

Crawley Borough Council

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Report to General Purposes Committee

Monday 28 June 2010

Joint Scrutiny Arrangements in West Sussex

1. Key Points

- 1.1 This report provides a brief summary of the proposals for joint scrutiny across West Sussex. These proposals were created by West Sussex County Council's 'Joint Scrutiny Arrangements in West Sussex Task and Finish Group.'

2. Recommendations

2.1 To recommend to Full Council:

- (i) that the proposals from West Sussex County Council to form Joint Scrutiny Arrangements be supported;
- (ii) that the changes to the Constitution (contained within Appendix B to this report) be agreed.

Ann-Maria Brown
Head of Legal and Democratic Services

3. Background

- 3.1 West Sussex County Council's Policy and Resources Select Committee established the 'Joint Scrutiny Arrangements in West Sussex Task and Finish Group' (JSTFG) to investigate the development of a clear approach for joint scrutiny across the county. This was in response to the Local Government and Public Involvement in Health Act 2007, which introduced powers for both County and Borough/District Councils to separately scrutinise LAA targets. This risked duplication of effort and consequent inefficiencies.
- 3.2 The Membership of the JSTFG comprised of three County Council and three District/Borough non-Cabinet Members (via a nomination process). Crawley Borough Council did not nominate a representative for the JSTFG, although Duncan Crow chaired the Group through his role as a County Councillor.
- 3.3 JSTFG ran between December 2009 and March 2010. It held a number of meetings, which included a stakeholder event in February 2010, attended by over 50 representatives across 11 partnership bodies – both those doing the scrutinising and those likely to be scrutinised. Councillor Bob Burgess (as the Chair of the Overview and Scrutiny Commission), Councillor Thomas (as an Opposition Representative) and Councillor Lanzer (as the Leader) represented the Council at this event, along with Steve Lappage and Chris Pedlow for the scrutiny element of Democratic Services.
- 3.4 Following the formulation by the JSTFG of a draft set of proposals, 100 stakeholders (including those from the event) were subsequently consulted for their views. The Overview and Scrutiny Commission sent a response to the proposals.
- 3.5 JSTFG's final proposals were presented on 30 April 2010 to the County's Policy and Resources Select Committee (PRSC) for its approval and support. The PRSC endorsed the proposals and requested that each of the Borough and District Councils be sent a copy for their consideration. The deadline for these responses was set as the beginning of September 2010, to enable the proposed Steering Group to convene its first meeting in October/November 2010, (subject to appropriate support).
- 3.6 The process by which Crawley Borough Council is considering the proposal is as follows: firstly, the Overview and Scrutiny Commission has examined the proposals and provided a steer for the General Purposes Committee, as set out in Section 5 of the report. The General Purposes Committee is now asked to consider the proposals along with a set of constitutional changes (Appendix B), which would be required should the joint scrutiny arrangements be accepted. The General Purposes Committee will then submit a set of recommendations to the Full Council Meeting on 21 July 2010, at which point the final decision as to Crawley Borough Council's involvement in the joint scrutiny process will be taken.

4. Joint Scrutiny Proposals

- 4.1 The principles that are at the heart of the proposals are that the joint scrutiny arrangements should take place as long as they add value, do not duplicate existing processes and use existing resources available.
- 4.2. A brief summary of the key aspects of the proposed joint scrutiny arrangements is set out below:
- The formation of a “Steering Group” comprising Scrutiny Chairs across County and District/Borough Councils (a total of 13 members based on current structures). The Steering Group is likely to meet twice a year to co-ordinate any joint scrutiny work.
 - Any joint scrutiny activities (as agreed by the Steering Group) to be undertaken by time limited ‘Task Groups’ (which are the equivalent to Crawley’s Scrutiny Panels). The Steering Group would not usually carry out any scrutiny work itself.
 - The size of Task Groups will be set by the Steering Group (minimum 3 members, with no set maximum) and the membership will be non-political and geographically balanced (as appropriate).
 - Any non-executive members of County, District or Borough Councils can be on a Task Group. But any non-executive member of the County Council who is a Cabinet Member on a District/ Borough Council (or vice-versa), should not carry out any joint scrutiny activities that relate to their portfolio area.
 - The issues/ topics for joint scrutiny will be based on County, District and Borough Scrutiny Committees’ work programmes (i.e. issues that, individually, Scrutiny Committees have already identified for consideration).
 - There will be an enhanced role for the existing West Sussex Scrutiny Officer Network – in overseeing the work programmes for the authorities and flagging potential topics to the Steering Group.
 - Any recommendations formulated by Task Groups would be fed to the relevant decision-makers for their consideration, via the appropriate Overview and Scrutiny Committees. In terms of Crawley Borough Council, the report would go via the Overview and Scrutiny Commission, in a similar manner as the current procedure for Scrutiny Panel recommendations, and then on to the relevant decision-making body (Cabinet, Council etc).
 - An evaluation of the proposed joint scrutiny arrangements would be undertaken after an initial 12-18 month trial period.
- 4.3. JSTFG highlighted within its report that the Local Area Agreement (LAA) should be a key subject of any joint scrutiny work both in terms of influencing the content of the LAA itself (objective/target setting) and any key priorities for scrutiny consideration. It also proposed that one of the first topics that the Steering Group should consider would be the Local Area Agreement (LAA), both in terms of its governance arrangements and the key thematic partnerships.
- 4.4. The PRSC supported these topics and added scrutiny of the “Better Together” programme as a further valuable topic to be put to the Steering Group for consideration.

- 4.5. A copy of the report by the Joint Scrutiny Arrangements in West Sussex Task and Finish Group (JSTFG) which includes the full set of proposals is included as Appendix A to this report.

5. Comments on the Joint Scrutiny Proposals by the Overview and Scrutiny Commission

- 5.1. At the Overview and Scrutiny Commission on Monday 14 June 2010, the Commission was asked to examine the Joint Scrutiny Arrangements proposals, prior to their consideration by the General Purposes Committee.
- 5.2. The proposals were presented to the Commission by County Councillor Duncan Crow, the Chairman of the Joint Scrutiny Arrangements in West Sussex Task and Finish Group, which developed the proposals. He provided the Commission with a detailed explanation of the rationale behind the review and emphasised that the proposals had been developed on the premise of avoiding duplication of existing processes, using existing resources and adding value.
- 5.3. The Commission then held a detailed examination of the Joint Scrutiny Arrangements. A variety of views were expressed on the proposals. These included:
- There seemed to be inconsistency in the proposals, e.g. by asking for consistency over the membership of the Steering Group, yet allowing substitutes. The proposals also ignored the fact that some Districts/ Boroughs were elected in thirds so there would be a likelihood of changes of Scrutiny Committee Chairs on a yearly basis.
 - The Steering Group was meant to be politically neutral, but there will be no Labour representative on the Steering Group, whilst there would be an Independent Member.
 - Questions as to how the officer resources would be funded. Would the Council receive remuneration from the other Local Authorities if Crawley Borough Council officers were involved in a county-wide scrutiny review? If so, what was the process?
 - Support for the proposals being for a trial period with a review date already set, so the joint arrangements could be altered or stopped if they had not been seen to add value.
 - It could be a good method of scrutinising areas that affected residents across the County such as highways, snow or even Gatwick Airport.
 - It seemed to reduce the County's Scrutiny Chairs meetings from four to two by introducing two Steering Group meetings, whilst adding two further meetings for the District and Borough Scrutiny Chairs.
 - Concerns were raised as the proposals did not identify a clear manner in which Members could bring forward topics to the Steering Group and, if a proposal was made, it could potentially have to wait for six months to be considered by the Steering Group as it only met twice yearly.
 - The proposals seemed to be a method for the County Council to stop Districts and Boroughs from scrutinising subjects where the County Council might need to be involved.
 - A concern was raised that there appeared to be no clear method identified as to how, if all the seven District and Boroughs Councils wished to participate, a

County wide scrutiny review would be undertaken, without becoming large and unwieldy.

- 5.4. The Commission was asked to provide the General Purposes Committee with a clear view as to its support for the Joint Scrutiny Arrangements proposals. A vote was held with 4 of the 9 Members voting not to support the scheme, 2 voting in support whilst the remaining 3 Members abstained. The Commission therefore did not support the proposals.

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Policy and Resources Select Committee

30th April 2010

Joint Scrutiny Arrangements in West Sussex

Report by Chairman of the Task and Finish Group

Executive Summary

This report sets out the provisional proposals for joint scrutiny arrangements in West Sussex.

Background

The report describes the processes leading to this point including the work of the Task and Finish Group established by the County Council and the West Sussex district and borough councils. It acknowledges the important input of key stakeholders which has informed and shaped the proposals set out in the report.

Proposals

1. There should be joint scrutiny arrangements in West Sussex, as long as these add value, do not duplicate existing processes, and use existing resources.
2. The arrangements should be formal but flexible, with the ability to influence and challenge.
3. Issue based scrutiny should be carried out through time-limited task groups as required; enabling a flexible response to issues needing joint scrutiny without setting-up any bureaucratic and costly new mechanisms.
4. The Local Area Agreement (LAA) is a key subject of any joint scrutiny work both in terms of influencing the content of the LAA itself (objective/target setting) and any key priority topics for consideration. Specific joint scrutiny of the governance arrangements of the LAA and the key thematic partnerships should be considered as an initial issue for joint scrutiny.
5. There should be some formality in the overall ownership and co-ordination of any joint scrutiny. The suggestion is that a "steering group" of the Scrutiny Chairmen across County, Borough and District non-executive councillors be set up to meet twice a year, or more often if deemed necessary by the Steering Group. It is suggested that the Steering Group should not usually carry out any scrutiny work itself.
6. The Steering Group would co-ordinate joint scrutiny work and agree whether any issues would benefit from joint scrutiny. It would have the ability to set up time-limited task groups as necessary to carry out issue based joint scrutiny. The issues for joint scrutiny will be based on County, District and Borough Scrutiny Committees' work programmes (i.e. issues that individually, Scrutiny

Committees have already identified for consideration).

7. The report emphasises that the arrangements should make best use of existing resources; suggesting that the West Sussex Scrutiny Officer Network be enhanced to support/coordinate member arrangements. Within the County Council it is envisaged that two of the four existing meetings of the County Council's select committee chairmen could be replaced by Steering Group meetings.
8. The provisional terms of reference and ways of working suggested for the Steering Group are founded on the principles that any joint scrutiny arrangements should be outcome (more than process) focussed, add value and avoid duplication of effort.
9. Any joint scrutiny work agreed by the Steering Group would be notified to all key stakeholders, and any recommendations emerging from that work would be fed to the relevant decision-makers to consider (via the overview and scrutiny committees of each authority when the recommendations were on local government issues).
10. Any arrangements finally agreed would be subject to review and an evaluation of its effectiveness in approximately 12-18 months of its commencement.

Recommendations

Policy & Resources Select Committee is asked to agree that:

- 1) A formal but flexible joint scrutiny arrangement, through an overarching Steering Group and bespoke task groups (as set out in detail in Para 3), be established in West Sussex for a pilot one-year period;
- 2) At the end of the trial period, there should be an evaluation of the approach by a one-off meeting of the reconvened Task and Finish Group, and recommendations made as to whether it should be continued and/or amended in any way;
- 3) The governance structure for the Local Area Agreement, to include the key thematic partnerships, should be considered by the Steering Group as an initial project for joint scrutiny;
- 4) This report and recommendations be submitted to the Governance Committee of the County Council and West Sussex district and borough councils for formal consideration;
- 5) Following this, an update should be provided to the Policy & Resources Select Committee in September 2010, to outline/confirm the position to be taken by each authority; and
- 6) Subject to the responses received following consideration by county, district and borough councils, a first meeting of the Steering Group be arranged for October/November 2010.

1. Background

- 1.1 In July 2007, West Sussex County Council's Policy & Resources Select Committee (PRSC) set up a Task Force on Multi-tier Partnership Working. Its terms of reference included considering how the outcomes from the various partnerships could best be scrutinised. The Task Force concentrated on the major partnership activities of the County Council, particularly relating to the Local Area Agreement (LAA). It made its interim report to PRSC in March 2008, when it concluded that there was a 'democratic deficit' in the County Council when it came to scrutinising partnership working, with insufficient member involvement in scrutinising partnerships (generally) and the effectiveness of strategic partnership arrangements.
- 1.2 The Task Force made a number of recommendations to PRSC in this interim report, but felt that it was too early to come to any firm conclusions regarding the scrutiny of partnerships, given various local and national developments ongoing at the time. The Task Force therefore reconvened in July 2008, and reviewed developments including national policy changes, the introduction of the Comprehensive Area Assessment (CAA) and changes to the LAA in West Sussex. Evidence was gathered from a number of witnesses from the county, district and borough councils and the Third Sector. It also reviewed models of joint scrutiny in use across the country, and considered what lessons could be learned from others' experience. The Task Force made its final report to PRSC in March 2009. Its key conclusion on joint scrutiny was that a mechanism should be put in place to allow the delivery of the LAA and the work of partnerships to be more accountable to elected members. It was agreed that a Task and Finish Group be established following the County Council Elections in June 2009, involving members from the county district and borough councils, to take this specific work forward.
- 1.3 A summary of the Task Force findings (2008 and 2009) is set out at **Appendix A**.
- 1.4 The Task and Finish Group held its first meeting in December 2009, with the following membership:
 - Duncan Crow, West Sussex County Council
 - Brian Hall, West Sussex County Council
 - Frank Wilkinson, West Sussex County Council
 - Liza Mckinney, Adur District Council
 - David Sheldon, Horsham District Council
 - Christopher Hersey, Mid Sussex District Council
- 1.5 The Task and Finish Group built on the outcome of the work of the PRSC Multi-tier Partnership Working Task Force to consider what model/framework of joint scrutiny would be most appropriate for West Sussex. The Group's terms of reference were to consider and suggest
 - The preferred model/joint scrutiny arrangements
 - Clear defined protocols (for decision-making processes and lines of accountability)
 - Terms of reference
 - Membership

- Rules of procedure - to include how the business under the joint arrangements will be determined/work programmed (as appropriate etc)
 - The provision for the public and third sector partners to provide evidence as appropriate
- 1.6 This report and recommendations will need to be formally considered through the relevant executive/Governance arrangements within the County Council and district/borough councils. Following this, an update should be provided to PRSC in September 2010, to confirm the position to be taken by each authority.
- 1.7 Where the expression "OSC" appears in this report, it means the overview and scrutiny committees of the West Sussex local authorities (county, district and borough).

2. The Work of the Task and Finish Group

- 2.1 The Task and Finish Group has taken into account recent legislative changes (Local Government and Public Involvement in Health Act 2007 and Local Democracy, Economic Development and Construction Act 2009). These effectively allow local authorities to scrutinise the LAA performance of partner authorities. However, while such legislation also contains powers allowing formal joint scrutiny, these powers have not yet been brought into force and, therefore, if the West Sussex local authorities wish to agree joint scrutiny arrangements these will sit outside the legislative framework, for the time being. The Group has researched models of joint scrutiny currently in operation across the country, and has taken into account any available guidance, such as through the Centre for Public Scrutiny.
- 2.2 The Task and Finish Group was keen to ensure it had wide stakeholder input into its work, and arranged a Stakeholder Event on 5th February 2010. This provided an opportunity for all those with an interest in joint scrutiny (either as scrutinised or scrutinisers) to put forward their views on how this should be approached in West Sussex. Invitees to the event included:
- Executive Members of county, district and borough councils
 - Overview & Scrutiny Committee Chairmen of county, district and borough councils
 - Key officers of county, district and borough councils
 - All Members of the Public Service Board (including all the Public Service Board Executive)
- 2.3 Over 50 people attended the event (full delegate list is attached as **Appendix B**), and took part in six workshop discussions which all considered the following key questions:
- Do you agree that some kind of joint scrutiny arrangements are required in West Sussex?
 - What issues should/could be subject to joint scrutiny?
 - How should joint scrutiny be carried out in West Sussex?
 - Who should be involved in any joint scrutiny arrangements?
 - Any other issues to take into account

- 2.4 Delegates were provided with a pack of information to guide their discussions, including an overview of models of joint scrutiny currently in operation. These models can be broadly categorised as follows:
- a) **Formal model:** Single Overview and Scrutiny Committee (Cambridgeshire, Cumbria, Nottinghamshire and Staffordshire). There are similarities with the West Sussex Health Overview and Scrutiny Committee in this approach – where a formal committee carries out joint scrutiny, with the ability to set up informal task groups.
 - b) **Less formal models:** Task and Finish Group approach (Dorset, North Yorkshire) and Joint Panel approach (Suffolk, Northamptonshire). This is where either standing panels, or time-limited task and finish groups, are set up to scrutinise cross-cutting issues.
 - c) **Informal model (or Complementary Scrutiny approach):** Where authorities continue with their own scrutiny work, but set up one-off task and finish groups, or joint committees, to review issues of common concern (Buckinghamshire, Somerset, East Sussex).
- 2.5 A summary of the workshop discussions including the key outcomes of this event is set out in **Appendix C**. The outcomes from the workshop have been very influential on the proposals set out by the Task and Finish Group.

3. Task and Finish Group Conclusions

- 3.1 Overall, the Group agrees that there should be some form of joint scrutiny arrangement in West Sussex, but that this must add value, not duplicate any existing procedures, and should utilise existing resources. The Group's conclusions on what these joint arrangements should look like for West Sussex, along with its proposed terms of reference (which include decision-making protocols, reporting arrangements, membership, rules of procedure and provisions for public/third sector involvement) are set out below. Further research into models currently in use across the country that reflect the Task and Finish Group's approach has also been carried out and applied in the formation of the proposals.

3.2 Focus/Framework of Joint Scrutiny

- a) The Task and Finish Group proposes that:
- the focus for joint scrutiny in West Sussex should be issues of common concern (e.g. perceived poor performance), affecting either the whole county or the areas of more than one District/Borough Council;
 - in general, any joint scrutiny should be outcomes focused (i.e. where it's felt that improvements can be achieved for the community), and should scrutinise performance as opposed to processes.
 - while issues under joint scrutiny may relate to the work of organisations wider than local authorities (e.g. quangos; utilities; Environment Agency etc.) any scrutiny will not be of the organisations themselves, but rather of relevant issues relating to their work/role;

- The LAA is a key subject of any joint scrutiny work both in terms of influencing the content of the LAA itself (objective/target setting) and any key priority topics for consideration. Specific joint scrutiny of the governance arrangements of the LAA and the key thematic partnerships, should be considered as an initial issue for joint scrutiny;
- b) The Task and Finish Group suggests that there should be a formal but flexible arrangement for joint scrutiny, to have influence and the ability to challenge. It prefers a “complementary” model whereby issue-based scrutiny is carried out through time-limited task groups as required. It does not therefore propose setting-up a formal standing joint committee to carry-out any joint scrutiny. The Task and Finish Group feels that this approach would enable a flexible response to issues requiring joint scrutiny, without setting-up any overly bureaucratic and costly new mechanisms.
- c) However, the Group feels there is a need for some formality in terms of overall ownership and co-ordination of any joint scrutiny. It therefore suggests that a “Steering Group” of County, District and Borough Scrutiny Chairmen should be established, to meet twice per year – or more often if deemed necessary by the Steering Group (see paragraph 3.3.1 (b) for more detail).
- d) Best use should be made of any existing resources in developing joint scrutiny arrangements, such as the existing West Sussex Scrutiny Officer Network (WSSON). This network currently meets approximately 2-3 times per year to share information and best practice. It is suggested that its role should be enhanced to enable it to support and co-ordinate any joint scrutiny arrangements. This enhancement would mean quarterly meetings and a remit to support the Steering Group.

Strengths/Opportunities

- Member-led Steering Group provides influence and credibility to the process
- All councils involved (District/Borough/County)
- Uses existing resources – not establishing a complex/costly new process
- Helps co-ordinate existing work and supports closer working across local authorities
- Duplication is avoided, and resources are better used, as issues for joint scrutiny would have been looked at anyway, but separately.
- The County Council Select Committee Chairmen already have regular (approximately quarterly) meetings. Two of these could become steering group meetings (i.e. there would not necessarily be an increase in the number of meetings for WSCC Chairmen).

Weaknesses/Risks

- Joint scrutiny would need to demonstrate success. It may not always be able to influence the issues being scrutinised.
- Will joint scrutiny be able to challenge?
- Will the Steering Group and/or task groups have enough influence/credibility?
- Needs commitment/buy-in from council executives and other “key partners” who might be subject to scrutiny

3.3 Proposed Terms of Reference for Joint Scrutiny Arrangements

3.3.1 Model and Methodology

- a) Any joint scrutiny will be task group led, but overseen by a member Steering Group and supported through the existing WSSON.
- b) The Steering Group will be expected to meet twice a year (more often if it deems necessary) to undertake the following:
 - consider key areas of potential overlap/duplication arising from the individual OSC outline work programmes of the participating authorities' OSCs
 - agree where those issues should continue to be looked at individually, and whether scrutiny could be co-ordinated and/or information shared across authorities – to avoid duplication of effort, where possible;
 - agree what issues should be scrutinised jointly, and help the co-ordination of OSCs' work programmes; and
 - agree how joint scrutiny should be carried out, and the outline terms of reference for any task group appointed (i.e. the Steering Group would not usually carry out the scrutiny itself).
- c) Steering Group meetings will normally be held (approximately) in June (when OSC work programmes are finalised and taking account of any district/borough elections) and then October/November to review any work carried out and consider any new issues arising. The Steering Group will retain the option of meeting more frequently, as deemed necessary.
- d) The issues for joint scrutiny will be based on County, District and Borough Scrutiny Committees' work programmes (i.e. issues that individually, Scrutiny Committees have already identified for consideration). When considering what issues should be subject to joint scrutiny, the Steering Group will take the following into account:
 - what added value joint scrutiny can bring
 - whether or not the issue is being scrutinised elsewhere
 - who the group is intending to influence
 - whether the issue has been identified by the public/key stakeholders
 - the resource implications of any scrutiny reviews and how these will be supported (e.g. identify officer support/research needs etc.)
- e) Where the Steering Group agrees that issues should be subject to joint scrutiny, this information will be shared as appropriate with council executives, key partners and OSCs. In agreeing any issues for joint scrutiny, the Steering Group will take into account capacity and resourcing issues, as well as the objectives of any joint scrutiny reviews.
- f) Options for carrying out joint scrutiny include:
 - Setting-up one-off, time-limited issue-based task groups
 - arranging a themed (i.e. covering just one topic) meeting or meetings
 - setting-up a more formal committee to scrutinise a specific issue
 - Steering Group scrutinises an issue

- g) When establishing task groups, the Steering Group should identify (and publish):
- final reporting arrangements
 - membership
 - terms of reference
 - communications plans (to include any press releases/webcasting etc.)
- h) The WSSON will support the Steering Group, providing any necessary information regarding the work programmes of the county, district and borough OSCs. The WSSON will meet quarterly, to build on and enhance existing information sharing, and develop a more co-ordinated approach to scrutiny across West Sussex. It will support the joint scrutiny arrangements by forwarding issues of common concern (raised by the existing OSCs) to the Steering Group for consideration. It is suggested that there should be two nominated lead officers from the WSSON to support the Steering Group (a County Council officer and a designated District/Borough officer appointed by the WSSON).
- i) Key issues will be communicated to the Steering Group between meetings by e-mail. If an urgent issue, which all authorities (through their OSCs) agree should be subject to joint scrutiny, arises between meetings, the lead scrutiny officers will liaise with the Chairman/Vice Chairman of the Steering Group. The Chairman will decide whether the issue should be jointly scrutinised, and how, following consultation with the other Steering Group Members (usually via e-mail). This will be a key area to monitor after the initial trial period.
- j) Any joint scrutiny work planned/undertaken will be widely communicated, through the participating councils' communication channels.

3.3.2 Decision-making and Accountability

Steering Group

- a) The Steering Group will determine any joint scrutiny from the material provided by the WSSON (following discussions within each OSC as part of their work planning).
- b) The Steering Group will notify all key stakeholders of any joint scrutiny work it agrees (e.g. county and district/borough executives, Public Service Board, other relevant organisations that will be subject to joint scrutiny, relevant OSCs)
- c) All meetings will be held in public, and agendas/papers will be published in accordance with normal OSC guidelines (i.e. at least 5 clear working days before the meeting). Paper copies of agendas/papers will be sent to Steering Group members and any supporting officers as appropriate.

Task Group Work

- a) Task groups to undertake joint scrutiny of an issue will only be set-up where there is added value to carrying out this work jointly, and where existing scrutiny mechanisms are not considered appropriate.
- b) The Steering Group will agree task groups' terms of reference at the outset, to include reporting arrangements.
- c) Task groups will generally report to the relevant decision-makers within local government via the relevant OSCs of the authorities concerned. A copy of the report will also be sent to the Steering Group.
- d) It is possible that reports will need to be made to more than one organisation (e.g. a review into crime and disorder may need to report to the Police Authority and local authorities). Where a report and recommendations are made in respect of other organisations, these will be sent to those organisations by the Steering Group (not directly by the individual task group) with copies to the relevant OSCs and executives of any interested local authorities.
- e) Whether the task groups meet in public or private will depend on the nature of the work being undertaken, and may be addressed by the Steering Group when agreeing the task group's terms of reference. Where at all possible, meetings (and final reports taken to those meetings) will be held in public.
- f) The decision-makers will be expected to respond in writing to the Steering Group in respect of any task group reports. Task groups will not report to the Steering Group, although the Steering Group will review any work undertaken annually.

3.3.3 Membership

- a) Any joint scrutiny should be carried out by non-executive members of county, district and borough councils. Non-executive members of the County Council who are district/borough council executive members (or vice-versa) should not carry out any joint scrutiny activities that relate to their portfolio area. The members' code of conduct is likely to preclude this in any case.

Steering Group Membership

- b) The Steering Group should be made up of county, district and borough council OSC Chairmen. The Task and Finish Group has considered how membership of the Steering Group should be constituted, bearing in mind that there are seven district/borough OSCs and six county council OSCs.
- c) The Task and Finish Group was of the view that membership should be based on the people best placed to carry out the role of overseeing and co-ordinating joint scrutiny; i.e. OSC Chairmen, rather than be driven by political balance. However, ideally the steering group should include opposition group members. The Task and Finish group proposes that there should be thirteen Steering Group members, comprising all district/borough (seven) and county council (six) OSC Chairmen. Based on current OSC

chairmanship, this would lead to a Steering Group made up as follows:
Conservative: 9, Liberal Democrat: 3, Independent: 1

- d) It is suggested that members of the Steering Group should be clearly identified, and there should not be any rotation of membership, as this would cause a lack of continuity. It will be important for those members who are on the Steering Group to be briefed on, and develop an understanding of their role. This will be difficult if they attend less than two meetings per year. However, the Task and Finish Group is of the view that a substitute should be accepted if a member appointed to the Steering Group is unable to attend a particular meeting.
- e) On Chairmanship/Vice Chairmanship of the Steering Group, the Task and Finish Group suggests that, initially, the Chairman should be a County Council OSC Chairman and the Vice-Chairman a District Council OSC Chairman. This arrangement should be reviewed after the trial period.

Task Group Membership

- f) In terms of any task groups set up by the Steering Group, these should generally consist of a number of members determined by the Steering Group according to topic, etc, who meet over a period of time to examine an issue in accordance with the terms of reference agreed by the Steering Group. The membership of task groups should be agreed according to the issue being scrutinised. It is suggested that there should be a minimum number of 3 members in any task group, but no maximum is proposed, as this will need to be agreed by the Steering Group dependant on the requirements of the issue under scrutiny. However, membership of task groups should be non-political and geographically balanced (as appropriate). The Steering Group may wish to recommend co-opted members from relevant authorities, but ultimately this should be the decision of the task group.
- g) Chairmanship of any task groups should be agreed by the task group at its first meeting.

Strengths/Opportunities

- All OSC Chairmen are involved, leading to good buy-in and coverage of whole range of issues for potential joint scrutiny
- Scrutiny should be non-political

Weaknesses/Risks

- If some county council OSC Chairmen are not involved, some issues won't be represented at the steering group
- Potentially large committee, may make it more difficult to carry out its business (this is however a Steering Group).

3.3.4 Public and third sector involvement

- a) The Task and Finish Group recognises the key role of the third sector in terms of any joint scrutiny to be carried out. It suggests that the third sector may be involved in two ways: either co-opted onto any task groups where relevant, or to be called as witnesses/to give evidence to any such task groups.

- b) While the Task and Finish Group supports the principle, it suggests that the Steering Group should give consideration to how the third sector, and public, might be given the opportunity to identify issues for joint scrutiny to the Steering Group (e.g. via website etc.)
- c) Any joint scrutiny work and any agendas/papers (i.e. both for the Steering Group and task groups) will be made available via the Internet.

3.3.5 Member Training to Undertake Joint Scrutiny

- a) The Task and Finish Group feels that it is a matter for individual authorities to determine the training needs of their scrutiny members, although the Group suggests that authorities may wish to consider the desirability of ensuring that relevant members receive training on joint scrutiny issues. The Group suggests that it will be important for Steering Group members to have a good understanding of their role on the Steering Group, and a clear briefing on any topics they are invited to consider for joint scrutiny.

3.3.6 Monitoring and evaluation

- a) The Task and Finish Group recognises that there may be a need in the future to review the overall structure of scrutiny across West Sussex (e.g. as part of the "Better Together" approach). However, at this stage, the Group feels that an incremental approach should be taken, and that the first step in this would be to establish the formal and flexible arrangements outlined above. It may be that, over time, these arrangements will develop and change according to experience and need.
- b) The Task and Finish Group recommends that these arrangements should be set up for an initial 12-18 month trial period (i.e. after at least 2 Steering Group meetings), at the end of which the effectiveness should be evaluated. The Task and Finish Group suggests that it reconvenes for a one-off meeting for this purpose. Key issues for evaluation include:
 - The outcomes of any joint scrutiny carried out
 - The role and effectiveness of the steering group (including the number of meetings normally required)
 - The role and effectiveness of the WSSON
 - Reporting and accountability arrangements
 - The role and effectiveness of any task groups
 - The cost/resource implications of joint scrutiny arrangements
 - Stakeholder views on the effectiveness of the arrangements and any scrutiny reviews carried out

4. Consultation

- 4.1 The Task and Finish Group has consulted/engaged the following organisations in formulating its proposals for joint scrutiny:
 - Executives/Cabinets and Overview and Scrutiny Committees of county, district and borough councils

- The Public Service Board¹
- The Local Area Agreement Thematic Partnerships (Children's Trust, Health and Wellbeing Partnership Board, Economic Skills and Enterprise Board and West Sussex Strategic Safety Partnership)

4.2 This engagement was through a Stakeholder Event (February 2010), which all key interested parties were invited to attend (see Appendix C). In addition, all those invited and those who attended the Stakeholder Event (where different) were given the opportunity to comment on the Task and Finish Group's draft conclusions and recommendations, prior to finalisation. The Task and Finish Group was very encouraged by the high support received for the proposals, and has clarified and refined some areas in accordance with that feedback.

5. Resource Implications and Value for Money

5.1 As explained in this report, the Task and Finish Group's proposals are founded on the key principle that any joint scrutiny arrangements in West Sussex should add value, not duplicate existing processes, and use "existing resources" (however determined by each authority at that point). In practice, the arrangements should introduce the opportunity for efficiencies (both in directly supporting the scrutiny activity and for those being scrutinised) - in authorities being able to work together on appropriate issues, through the joint scrutiny mechanism, rather than, as can arise at present, each engaging in a number of separate pieces of work.

5.2 The Resource implications for establishing the model of joint scrutiny i.e. the Steering Group and the enhanced role of WSSON is expected to be minimal – see paragraphs 3.2 (c) and (d).

5.3 The resource implications for West Sussex County Council are expected to be no more than:

- Allocating Scrutiny Officer support to the WSSON and to the Steering Group within the existing resources in the Scrutiny Team. Some support is already given to this work informally (and through the existing WSSON arrangements)
- Select Committee Chairmen to attend meetings of the Steering Group – although it is suggested that these could replace two of the four meetings of Select Committee Chairmen and Vice Chairmen currently held (see text box under paragraph 3.2 (d))
- As joint scrutiny reviews will only be carried out into issues already identified for scrutiny, there should be no additional resource implications for any task group work (i.e. this work would have been carried out anyway). The resource implications/commitment to the joint scrutiny work will be determined by the Steering Group at the point a topic is agreed, and the terms of reference set (see paragraph 3.3.1 (d))

¹ Membership of the Public Service Board includes county, district and borough councils; Sussex Police Authority; NHS West Sussex; Action In Rural Sussex; SEEDA; Learning Skills Council; Thematic Partnerships; 3rd Sector representation (e.g. Age Concern, Councils for Voluntary Service)

5.4 The resources required by West Sussex County Council would be met from within existing or currently expected resources.

5.5 District and borough councils will need to review the resource implications and value for money for their own organisations when considering any recommendations agreed by this Committee.

6. **Risk Management Implications**

6.1 A key aim of the proposed joint scrutiny arrangements is to avoid duplication. If the proposals are not endorsed, there is a risk that county, district and borough councils will carry out scrutiny into the same issues, leading to duplication of effort and potential confusion of outcomes.

7. **Crime and Disorder Act Implications / Human Rights Act Implications**

Not applicable

Duncan Crow

Task and Finish Group Chairman

Task and Finish Group Members:

- Brian Hall, West Sussex County Council
- Frank Wilkinson, West Sussex County Council
- Liza Mckinney, Adur District Council
- David Sheldon, Horsham District Council
- Christopher Hersey, Mid Sussex District Council

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Appendices

- Appendix A: Policy & Resources Select Committee Task Force on Multi-Tier Partnership Working, Summary of Findings
- Appendix B: Stakeholder Event, February 2010, Delegate List
- Appendix C: Outcomes of Stakeholder Event, February 2010

Background Papers

- Joint Scrutiny in West Sussex – Stakeholder Event, 5th February 2010, Delegate Pack (including outline of joint scrutiny models)

Policy & Resources Select Committee Task Force on Multi-tier Partnerships: Summary of Findings Relating to Joint Scrutiny

1. Background

In July 2007, WSCC's Policy & Resources Select Committee (PRSC) set up a Task Force on Multi-tier Partnership Working. Its terms of reference included to consider how the outcomes from the various partnerships could best be scrutinised. The Task Force concentrated on the major partnership activities of the County Council, particularly relating to the Local Area Agreement (LAA). It received a wide range of evidence, and heard from those involved in some of the thematic partnerships (of the LAA).

2. Interim Report – March 2008

Key Findings:

- Partnership working is now integral to the way councils work
- There is a need to avoid duplication and ensure value for money in terms of partnership working
- There is a 'democratic deficit' in WSCC when it comes to scrutinising partnership working, with insufficient member involvement when it comes to scrutinising partnerships in general and the effectiveness of strategic partnership arrangements.
- There has been discussion about whether overview and scrutiny should consider governance arrangements and processes or focus on outcomes and whether the LAA/partnership arrangements are adding value and making a difference to citizens and communities.
- National legislation is giving councillors greater power to scrutinise partnership arrangements and hold partnerships to account. Some authorities have begun to take steps to scrutinise the LAA more systematically and effectively, but this is in its infancy in many local authorities, with different approaches being trialled.

a) The Task Force made a number of recommendations to PRSC in this interim report, but felt that it was too early to come to any firm conclusions regarding the scrutiny of partnerships, given the various local and national developments underway at that stage. PRSC therefore agreed that the Task Force should reconvene later in 2008 to focus on effective ways for Members to scrutinise partnerships. In the course of the debate at PRSC, the following points were made:

- ✓ acknowledged that partnership arrangements are simpler in unitary authority areas, but emphasised the need to work closely with district and borough council colleagues
- ✓ highlighted the need for partnerships to be carefully managed and to be accountable, particularly in cases where significant funds were committed to them
- ✓ emphasised that the performance of partnerships should be monitored and duplication reduced wherever possible
- ✓ agreed that there was a 'democratic deficit' concerning the scrutiny of partnership working

3. Final Report – March 2009

- a) The Task Force reconvened in July 2008 and reviewed developments including national policy changes, the introduction of the Comprehensive Area Assessment (CAA) and changes to the LAA in West Sussex. Evidence was gathered from a number of witnesses from WSCC, district and borough councils and the 3rd Sector. Some of the key points relating to joint scrutiny raised during these discussions are set out below.

WSCC:

- A corporate Partnerships' Policy for West Sussex is being developed. This will strengthen governance and accountability structures.
- Steps are being taken to improve WSCC's relationship with its partners, ensuring that all understand that they are regarded as equal partners and that 'we are stronger together'

District & Borough Councils:

- Would there be parity of representation on any joint scrutiny committee?
- In advance of Government regulations and guidance, a more flexible approach would be helpful. Therefore, any recommendations should include a proposal to consider setting up joint scrutiny **arrangements** rather than a joint scrutiny committee
- Any arrangements must be streamlined and take account of members' capacity
- Joint scrutiny arrangements should not result in further complex bureaucracy
- Districts and boroughs must be fully involved in setting up any joint scrutiny arrangements
- There is a need to scrutinise the delivery of LAA outcomes and the work undertaken by the Public Service Board (PSB)
- Joint scrutiny arrangements should avoid duplication
- Any joint scrutiny arrangements should be set up to be apolitical, but political proportionality should be part of the discussion when considering governance arrangements
- The membership of any joint scrutiny group/committee should not be too large

The Third Sector (Crawley CVS and Action in Rural Sussex)

- Working in two-tier areas is complex and poses problems for all – particularly the third sector
- A strong relationship of trust between sectors is an essential pre-condition for effective joint scrutiny between the three tiers of local government and partners in West Sussex
- The effectiveness of partnership working should be scrutinised, rather than the partnerships themselves

- b) The Task Force also reviewed models of joint scrutiny in use across the country, and considered what lessons could be learnt from others' experience. Specific models examined were joint scrutiny reviews (Buckinghamshire and Dorset County Councils); and joint scrutiny committees (Staffordshire, Suffolk and Cambridgeshire County Councils). The Task Force was interested in models that enabled the scrutiny of partnerships as well as the delivery of the LAA.

- c) The Task Force made its final report to PRSC in March 2009, and its key conclusions are set out below:
- i) The Task Force remained concerned about the issue of duplication and how partnership working can prove its effectiveness
 - ii) The Task Force recognised that building and sustaining trust and good communication between partners is vital to the success of partnership working
 - iii) The Task Force was not persuaded that membership of any proposed joint scrutiny committee should be extended beyond county and district/borough councillors, although they recognised the importance of having the ability to call partners and others to provide witness evidence to any joint committee.
 - iv) Scrutiny of LAA outcomes and the delivery of other priorities through partnership working should be strengthened in West Sussex – and joint scrutiny would be a way of accomplishing this.
 - v) Joint scrutiny has the potential to raise the profile of partnership working and show the commitment of local government in West Sussex to supporting and improving the effectiveness of partnerships in delivering LAA outcomes and other locally identified priorities.
 - vi) Joint scrutiny could enable councillors to be involved with the LAA as part of the community leadership/representation role.
 - vii) The “strongly held” view of the Task Force was that a scrutiny mechanism should be put in place to enable the delivery of the LAA and the work of partnerships to be more accountable to elected members.
 - viii) The Task Force identified a number of practical challenges to be faced and overcome if joint scrutiny arrangements are to be set in place (see below).

Challenges to joint scrutiny arrangements:

- Capacity issues for councillors and officers
- Ensuring sufficient time is given to prepare adequately for joint scrutiny
- Ensuring transparency between the County Council and district/borough councils when establishing the governance arrangements
- Ensuring that any joint scrutiny work adds value
- Setting clear but realistic objectives for joint scrutiny arrangements
- Building positive relationships with the PSB (formerly West Sussex Strategic Partnership)
- Building a shared understanding of scrutiny of the LAA and partnership through relevant training and ensuring that training is accessible to all members concerned

- d) In the course of the debate at PRSC, the following points were made:
- ✓ Highlighted the importance of working with all partners including borough and district councils and the third sector, to get the best outcomes for customers
 - ✓ Agreed with the need for non-executive members of all councils to be involved in scrutiny of key partnerships
 - ✓ It is important to ensure that any scrutiny arrangements avoid duplication and remain mindful of capacity and resource issues at all levels
 - ✓ Any joint scrutiny arrangements should balance dual-hatted members with those who were just on one local authority, and should include minority representation
- e) The Task Force recommended to PRSC that a Task and Finish Group be established following the County Council Elections (May 2009).

Joint Scrutiny in West Sussex – Stakeholder Event on 5th February 2010.

Delegate List

Adur District Council

- Cllr Jim Funnell, Cabinet member for Regeneration
- Cllr Liza McKinney, Chairman of Overview & Scrutiny Committee (and Member of the Task & Finish Group)

Arun District Council

- Cllr Jacqui Maconachie, Chairman of Policy Development Scrutiny Committee
- Nigel Croad, Resources Director
- Paul Askew, Head of Improvement, Performance & Scrutiny

Chichester District Council

- Cllr Myles Cullen, Leader (and Member of the Public Service Board Executive)
- Amanda Jobling, Director of Home & Community
- Bambi Benson, Corporate Policy Officer
- Cllr Eileen Lintill, Vice Chair of Policy Development (Scrutiny) Committee

Crawley Borough Council

- Cllr Bob Lanzer, Leader (and Member of the Public Service Board Executive)
- Cllr Bob Burgess, Chair of the Overview and Scrutiny Commission
- Chris Pedlow, Democratic Services
- Steve Lappage, Democratic Services
- Cllr Geraint Thomas, Overview & Scrutiny Commission

Horsham District Council

- Cllr David Sheldon, Chairman Scrutiny & Overview Committee (and Member of the Task & Finish Group)
- Cllr Ian Howard,
- Daniela Miedzianowska, Scrutiny & Committee Support Officer
- Tony Higgins, Director of Corporate Resources

Mid Sussex District Council

- Cllr Andrew Barrett-Miles, Chairman, Performance and Scrutiny Committee
- Cllr Christopher Hersey, Performance and Scrutiny Committee Member (and member of the Task & Finish Group)
- Claire Lea, Senior Performance and Scrutiny Officer

Worthing Borough Council

- Cllr Bryan Turner, Overview & Scrutiny Committee
- Cllr Keith Sutherland
- Cllr Mary Lermite, Cabinet Member for Improved Customer Services

Worthing Borough & Adur District Council

- John Mitchell, Executive Head of Corporate Strategy
- Mark Lowe, Corporate Policy Officer (Scrutiny)

Public Service Board

- Adrian Barritt, Adur CVS
- Berry Bonner Le Fur, Manager Learning & Skills Council
- Debby Gill, Job Centre Plus
- Jane Brown, Sussex Probation Service

- Jeremy Leggett, Action in Rural Sussex
- John Peel, Economic Skills & Enterprise Board (N.B. this is one of the thematic partnerships)
- Julia Carrette, Worthing CVS
- Martin Walker, Sussex Police (and Member of the Public Service Board Executive)
- Nigel Scott-Dickenson, Springboard Project

Thematic Partnerships

- Philippa Gibson, Children's Trust
- Malcolm Bray, Health & Wellbeing Partnership Board
- Catherine Scott, NHS West Sussex (Health & Wellbeing Partnership Board)

West Sussex County Council

- Cllr Brian Hall, Vice Chairman of Policy and Resources Select Committee & Member of the Task and Finish Group
- Cllr Christine Field, Chairman, Health Overview and Scrutiny Committee
- Cllr Clem Stevens, Chairman, Community Services Select Committee
- Cllr Duncan Crow, Chairman, Strategic Environmental Services Select Committee & Chairman of the Task & Finish Group
- Cllr Frank Wilkinson, Member of the Task & Finish Group
- Cllr George Blampied (representing the Deputy Leader of the Council)
- Cllr Janet Mockridge (representing the Cabinet Member for Finance and Resources)
- Cllr Derek Deedman (representing Liberal Democrat Group Leader)
- Cllr Robert Dunn (representing the Cabinet member for Children and Young People's Services)
- Sharon Ward, Strategic Partnership Manager
- Sue Hawker, Director Operations, Community Services
- Tony Kershaw, Head of Legal and Democratic Services

Officer Support from WSCC:

Chris Duggan, Scrutiny Officer
 Debbie Allman, Scrutiny Manager
 Helen Kenny, Scrutiny Officer
 Matt Hall, LAA Performance Manager

Joint Scrutiny Stakeholder Event, 5th February 2010 – Summary of Workshop Discussions

Stakeholder Feedback - Stakeholder Event, February 2010

- 1.1 All the six workshop groups agreed that some kind of joint scrutiny arrangements are required in West Sussex. There was a general emphasis on the need to add value, avoid bureaucracy and minimise the use of resources on any future joint scrutiny arrangements. The need to avoid any duplication, and possibly use joint scrutiny as an opportunity to rationalise existing scrutiny arrangements, was also raised across the workshops. All questioned where the resources will come from to support any new arrangements, and suggested that key risks need to be identified when developing any new arrangements. Whilst most emphasised the importance of scrutinising outcomes rather than processes, some did suggest there is a need to look at the processes and governance arrangements of key partnership arrangements (such as the Public Service Board).
- 1.2 All groups felt that partnership working should be the focus for joint scrutiny, and most suggested the LAA and cross-cutting themes of common interest as key items for such scrutiny. These could be of interest to the whole County, or perhaps just some areas within the County. Some groups also suggested that joint scrutiny should extend beyond partnerships involving local authorities, to (for example) utilities and the Highways Agency. A range of specific issues were suggested, including health, flooding, coastal and rural matters, crime and disorder, education, the economy. The need to avoid looking at issues that are already being scrutinised elsewhere was also raised.
- 1.3 In terms of how scrutiny should be carried out, of the six groups:
 - four preferred flexible/informal arrangements (task-oriented and time-limited);
 - one suggested there could be both formal and informal approaches, depending on the issue being scrutinised; and
 - one preferred a more formal, over-arching approach (although this same group did see the potential for a “mix and match” of approaches).
- 1.4 Several groups suggested that the existing Scrutiny Officer Network could be a vehicle for identifying issues of common interest, through the sharing of all Overview & Scrutiny Committees' (OSC) work programmes. In terms of reporting arrangements, there seemed to be agreement that this should be through to the appropriate Executive arrangements (i.e. of the relevant Councils and partnership bodies).
- 1.5 In terms of who should be involved in carrying out any joint scrutiny, there seems to be a consensus around non-executive District, Borough and County Council members. Three of the groups suggested a role for OSC Chairmen, perhaps as some kind of core group or clearing house, to either filter issues for joint scrutiny or actually carry out the scrutiny itself. There was no definitive answer in terms of numbers of members to be involved and political proportionality. In terms of other people to involve, one group raised the need to avoid always involving the same people. However, there was agreement that the Third Sector and other “independent experts” should be involved as appropriate and according to the issue being scrutinised. This could either be as witnesses or co-optees. In terms of public involvement, the general view seems to be that meetings should be held in public with public question time and that there should be opportunities for the community to influence the issues being scrutinised.

	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6
Q1 Agree?	Yes Must add value	Yes Must add value and avoid bureaucracy	Yes	Yes	Yes	Yes
Q2 What?	Wider than just LAA. To improve partnership working. Outcome led and then should look at the processes. Range of specific issues suggested including health, flooding, coastal & rural matters, crime & disorder, utilities, transport providers.	Should be good reason for carrying out any joint scrutiny. LAA – but difficult to identify areas for focus – perhaps outcomes at thematic partnership level and process of LAA governance. Local issues shared in different areas and also county-wide issues (so need to be flexible).	Where budgets/services are delegated to partnerships. No parameters on scope: common issues (e.g. education, crime and disorder, economy). Outcomes not silo led. LAA to be involved in target setting and monitoring.	LAA and partnership working. Crime and disorder. Total place approach (i.e. being more joined up). Must add value and focus on outcomes (but can't ignore processes). Wide approach, but need co-operation. Be aware of existing scrutiny arrangements and avoid duplication. Determination of topics crucial.	Focus on improvement and better outcomes. Bridge between local govt. and real people. Cross-cutting issues; identifying where there are gaps. Flexible enough to drill down into real local issues.	Issue-based/subject-specific issues of common interest across more than 1 council that aren't being scrutinised elsewhere. Need a specific focus. LAA and structure of PSB. Governance of delivery partnerships. Also areas of poor performance. Issues wider than LAA - e.g., snow response, Highways Agency, utilities.
Q3 How?	Either formal or informal, depending on issue being scrutinised. Need a consistent approach with clear objectives and criteria. Who will take lead – County or Districts? Scrutiny Officers have a role to play in sharing all Work Programmes. Report back to appropriate place (i.e. council executives, PSB, other partners, OSCs)	Informal Model 3 preferred. Should be as and when required. Need a framework for flexible arrangements tailored to suit particular cases, activated when needed. However, more formal standing arrangement may be appropriate for scrutiny of partnership governance (including LAA processes)	Flexible and transparent. Business Planning Group model. Look at work programmes & priorities across OSCs. Empowered to take action where a new joint piece of work is necessary & appropriate. Reporting line to whoever is responsible for decisions. Involvement at a time to most influence actions.	Prefer more over-arching, formal approach (stronger, more influential). Concerned that informal approach won't work – formal process and protocols required. However, some potential for mix and match between elements of different models to provide appropriate approach. How can buy-in be ensured? Reporting through relevant partnerships and partners. Key terms of reference	Look at broad themes. Task-oriented, not a standing committee. Joint Scrutiny Board – local authority non-Exec. Members, to work out a programme of activity based on issues raised by other partners. Meet on ad hoc basis. Better Together – look at avoiding duplication of scrutiny across County. Use current WS Scrutiny Officers group. Locality scrutiny (CLC and	Informal Model 3. No support for standing joint committee. One-off, time limited task groups or themed meetings, with tight terms of reference. Existing OSC work programmes fed through to WS Scrutiny Officer network to identify issues for joint scrutiny. OSC Chairmen (all) to act as filter (and possibly form over-arching group?). Involve partners/external

	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6
Q4 Who?	Non-Executive Councillors. Non-political, but need political balance if formal cttee. The Third Sector on a case by case basis. Training for those involved. Public invited to give evidence where appropriate. Citizens Panels used to assist joint scrutiny where appropriate.	Local authority members. Political balance should not be an issue. Need to involve people as appropriate who understand the area(s) being scrutinised. Need to consider how best to involve public and 3 rd sector. Danger that always same people involved. Public sessions/questions as appropriate. Use community involvement groups to gather service user/community views.	Equal partners – people with interest in subject. To include: Chairmen of District/Borough OSCs and perhaps Chairman of WSCC Policy & Resources Select. Important to include some opposition group members. Communications important (i.e. with local members). Specialist (objective) input from 3 rd Sector, parish councils, school governors, community groups. Difference of views on whether 3 rd sector has permanent or rotating seat depending on issue.	suggested. Non-Executive County and District & Borough Councillors. Representation from Association of Local Councillors. 3 rd Sector. Provide powers to co-opt and call others as witnesses. Politically proportionate (with option to override if consensus). Limit numbers to max. 20. Composition (i.e. WSCC/DC split) and voting rights need further consideration. Public engaged by holding meetings in public, public question time etc.	district OSCs) Independent (rotating?) Chair. Current Chairmen of Select Committees across local authorities. Flexible membership to bring people in as and when required as appropriate. Voluntary sector: invite to consider own representation (may need to “weight” contributions?). Alternative view: rather than experienced backbench members, should be 1 new councillor from each authority.	agencies in planning. OSC Chairs (County and Districts) 3 rd Sector as relevant on issue basis. Apolitical/no need for political balance on task groups. Need consistency of membership. Be aware of potential conflicts of interest (e.g. some OSC members may have been involved in issues being scrutinised). How involve partners in agreeing process? Meetings to be held in public, with public papers.
Q5 Other	Risks need to be identified – e.g. capacity issues; time; expertise; cost (who will pay and how will costs be shared?). Costs should be kept to a minimum. Meeting venues should be rotated.	Resources and capacity (member and officer) will be an issue. Will need to stop or scale back on other work. Need to plan early and effectively between local govt. tiers. Need to avoid duplication and any additional bureaucracy.	Resource implications – should be supported by WSCC. Training and mentoring for members involved in arrangements.	Need more understanding of existing scrutiny arrangements. Likely to be resource intensive if done properly. Outcomes should exceed inputs and no duplication of existing scrutiny.	Too many scrutiny groups dilute the process. Need to quantify value that scrutiny adds (prefer to spend money on delivery). Necessary in a Cabinet system.	Communication very important. Any new arrangements should be cost neutral / cost saving. Need to look at what could be stripped out of process/system as result of any new arrangements. Need buy-in from executive to make it work.

SCRUTINY - AMENDMENTS TO THE CONSTITUTION

Function	Proposed amendment	Reason for amendment
<p>Article 6 – Overview and Scrutiny Commission – Page 21</p> <p>(Chris Pedlow)</p>	<p>Include the following wording under Paragraph 6.1 (Terms of Reference):</p> <p>“18. To ensure that any reports by the Joint Scrutiny Task and Finish Groups be reported to the appropriate decision maker via the Commission, and that the appropriate decision maker responds accordingly to the West Sussex Joint Scrutiny Steering Group.”</p>	<p>To reflect the new joint Scrutiny Arrangements in West Sussex.</p>
<p>Article 6 – Overview and Scrutiny Commission – Page 22</p> <p>(Chris Pedlow)</p>	<p>Insert the following wording under paragraph 6.2 (General Matters):</p> <p>“3. <u>West Sussex Joint Scrutiny Task and Finish Groups</u></p> <p>The West Sussex Joint Scrutiny Steering Group may establish time-limited Task and Finish Groups. The Task and Finish Groups will investigate issues of common concern affecting either the whole county or the areas of more than one District/Borough Council. Any joint scrutiny will be outcomes-focused (i.e. where it’s felt that improvements can be achieved for the community), and will scrutinise performance as opposed to processes. Whilst issues under joint scrutiny may relate to the work of organisations with a wider remit than local authorities (e.g. quangos, utilities, Environment Agency etc.), any scrutiny will not be of the organisations themselves, but rather of relevant issues relating to their work/role.</p>	<p>To reflect the new joint Scrutiny Arrangements in West Sussex.</p>

Function	Proposed amendment	Reason for amendment
	<p>Any joint scrutiny will be carried out by non-Cabinet members of county, district and borough councils. Non-Executive County Council Members who are Cabinet Members on District or Borough Councils (or vice-versa) will not carry out any joint scrutiny activities that relate to their portfolio area.</p> <p>Any Task and Finish Groups will generally consist of a number of members determined by the Steering Group according to the topic. Membership of Task and Finish Groups will be non-political and geographically balanced (as appropriate). The Steering Group may wish to recommend co-opted members from relevant authorities, but ultimately this should be the decision of the Task and Finish Group.“</p>	
<p>Article 6 – Overview and Scrutiny Commission – Page 24</p> <p>(Chris Pedlow)</p>	<p>Include the following addition to paragraph 6.4 (role of the Chair of the Overview and Scrutiny Commission):</p> <p>“To represent the Overview and Scrutiny Commission on the West Sussex Joint Scrutiny Steering Group.”</p>	<p>To reflect the new joint Scrutiny Arrangements in West Sussex.</p>

The amendments to the Constitution above will only be made once West Sussex County Council has taken the decision to proceed with the Joint Scrutiny Arrangements for West Sussex.

NB – the Joint Scrutiny Arrangements will be for an initial trial period of 12 to 18 months. At the end of that period the arrangements will be reviewed by the participating authorities.