lead appointments dealt with by Report OS41 elsewhere on the agenda).
- 6 That the recommendations for the further development of overview and scrutiny set out in paragraph 3.6.3 of the Report be agreed.

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REPORT OF HEAD OF POLICY

1 Introduction

- 1.1 This report updates Members on the status of the Informal Scrutiny Groups (ISGs) appointed in 2011/12, as well as seeking agreement for the next batch which will commence in 2012/13.
- 1.2 A new system for overview and scrutiny was introduced for 2011/12, and this Committee requested a review of the system after a year. This report will also set out the initial findings of this review and recommendations on a way forward to address issues that have been identified.

2 Update on batch 2 Informal Scrutiny Groups

- 2.1 Appendix 1 below sets out the progress of the ISGs appointed in 2011/12. Out of the 11 ISGs appointed, 7 have submitted their final reports to both The Overview and Scrutiny Committee and to Cabinet. The Leader Funding ISG's final report is elsewhere on this agenda, and the Project Integra and the Performance Indicator ISGs will present their findings on 9 July 2012.
- 2.2 The Public Access to Data and Information via the City Council's Website ISG will need to be reappointed for this Municipal Year. However it is anticipated that it will present its final report at the 17 September meeting of The Overview and Scrutiny Committee.

3 Potential ISG topics for 2012/13

- 3.1 The Overview and Scrutiny Committee are asked to select 5 topics for in-depth review via an ISG in the first half of the current Municipal Year, with a sixth topic in reserve to commence after the re-appointed Public Access to Information ISG makes its final report later in the year. When considering which topics should be taken forward, Members are asked to consider the following questions to assist them in narrowing down the list, with a positive answer indicating that the topic should be investigated via ISG:

- Does the issue raised need in-depth scrutiny via an ISG? (Or can it be dealt with by a report to The Overview and Scrutiny Committee or via a Member training session, for example?)

- Does the issue impact a significant section of the community, or is it a matter of significant public concern?
 - Does the issue relate to the key priorities for the District as set out in the Community Strategy and the City Council's Change Plans? (Appendix 2 sets out the Community Strategy priorities and where an ISG has been undertaken in that area recently)
 - Will the group be able to make meaningful and practical recommendations to Cabinet at the end of the review? (E.g. does it relate to a service or issue over which the Council has budgetary control or significant influence, or which is currently subject to change?)
 - Is the review time-dependent? Does it need to be undertaken immediately or can it be scheduled later in the work programme to avoid overloading Members and enabling officers to schedule support for the ISG into their workload.
- 3.2 In 2011/12 The Overview and Scrutiny Committee created a full programme of ISGs, appointing 12 ISGs to take place over two batches. During the year various issues meant that the programme changed and topics which were significant at the beginning of the year became less so. For 2012/13 it is suggested that a batch 3 of ISGs be appointed, with batch 4 being appointed as the reviews progress so that Members can make decisions on what to scrutinise, based on the best available information.
- 3.3 Group Managers are asked to nominate the membership of the batch 3 ISGs. As in previous years, a broad political balance should be maintained across the ISGs. Each ISG should comprise 5 Members, although this may be increased to 6 if there is interest.
- 3.4 In order to avoid confusion between a topic which needs in-depth scrutiny via an ISG, and a topic which Members are interested in and would like to know more about, some of the potential ISGs below have been flagged up as opportunities for Member training instead. The Committee is asked to consider whether they wish to see these added to the Member Training Programme or brought back for discussion as a Committee Report.
- 3.5 Members and officers were canvassed for potential ISGs topics for 2012/13. The table below lists topics which have been put forward, as well as topics which have been carried forward from 2011/12 as potential ISGs. Officers' comments are in italics.

	Proposed ISG topic	Evidence supporting the need for an ISG	Who the topic was suggested by
1	Sponsorship	This topic has been suggested to enable Members to explore the City Council's approach to sponsorship (including that of WCC roundabouts), and to agree a policy for the way forward in this area.	Officer
2	Corporate Customer Service standards	<p>Following the successful accreditation of the Council under the Customer Service Excellence standard, further work will be undertaken this year to look into the areas highlighted by the assessor for development. An ISG will provide helpful Member input into this work and it is suggested that a potential ISG review:</p> <ol style="list-style-type: none"> 1. The corporate standards that are currently in place for customers contacting the Council 2. How well current the standards match customer expectations 3. "Gold plated" or "good enough" - exploring the balance between our customer service aspirations and the level of service we can afford to provide 4. Differentiated service delivery and standards for changing customer access channels 	Officer
3	Administration of Freedom of Information Requests	At The Overview and Scrutiny Committee of 19 March, the Chairman announced that one of his constituents had suggested a review of how the Council administered freedom of information requests. The Committee agreed that this should be considered as a potential topic for a future ISG in 2012/13.	Member of the public
4	Cost effectiveness of the	This topic was suggested to look at the following:	Member

	Winchester District Strategic Partnership (WDSP), and the feasibility of a 'Total Place' approach to public expenditure in Winchester district	<ol style="list-style-type: none"> 1. How effective has the WDSP proved to be in the Winchester District in the last four years? 2. What is its current role? 3. What is the future of partnership working in Winchester district? 4. How much time, effort and money should the City Council be investing in the work of the WDSP? <p><i>Officers suggest that this ISG topic is broadened to review the Council's approach to partnership working more generally and how it is evolving from the WDSP.</i></p>	
5	Democracy, effectiveness and economy: striking the right balance in the organisation and conduct of City Council committee meetings	Due to the amount of time required of Members and officers in preparing and attending Council meetings, it is proposed that an ISG meet to review the frequency, content, length and cost of different types of committee meeting; and to assess how to make best use of officers' and members' time in order to get the best value for money.	Member
6	Support for Members	<p>This ISG topic has been proposed to review what support is provided to Members by officers throughout the Council, to ensure that Member needs are understood and met. This topic may also link to topic 5 above.</p> <p><i>As part of the ongoing evolution of the overview and scrutiny system, it is proposed that this ISG would examine what support and information Members need to effectively scrutinise, as well as what opportunities are available for non-Executive Members to be involved in the Council's work.</i></p>	Officer
7	Sustainable mechanisms for rural economic development, including a review of the risks,	<p>It is suggested that a potential ISG look into how the Council can:</p> <ol style="list-style-type: none"> 1 take positive action to address the loss of employment in the rural 	Member

	costs, benefits and most effective timescales of promoting a BID in the rural areas and market towns .	<p>areas & market towns (ref DTZ report, Strategic Planning)</p> <p>2 obtain the best continuing ongoing benefit from the work done by the Fieldfare LEADER Local Action Group, after the grant programme ceases</p> <p>3 position those engaged in economic activity in our district to make a positive contribution to WCC activities post 2014, when increases in Business rates will contribute to WCC budget</p> <p><i>This ISG was scoped in collaboration with the Head of Economic Development</i></p>	
8	Access to Services in the Market Towns and Rural Areas	This was highlighted as a potential topic for an ISG at the 23 January meeting of The Overview and Scrutiny Committee.	Members
9	Financial viability assessments for planning applications	<p>This topic was raised due to concerns where the Planning Development Control Committee is regularly dealing with planning applications where there has been a variance away from policy where the applicant had demonstrated that, if they met the financial contributions required by the Council, the scheme would no longer be viable. It was suggested by a Member that Councillors need a better understanding of the subject to support them in coming to a balanced decision based on a satisfactory understanding of the relevant material considerations.</p> <p><i>It is proposed that this issue is dealt with via Member training. A Member training event is scheduled on planning obligations in September.</i></p>	Member
10	Winchester Street Market	<p>An ISG is proposed to provide Members with a better understanding of the potential of the market and how it can be promoted to maximise the benefit to the Council and residents.</p> <p><i>It is proposed that this issue is dealt with via a Member Briefing, rather than as an ISG.</i></p>	Member

11	The impact of Houses of Multiple Occupation (HMO) on City Estates	<p>This topic has been raised in response to the increase in the number of properties purchased which are then converted to mainly student accommodation, and the associated potential problems (e.g. parking and noise issues).</p> <p><i>Work has taken place recently to look into this issue including a consultation exercise in Stanmore which considered setting up an Additional Licensing Scheme for the HMOs. An alternative approach using neighbourhood management to deal with the issues is now being considered and an ISG could review the effectiveness of this option once it has been implemented.</i></p>	Member
12	The scheme of delegation within the South Downs National Park	<p>This topic was suggested for review in 2011/12, however as the National Park Authority had only just come into being on 1 April 2011, it was agreed that it might be more suitable to scrutinise this topic in 2012/13.</p> <p><i>Officers advise that it would be useful for this ISG to take place in 2013 to give direction as to whether the Council continues with the delegation after March 2014.</i></p>	Member
13	Flexible and Home working: its value and effectiveness (previously suggested)	<p>This ISG topic was previously suggested by Members in 2011/12, and has recently been discussed at Audit Committee.</p>	Member
14	The City Council's shared IT service with Test Valley Borough Council (TVBC), and the City Council's IT Strategy.	<p>The City Council has had a shared IT helpdesk with TVBC since December 2010 and a shared Head of IMT since January 2011. The topic was raised as a potential ISG in 2011/12 as part of the long list for batch 1 and 2.</p>	Member
15	Section 106 agreements: lessons to date and future application	<p>The Overview and Scrutiny Committee on 23 January 2012 agreed that this could be considered as a potential topic for a future ISG to examine whether the public were getting value for money and to focus on issues</p>	Member

		<p>of consistency, transparency, co-ordination between the City and County Councils. This topic was also further requested during the call for ISG topics for 2012/13.</p> <p>A separate ISG topic was also proposed to look at the system for collecting highways contributions. It is suggested that this subject link to an ISG looking more widely at Section 106 agreements and developer contributions if the latter is selected.</p> <p><i>The Council envisages adopting its Community Infrastructure Levy by September 2013. Once in operation CIL will largely replace the need for planning obligations which are currently used as the means to secure financial contributions from development towards the provision of community and other facilities such open space. There will still be a role for planning obligations which will be needed for matters like affordable housing. However, in light of CIL, an ISG looking at S106s may be considered not to be the best use of member and officer time although the use of contributions secured by planning obligations under the current system could be covered by Member training.</i></p>	
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3. Review of the new Overview and Scrutiny system

3.1 In 2011/12 a new system for discharging the Council's overview and scrutiny function was adopted. This replaced the previous system of one Principal Scrutiny Committee and four Scrutiny Panels, with one overarching Overview and Scrutiny Committee supported by a programme of in-depth ISGs. The audit function previously carried out by the Principal Scrutiny Committee was also given to a separate Audit Committee.

3.2 It was agreed that a review of how the new scrutiny system was working would be carried out after a year. To this effect, all Members were formally surveyed for their views, and senior managers and other officers involved in the process were also asked to comment.

3.3 Members' survey

3.3.1 All Members were sent a survey asking their view on the overview and scrutiny system. 33 Members responded to the survey, with a split of 10 Members who sit on The Overview and Scrutiny Committee and 23 who do not.

3.3.2 In general there does not seem to be a majority view that the new system is better or worse than the old system, and in terms of the system of ISGs there are roughly equal comments that Members are happy with the topics and opportunities to be involved as there are comments that Members are unhappy that there are insufficient opportunities to be involved in ISGs and scrutiny generally. Out of all Members surveyed, 43.8% felt that the new system offered less opportunities to be involved and 46.9% of Members felt that the new system offered more or the same amount of opportunities than the previous system. Overall, there is a relatively even split between Members who are happy (41.9%), not happy (32.3%) or indifferent (25.8%) with the new system: however 50% of Members who sit on The Overview and Scrutiny Committee are happy with the new system, compared to 38.1% of Members who do not sit on the Committee. The majority of Members felt that they do have sufficient opportunity to raise issues of concern via The Overview and Scrutiny Committee (71.9%), although when this is split into those who do and those who do not sit on The Overview and Scrutiny Committee, the majority of those who do not (50%) felt that there are less opportunities to be involved, with 40.9% feeling that they had either more opportunities or the same as the last system.

3.3.3 **Informal Scrutiny Groups:** Where Members responded that they had not sat on an ISG in 2011/12, they were asked why they had not. The majority of respondents answered either that there were not enough spaces on the ISGs (3 out of 15 members) or that the timings of the meetings were not convenient (3 out of 15 respondents). However, when all Members were asked whether they felt they had sufficient opportunity to sit on an ISG, 79.3% felt that they did have sufficient opportunity. Out of the 11 ISGs which were appointed in

2011/12, 36 members sat on at least one ISG (this number includes the 6 scrutiny leads). However some of the ISGs had less than the suggested maximum number of 6 sitting on them, and therefore there were still some unfilled spaces on the ISGs.

- 3.3.4 Regarding the selection of ISG topics, 50% of respondents felt that there was insufficient guidance as to what would make a good ISG topic, and several free text comments suggested that either a small group of Members should be tasked with proposing topics for scrutiny throughout the year, or a meeting of The Overview and Scrutiny Committee should be dedicated to this task each year.
- 3.3.5 Members felt that the number of meetings per ISG was about right and they were happy with the support given by the lead officer and the Democratic Services officer to the review, as well as the administrative arrangements for the ISG.
- 3.3.6 **Performance monitoring:** Members generally feel that the current performance reporting structure provides the right amount of information to scrutinise how well the Council is doing. It is thought to be either fairly easy or neither difficult nor easy for Members to find the information they are looking for in performance reports.
- 3.3.7 The Performance Indicator ISG will shortly be making their final report and their review will make specific recommendations for improvement in this area. The results of this survey relating to performance monitoring will be discussed by the Group, and inform their report.
- 3.3.8 **Comments on how the system could be improved:** Out of the 33 Members who responded, there were only 2 comments that a return to the previous system of Scrutiny Panels would be an improvement, and 3 Members felt that a return to the committee system would improve the system. Two comments about the committee system stated that this approach allowed Members (particularly new Members) to build up a body of knowledge about certain subjects. Free texts comments as to how the scrutiny system could be improved included a more precise remit for ISGs to ensure recommendations are more realistic, Members to undertake to read past Council papers to avoid unnecessary questioning of officers and for formal meetings to be shorter and more structured with a clearer distinction between questions and debate.

3.4 Cabinet Members

- 3.4.1 Cabinet Members were invited to give their views on the new system for overview and scrutiny with a particular focus on the ISG system. Comments received focussed on the need to consider the relationship between Cabinet business and The Overview and Scrutiny Committee to make sure ISGs have a clear remit and are focussed on an area where they can have an impact, and most importantly to make sure that ISGs' recommendations are realistic and able to be implemented.

3.5 Officers

3.5.1 The Senior Management Team and the Democratic Services Officers were asked for their views on the new scrutiny system, with the following key points being raised:

- The removal of the scrutiny panels has been welcomed as it has led to a better focus in the workload for most officers: however senior managers should be involved in the timetabling of ISGs to ensure that they have the capacity to fully support them.
- The support given by Democratic Services to each ISG has been welcomed and has been especially useful in helping services manage the resources needed to support a review.
- There is a need for clear terms of reference for ISGs, preferably initially drawn up between the ISG Chair, the lead officer and the Democratic Services representative. It may, on occasion, also be appropriate to seek the views of the Portfolio Holder.
- The expectations of lead officers in the ISG process should be clearer, including a clarification of how objectivity is maintained when reviewing a service.
- ISGs are particularly helpful when they are tied back to priorities in the Community Strategy and City Council's Change Plans as this helps build a body of understanding within the Council, helping Members make positive contribution to the delivery of these key plans.

3.6 Conclusions and Recommendations

3.6.1 The results of the Member survey and consultation with officers indicates that there are mixed views about the new system, although there is not a majority view that the system is ineffective. However, it is clear that the system of ISGs need further evolution and refining, in particular around ensuring that they are focused, have a clear remit and have sufficient dialogue with Cabinet to develop realistic and practical recommendations.

3.6.2 There appears to be differing views as to whether the new system affords enough opportunities for non-Executive Members to be involved in overview and scrutiny, especially as the survey did not highlight topic choice as an issue which made Members opt out of participating in an ISG even though there were empty seats on a number of batch 2 ISGs. This is a matter which can be discussed with Group Managers.

3.6.3 Taking into account the results of the survey and consultation, as well as lessons learnt from how the system worked in 2011/2, the following recommendations are proposed:

1. That an informal working group comprising the Chair of The Overview and Scrutiny Committee, the scrutiny lead Members and

- representatives from Cabinet is set up to look at how a productive link can be made between Cabinet and ISGs to ensure that review recommendations are realistic and can be implemented.
2. That a Member Support ISG is appointed as part of batch 3 to examine what support Members need to effectively scrutinise the Council's work and what opportunities there are for non-Executive Members to be involved in the Council's work.
 3. That the 'Good Scrutiny Guide' is updated to provide guidance and clarity for Members and officers, including guidance on what is a suitable topic for scrutiny and the best way of scrutinising it (e.g. via an ISG, a formal report to The Overview and Scrutiny Committee or other)
 4. That the six scrutiny leads and the chair of The Overview and Scrutiny Committee meet later in the year to review suggested topics for scrutiny and to create a short list of ISGs for batch 4 for recommendation to the Committee.
 5. That the relevant senior managers are involved in setting the timings for ISGs in consultation with the scrutiny leads.

OTHER CONSIDERATIONS:

4 SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLANS (RELEVANCE TO):

- 4.1 Overview and scrutiny plans in a key role in ensuring the City Council remains an Efficient and Effective organisations.

5 RESOURCE IMPLICATIONS:

- 5.1 This report does not have any direct resource implications, other than staff time in supporting the ISGs and recommendations from the review of the overview and scrutiny system.

6 RISK MANAGEMENT ISSUES

- 6.1 None.

BACKGROUND DOCUMENTS:

Results of the Members Survey held within the Policy Team.

APPENDICES:

Appendix 1 - Update on ISGs appointed in 2011/12

Appendix 2 - Previous ISGs undertaken and links to the Community Strategy and Change Plans

Appendix 1Update on ISGs appointed in 2011/12

ISG Topic	Date final report discussed by O&S Committee	Date Final report discussed by Cabinet	Recommendations accepted by Cabinet?	Date for annual review of implementation of recommendations
Allocation of gypsy and traveller sites	17 October 2011	9 November 2011	All recommendations agreed	19 November 2012
Asset Management	14 November 2011	7 December 2011	All recommendations agreed	Asset Management Plan – Annual Report – As agreed as part of ISG Report (Report OS24 refers) recommendations – 19 November 2012
City Council's efforts to reduce its carbon footprint	14 November 2011	7 December 2011	Relevant recommendations have been approved by Personnel Committee on 28 March 2012. Further Report on the recommendations was considered at Cabinet on 17 May 2012.	
Housing Allocation	23 January 2012	8 February 2012	All recommendations agreed	O&S Committee 18 February 2013
Air Quality and Transport	23 January 2012	8 February 2012	Cabinet agreed that the recommendations be referred to the Portfolio Holder for Environment & Transport to be determined through	

			the Portfolio Holder Decision Making process.	
Young People and Employment	23 January 2012	8 February 2012	All recommendations agreed	
Commissioning and the voluntary sector	19 March	11 April 2012 <i>Recommendations were deferred to Cabinet on 17 May 2012, to be considered together with a further Report.</i>	Cabinet on 17 May 2012 approved response to recommendations in CAB2338	
Leader funding	To be discussed 28 May 2012			
Performance Indicators	To be discussed 9 July 2012			
Project Integra and Recycling	To be discussed 9 July 2012			
Public access to data and information via the City Council's website	Final meeting of the ISG to discuss recommendations to be held on 27 June, with the final report to be discussed 17 September.			

Previous ISGs undertaken and links to the Community Strategy and Change Plans

Community Strategy Outcome	Priority area for action	Recent ISGs
All	Wellbeing of older people	Older Persons (08/03/10)
	Access to services	
	Reducing our carbon footprint	The City Council's efforts to reduce its carbon footprint (07/12/11)
	Stanmore and Winnall	Young People and Employment (23/01/12)
Active Communities	Community Planning and volunteering	
	High quality, affordable housing	The application and weight of local criteria in allocating housing (23/01/12)
	Children and young people	Youth Facilities (16/07/09)
	Low levels of crime	
	Reducing health inequalities	
		Allocation of Gypsy/Traveller Sites (17/10/11)
High Quality Environment	Reducing the District's greenhouse gas emissions	Energy Efficiency (17/11/10) The City Council's efforts to reduce its carbon footprint (07/12/11)
	Protect and enhance our rich biodiversity and habitats	Tree Protection and Management (11/07/2011)
	Protect and improve our landscapes and townscapes	
	Use the District's natural resources wisely	The City Council's efforts to reduce its carbon footprint (07/12/11)
	Minimise the impact of traffic and transport	Air Quality (23/01/12) The City Council's efforts to reduce its

		carbon footprint (07/12/11)
	Waste minimisation	Project Integra and recycling rates (tbc)
Economic Prosperity	Exploiting the District's cultural strengths	Culture and the Economy (04/02/10)
	Low carbon economy	Low Carbon Economy (20/06/11) Leader funding (28/05/12)
	Skills and ambitions	Young People and Employment (23/01/12) Commissioning and the Voluntary Sector (19/03/12)
	Businesses are good neighbours	
		Planning and the rural economy (11/07/11)
Efficient and Effective Council		Treasury Management (12/07/10)
		Asset Management (07/12/11)
		Performance Indicators (tbc)
		Commissioning and the Voluntary Sector (tbc)
		Public Access to Data and Information via WCC website (tbc)

