

# Crawley Borough Council



## Report to Overview and Scrutiny Commission 6 July 2015

### Overview and Scrutiny Commission Work Programme 2015-2016

Report of the Chair of the Commission, OSC/240

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#### **1. Purpose**

- 1.1 The Commission is requested to endorse the recommendations developed at the Overview and Scrutiny Commission's (OSC) Workshop held on 23 June 2015 with regards to the proposed topics for scrutiny reviews. If appropriate, the OSC is further requested to establish the Scrutiny Panels for 2015/2016 and to establish Chairs of the Panels.
- 1.2 Approval is also sought for OSC work programme for 2015/2016.

#### **2. Recommendations**

- 2.1 To the Overview and Scrutiny Commission:
- (i) Agree the recommendations as set out in paragraphs 5.1.1, 5.1.2 and 5.1.3 of this report
  - (ii) Where it is agreed, establish Scrutiny Panels and to:
    - (a) Establish a Chair for each Scrutiny Panel.
    - (b) Seek nominations for the membership for these Panels, based on 7 Members (i.e. 4 Labour and 3 Conservative Group Members in accord with political proportionality).
    - (b) Allow the Chair of each Panel to confirm the terms of reference for their review.
  - (iii) Approve the OSC Work Programme for 2015/2016 as set out in Appendix 1, with an acknowledgement that the Work Programme will remain flexible

#### **3. Reasons for the Recommendations**

- 3.1 The Commission is required to agree an annual OSC work programme, including the schedule of any Scrutiny Panels it establishes. This is to ensure the Overview and Scrutiny Commission's and Scrutiny Panels' time are effectively and efficiently utilised.
- 3.2 The careful selection and prioritisation of review work is essential if the scrutiny function is to be successful, achieve added value and retain credibility. The work programme should also be realistic, flexible and retain spare capacity so that additional matters raised during the year can be addressed.

- 3.3 The OSC held its annual Workshop on 23 June 2015, at which it examined two proposed topics for scrutiny review and subsequently agreed provisional recommendations, as set out in Section 5.
- 3.4 It is worth noting that items should not be identified for Overview and Scrutiny Commission consideration if a Member's queries could easily be answered by reference to the appropriate Head of Service, relevant Cabinet Member or Service Officer.
- 3.5 A draft OSC work programme for 2015/2016 has been devised for the Commission's approval as set out in Appendix 1.

## **4. Background**

- 4.1 All Members were invited to suggest topics for consideration as potential reviews. The public also have the opportunity via the Council's website. As a result of this, two topics were suggested for 2015-2016.
- 4.2 Before consideration at the Commission's Workshop, some preparatory work was undertaken and included preliminary recommendations being produced for consideration (e.g. approve, do not support or defer a review or request reports to be submitted to the OSC for consideration).
- 4.3 At the Workshop, Commission Members considered each of the preliminary recommendations, with the individual OSC Member and Officer presenting the key rationale behind the initial proposals. The discussions at the Review Workshop focused on how a review would add value or not, what other work was occurring, would a review duplicate other work, why the proposed course of action had been suggested and whether the proposed scope needed to be changed. Following these discussions, the Members at the Review Workshop formulated and agreed some initial recommendations, for each of the proposals, for consideration at this meeting of the Overview and Scrutiny Commission as set out in Section 5.

## **5. The Commission's Review Workshop's Findings and Agreeing the Scrutiny Reviews for 2015/2016**

- 5.1 Below, details the main premise behind each of the proposed topics examined at the Commission's Workshop. It also includes the Workshop's recommendations:
  - 5.1.1 **Review of the Council's Democratic Structures** – The proposed scope was to examine whether the Council would be best served by retaining a Cabinet system of governance or a system of committees.

It was proposed the review should cover how the Council works & a decision on what works best, both for the Council & the people being represented.

The proposal was discussed with Ann-Maria Brown, Head of Legal and Democratic Services in order to gain some background information. Councillor Ian Irvine and Heather Girling then met to discuss the topic further. The Lead Officer is usually present at this meeting but unfortunately due to leave and timescales Ann-Maria Brown was unable to attend.

A paper was prepared by Ann-Maria Brown in August 2014 documenting the different governance arrangements, advantages and disadvantages and issues to consider and provides suitable background information.

There is a need to acknowledge that a change from one form of governance to another can be brought about either by:-

- a resolution of the Council
- a referendum proposed by the Council or
- by a referendum followed by a petition signed by 5% of Crawley's electorate (3,965)

Once a change is made, no further change in the form of governance is permitted within 5 years, except as a result of approval in a referendum. Under the relevant regulations, any resolution or referendum for a change of governance is not concerned with the detail of a new system. It is simply a matter of deciding which system of governance is to be adopted.

It was also discussed whether the review should be undertaken as part of a scrutiny panel or be referred to the Governance Committee.

The Commission held a lengthy discussion around the proposal submitted by Cllr Ian Irvine. Members felt that if a review was to take place, it should be undertaken by the OSC. It was further discussed that the review could cover:

- the current position (why is there the need to change the governance arrangements?)
- could improvements be made to the current system
- consider design principles (identify strengths and weaknesses in the ways of working)
- undertake consultation with all Members (perhaps via Members' seminar) and also potentially officers, partners and the general public.
- consider work undertaken by other authorities that have/are reviewing their governance arrangements.

Members had mixed views regarding whether to propose a scrutiny review. The Commission assessed the suitability of this topic against the Council's flowchart and scored it under CBC's scoring mechanism. Whilst there was discussion over sections relating to whether the issue was a concern to partners, stakeholders and the community, these issues could be addressed through consultation. As a result of this assessment and the discussion, the topic should be recommended as a possible review.

Potentially this could become a huge review but if a scrutiny panel is established, it is proposed to keep this review more proportionate, by focusing on where it can add most value. Therefore, the scoping framework will probably need to accommodate this and could be achieved at the first meeting of the Panel. A draft scoping framework is attached as Appendix 2 which can be amended and developed further at the first Panel meeting.

The Review Workshop's recommendations were:

1. *That the OSC approves the topic for a scrutiny review.*
2. *That a Chair for the new Scrutiny Panel be established.*
3. *That nominations are sought for the membership for these Panels, based on 7 Members (i.e. 4 Labour and 3 Conservative Group Members in accord with political proportionality).*

**5.1.2 Review of Civic Arrangements** – The proposed scope was to undertake a review of what Crawley residents want with regard to the Mayoralty and the town's civic events (e.g. the Civic Service), how the council's current arrangements need to change to reflect this and the level of resourcing appropriate to meet existing and new requirements.

It was proposed the review include a non-party political assessment, preferably with input from the town's wider civic society and the public, of what arrangements are needed to meet the future needs of the town and the level of resource appropriate for such purposes within the current financial climate.

Additionally it was felt that given that all Members are directly affected by the town's civic arrangements that support be sought from an external perspective in order to assist the panel in its work.

The proposal was discussed initially with Steve Lappage to gain some background information. The resource aspects did go through a 'demand' exercise along with the admin support in Democratic Services as part of the Democratic Services Systems Thinking Review.

OSC Members held a thorough discussion regarding the topic and it was thought it would be beneficial to receive a report from the Democratic Services Manager regarding the mayoral programme of events, current arrangements, budget and general background information. It was also discussed that views of the public could also be sought.

The Review Workshop's recommendation was:

1. *That OSC Members receive a report from the Democratic Services Manager on the Mayoralty.*

- 5.1.3 **Council's Website** – Commission Members discussed the referred report from the Forward Plan "Review of the Council's website and intranet infrastructure and associated system". Members thought it would be beneficial to undertake further work with regards to this topic. It was felt that the website is currently under used and out-dated. There is currently work being planned to update the website and social media and it was proposed a report should be requested to provide Members an update on the current arrangements and future plans.

The Review Workshop's recommendation was:

1. *That OSC Members receive a report from the Head of People and Technology and/or Web Development Manager on the current arrangements and future plans for the website.*

- 5.2 The OSC thanked those Members who had submitted the suggestions for scrutiny reviews.
- 5.3 In considering the Review Workshop's proposals it is normally recommended that usually no more than three reviews take place at a time to ensure (i) adequate Member availability and capacity to do the work – both in the panels and at the Commission; (ii) adequate resources can be provided, by Democratic Services and other officers of the Council; and (iii) robust and rigorous reviews can be completed more swiftly. The Fairness Commission Scrutiny Panel is already established. The scrutiny function also needs to be able to be responsive and pick up, at short notice, topical issues which might arise. Consequently, it may be necessary for the Commission to further prioritise or reschedule the programme or accept that it may slip.
- 5.4 A change to the Council's Constitution (to be approved by Full Council on 22 July 2015), determined that the Commission will agree the Chair of any scrutiny panel it establishes (who may not necessarily be an OSC Member and could potentially be the Member who nominated the topic). Panel members will then be agreed in consultation with Group Leaders and the party group secretaries. However at least one member of the panel must be an OSC Member.

## 6. Work Programme

- 6.1 Attached as **Appendix 1** to this report is provisional work programme for the remaining OSC scheduled meetings for 2015/2016, based on:
- Considering the rolling 3 year transformation plan
  - Considering the review of the previous year's work on the council's transformation plan
  - Reviewing services from the transformation plan 'in depth', including System Thinking review updates (as decided by OSC) and contractor updates
  - Cabinet Member and Chief Executive discussions
  - Other agency discussions if appropriate
  - Other items referred under the Scrutiny Procedure Rules
- 6.2 This draft work programme is not definitive as it may be subject to slippage as well as other items being added to it including further items from the Forward Plan being referred/ provisionally referred, or further reports being requested by the Commission.

## 7. Implications

- 7.1 The staffing implications will be dictated by the work programme agreed. In addition to the provision of dedicated support from the Democratic Services Officer, reviews will require input from staff in the service area concerned. This could impact, in the short-term, on service delivery and approved work plans, but could lead to long-term improvements.
- 7.2 Democratic Services is currently the subject of a Service Improvement exercise. This could impact on the number, and depth, of reviews which can be effectively progressed and, therefore, limit those reviews which should be approved

## 8. Background Papers

None

Heather Girling, Democratic Services Officer  
01293 438697

**OVERVIEW AND SCRUTINY COMMISSION: WORK PROGRAMME 2015 – 2016**

The items allocated **to date** for specific Commission meetings are set out below.  
(Please note *slippage may occur*)

**OSC 7 September 2015**                      **'provisional' Cabinet but likely to be 'confirmed'**

Discussion with Police and Crime Commissioner  
Safer Crawley Partnership Performance Review 2014-15 and Future Priorities  
*Systems Thinking Redesign/Re-Check – NASB*  
Budget Strategy 2016/17-2020/21  
Review of the Council's Website and Intranet Infrastructure and Associated Systems

**OSC 5 October 2015**                      **'confirmed' Cabinet 7 October 2015**

Review of the Amendments to the Under Occupation Incentive Policy update report

**OSC 9 November 2015**                      **'provisional' Cabinet**

*Systems Thinking Check - Streetscene Check presentation (Streetscene Redesign June 2016)*  
*Systems Thinking Redesign – Allotments following OSC Report December 2014*  
*Cabinet Member Discussion – Environmental Services and Sustainability*

**OSC 30 November 2015**                      **'confirmed' Cabinet 2 December 2015**

Treasury Management Mid-Year Review 2015-2016  
Crawley Borough Local Plan: Crawley 2030

**OSC 11 January 2016**                      **'provisional' Cabinet**

*Verbal Update – Glendale Golf performance*  
*Cabinet Member Discussion – Cabinet Member for Wellbeing*  
*Systems Thinking Check - Sheltered Housing*

**OSC 8 February 2016**                      **'confirmed' Cabinet 10 February 2016**

Budget and Council Tax 2016/17  
Treasury Management Strategy 2016-2017

**OSC 21 March 2016**                      **'confirmed' Cabinet 23 March 2016**

*Other Redesigns can be incorporated into the OSC Agenda at any time throughout 2015/16–*  
*• Development Management, Benefits, Facilities, Payments, Homelessness.*  
*It is also recognised that Members will be involved in the K2 and Leisure contract.*

# Draft Scoping Framework

**Title of Review:**      **Review of Democratic Structures**

## **PART1: THE REVIEW**

### **Section 1 - Terms of Reference**

To examine whether the Council would be best served by retaining a Cabinet system of governance or a system of committees, including how the Council works and to obtain view on what works best, both for the Council and the people being represented.

### **Section 2 – Reasons for the Review**

This Council has operated with both forms of governance. The Council now has the option of deciding how its wishes to be governed and reach its decision and it was felt that it is the time for the Council to make that choice.

### **Section 3 - Key Objectives of Review**

The “*Rethinking Governance*” document (LGA and CfPS) suggests -

1.

Assess the current position (why is there the need to change the governance arrangements?) Advice should also be sought from the Monitoring Officer as work will need to be undertaken within the framework of the Localism Act 2011.

2.

Establish a scope for the work – which will be based on the work’s purpose. This is a scope for the review of governance itself, not for the change in governance.

The scope might consider the following issues:

- How wide is the scope?
- How will we make sure that this review of governance gets the views of all interested parties?
- How can we ensure that the broad democratic expectations of local residents are built in to this study?

3.

Identify some strengths (practice and ways of working to keep) and some weaknesses (ways of working that could stop or change substantially).

- Ways to improve the current arrangements.

The strengths and weaknesses, are not strengths and weaknesses in the various governance options per se. They are strengths and weaknesses in the way that the existing governance arrangements work in council.

4.

Consider consultation with Members, officers, partners and the general public.

**Section 4 - What will not be included in the scope (and why)**

1.  
It is recognised that views and any recommendations for a change would be reported to the OSC and then Governance Committee.

**PART 2: EVIDENCE GATHERING AND PLANNING**

**Section 5 - Key Documents and Background Information**

1.  
Governance Arrangements – Monitoring Officer’s report August 2014.
2.  
Re-thinking Governance – Local Government Association and Centre for Public Scrutiny
3.  
Musical Chairs: Practical issues for local authorities in moving to a committee system – Centre for Public Scrutiny
4.  
Views of Members, officers and potentially partners and general public.
5.  
Views from other local authorities that have/are reviewing their governance arrangements.

**Section 6 - Witnesses to be invited**

*(some initial suggestions listed below – but probably will need to be more focused and selective)*

<b><u>Organisation</u></b>	<b><u>Name/Position</u></b>	<b><u>Reason for Inviting</u></b>
CBC	Ann-Maria Brown	CBC Monitoring Officer
CBC	Members	Obtain views of current arrangement (strengths/weaknesses/improvements)
CBC	CMT	Obtain views of current arrangement (strengths/weaknesses/improvements) as report authors.
<b>External</b>		
TBC		

**Section 7 - Site Visits and Attendance at Events**

<b><u>Location/Event</u></b>	<b><u>Date</u></b>	<b><u>Purpose of Visit</u></b>
TBC		



**Section 8 - Community Engagement Proposals**

Potentially consultation with partners/general public.

**PART 3: ADMINISTRATIVE CHECKLIST****Section 9 – Planning the Panel’s Work Programme**

	<u>Date (prov)</u>	<u>Details: (e.g. witnesses, objectives etc.)</u>
Projected start date	Sept 2015	
1 <sup>st</sup> panel meeting	Sept 2015	
Site Visit		
2 <sup>nd</sup> panel meeting	Oct 2015	
3 <sup>rd</sup> panel meeting	Nov 2015	
4 <sup>th</sup> panel meeting		
5 <sup>th</sup> panel meeting		
Projected completion date		

**Section 10 - Resources and Responsibilities**

Chair/lead Member of Scrutiny Panel	
Other Members of Scrutiny Panel	
Possible co-optee(s)	
Lead Officer(s)	Ann-Maria Brown, Steve Lappage
Scrutiny Support	Heather Girling
Portfolio Holder	
Head of Service	Ann-Maria Brown
Director	Lee Harris

**Section 11 - Reporting Arrangements**

<u>Committee/Body</u>	<u>Date (prov.)</u>
Final report of Panel to Overview and Scrutiny Commission	
Final report to Cabinet (as appropriate)	
Final report to other Committee, full Council or Body (as appropriate)	

**Section 12 - Monitoring/Feedback Arrangements**

<u>Body/Committee</u>	<u>Details</u>	<u>Date</u>
OSC	Update report	

**Section 13 - Approvals**

<u>Details</u>	<u>By whom</u>	<u>Date</u>
Terms of reference agreed		
Scoping Framework - drafted		
Scoping Framework - first agreed		
Scoping Framework - latest update		