

Report to Council

8 November 2022

Subject:	Scrutiny Review
Director:	Surjit Tour Director of Law and Governance & Monitoring Officer
Contact Officer:	Suky Suthi-Nagra Democratic Services Manager and Statutory Scrutiny Officer

1 Recommendations

- 1.1 That the work undertaken to date on the scrutiny review be noted.
- 1.2 That Council, following the improvements identified as part of the scrutiny review 2022,:-
 - (a) agrees to all scrutiny vice chairs being appointed to the Budget and Corporate Scrutiny Management Board;
 - (b) that Council agrees to increasing the membership of the Budget and Corporate Scrutiny Board to include the four vice-chairs of the other Scrutiny Boards and that the political proportionality seat allocations be amended accordingly;
 - (c) subject to the approval of (a) above, agrees to the Budget and Corporate Scrutiny Board being authorised to appoint a vice chair from amongst the revised Board membership;



- (d) agrees the role descriptions for Chairs, Vice Chairs, Overview and Scrutiny Elected Members and Co-opted members as set out in Appendix 1;
- (e) the following protocols, as set out in Appendix 2, in order to support and promote healthy working relations:-
- Scrutiny Chairs, Vice Chairs and Scrutiny Elected Members with the Executive; and
 - Scrutiny Chairs, Vice Chairs and Scrutiny Members with Officers.
- (f) Authorisation of the Director of Law and Governance and Monitoring Officer to make all necessary consequential changes to the Constitution to give effect to the approved changes.

1 Reasons for Recommendations

- 2.1 The Council commenced a review of the Council's governance arrangements following the Grant Thornton Governance Review, LGA Corporate Peer Review and CIPFA Review. These reviews identified a number of key governance issues that needed to be addressed.
- 2.2 The reviews specifically identified the need to address underlying constitutional and procedural deficiencies that directly and indirectly undermine or hinder the Council's governance arrangements, decision-making ability and key relationships.
- 2.3. A comprehensive review of the Council's overview and scrutiny arrangements has been ongoing to ensure it remains fit for purpose and aligned to the desired outcomes of Elected Members and the Council.



- 2.4 The review has sought to embed a strong and positive culture amongst Elected Members in relation to the real opportunities that effective overview and scrutiny provides.

Context and Key Issues

- 2.5 Nationally, it is acknowledged that a number of authorities face challenges with their scrutiny function, for e.g. lack of engagement (across the board), making an impact or adding value.
- 2.6 Sandwell Council has not undertaken a comprehensive review of its overview and scrutiny arrangements for a number of years. Good practice advocates a review should be undertaken at reasonable intervals to ensure the overview and scrutiny arrangements remain fit for purpose and aligned to the desired outcomes of Elected Members and the Council.
- 2.7 The Centre for Governance and Scrutiny (CfGS) has identified four key principles that should underpin the work of the Overview & Scrutiny Committee at all times. It should:
- provide a culture of ‘critical friend’ challenge to decision makers;
 - enable the voice and concerns of the public and its communities to be heard;
 - conduct the scrutiny function by independent-minded members who will lead and own the process;
 - drive improvements on services.
- 2.8 Statutory Guidance was released in May 2019 by the former Ministry of Housing, Communities and Local Government. This guidance placed a strong emphasis on scrutiny/executive relationship and early and regular engagement between the Cabinet and Scrutiny which is critical to scrutiny's success as well approaches on what effective scrutiny looks like and how to conduct it.



- 2.9 In undertaking the review, consideration has been given to the statutory guidance and examined how the Council's overview and scrutiny arrangements, including scrutiny outcomes, can be improved so as to reflect recognised good practice. Importantly, the review has sought to embed a strong and positive culture amongst Elected Members in relation to the real opportunities that effective overview and scrutiny provides.
- 2.10 To support the review, the CfGS consulted stakeholders in interview sessions, carried out a desktop exercise and led on an Elected Members survey. In addition to this, officers conducted wider engagement with Elected Members through three bespoke engagement sessions that explored how the Council's overview and scrutiny function and arrangements could be enhanced and the opportunities of scrutiny maximised.
- 2.11 The review collected insight and evidence gathered through engagement sessions, desktop studies, member surveys, analysis against statutory guidance and explored good practice to make evidence-based recommendations.
- 2.12 Engagement with members had revealed that culture was the single most important factor that would determine whether the Council would be able to deliver an excellent overview and scrutiny function that met the needs and expectations of the Council and Elected Members. Accordingly, promoting and encouraging a healthy culture that empowers Elected Members, promotes agile working, new ways of working and innovation is a critical driver for success.
- 2.13 Working with the Chair of the Budget and Corporate Scrutiny Management Board, a number of improvements have been embedded into the scrutiny process to strengthen the Council's overview and scrutiny function as follows:-
- **Strengthen the working relationship between Cabinet and Scrutiny** by having regular meetings between scrutiny and cabinet members to look at shaping strategy and policy/decisions as part of pre-decision scrutiny as opposed to operational detail. This way scrutiny can make an impact and be valued for its work. Protocols for scrutiny and executive



and scrutiny and officers' have been developed to be clear on roles and expectations (as set out in Appendix 2);



- **build parity of esteem with the Executive.** Scrutiny needs to be recognised for the value it brings. Historically recommendations by scrutiny have not been responded to by the Cabinet, steps are being taken to address this by regularly reporting recommendations to Cabinet and Leadership Team to ensure a response is provided within the statutory timescale;
- **Enable scrutiny members to feel confident in their scrutiny roles.** Both internal and external training on what makes good scrutiny have been conducted and will continue to build on learning and development for members by identifying key skills required, producing online training and a scrutiny handbook for members to utilise throughout the year and also bring in external support via the Centre for Governance and Scrutiny to conduct coaching and mentoring for scrutiny chairs to build confidence for them to effectively carry out their role;
- **Having a more focussed and exciting work programme.** The views of members of the public, councillors and MPs have been sought this year as part of the work programme on issues of concern and aligning them to the objectives of the Corporate Plan and Vision 2030. The aim is for the work programme to add value with clear objectives, look at policy development, performance monitoring, hold to account and support effective decision-making. The work programme has to be flexible but also interesting so that all members engage;
- **Performance Framework.** Historically there have been issues with member attendance at scrutiny boards, Scrutiny Chairs are therefore closely monitoring attendance. Job roles for scrutiny members and a performance framework has been developed (as set out in Appendix 1) so that all members of the board are clear about their role on a scrutiny board, i.e. attendance at meetings, engaging in discussion, asking meaningful questions, etc;



- **Regular meetings to develop and nurture strong, healthy working relationships with members and officers.** The Chairs of scrutiny boards are having regular agenda setting meetings with Directors and officers to be clear what the expectation is on reports coming to Scrutiny to enable a debate and not just information sharing. Scrutiny Board chairs are collectively meeting more regularly, whether it is a pre-meeting or prior to Cabinet to agree lines of questioning in advance;
- **Regular meetings take place with the Chair of Budget and Corporate Scrutiny Management Board, the Statutory Scrutiny Officer and Monitoring Officer** to discuss the scrutiny review, improvements to scrutiny including good practice from other authorities that can be embedded in Sandwell and any training that could be useful for members;
- **Elevating the status of scrutiny** at Council meetings by Chairs reporting on what they are doing at their scrutiny boards and the impact this has had;
- Having dedicated scrutiny sessions to look at how we are progressing the outcomes of the Improvement Plan;
- reviewing how the budget is scrutinised to ensure it is done effectively.

2.14 To support the improvements and good practices that continue to be made and adopted by Scrutiny Boards over the past couple of years, a Scrutiny Improvement Plan has been developed (as set out in Appendix 4) in consultation with the Chair of the Budget and Corporate Scrutiny Management Board. The Scrutiny Improvement Plan sets out a framework for embedding positive working relationships between Scrutiny Boards and the Executive, and Scrutiny Boards and officers. The changes will elevate the status of scrutiny by promoting its importance and ensuring parity of esteem with the Executive, and ensuring Members continue to engage in scrutiny through more strategic and dynamic work programmes that are outcome focussed.



2.15 It is also proposed to amend the membership of the Budget and Corporate Scrutiny Management Board, which currently consists of all scrutiny chairs and 1 opposition member, to also now include all scrutiny vice chairs and to also appoint a Vice Chair on the Board (which is consistent with other scrutiny boards, subject to political proportionality being maintained). The additional members on the Board will help ensure greater resilience and enable a more rich debate and discussion, whilst and promoting and facilitating the desired culture, relationships and work programme that scrutiny is aiming to achieve.

2.16 The Centre for Governance and Scrutiny (CfGS) and the Local Government Association (LGA) continue to be involved in the Council's overview and scrutiny improvement plan and further reviews will continue to be undertaken to ensure overview and scrutiny continues to add value and is valued in Sandwell.

2.17 The Budget and Corporate Scrutiny Management Board met on 22 September 2022 and gave approval to:

- the Scrutiny Improvement Plan, as set out in Appendix 3 and authorised the Director of Law and Governance and Monitoring Officer and the Statutory Scrutiny Officer to develop communication and engagement protocols/plans as set out in the Plan and provide regular updates to the Board;
- the Scrutiny Handbook, as set out in Appendix 4 and authorised the Director of Law and Governance and Monitoring Officer and the Statutory Scrutiny Officer to develop further guidance tools and training for both members and officers in order to promote the scrutiny function;
- the Director of Law and Governance and Monitoring Officer and the Statutory Scrutiny Officer, in consultation with the Chair of the Budget and Corporate Scrutiny Management Board, to continue to review the overview and scrutiny arrangements in Sandwell;
- all scrutiny board meetings taking place in the Council Chamber, where possible, to enable livestreaming to take place which will help to facilitate openness and transparency as well as public participation;



- that working with the Communications Team, consideration should be given to the use of the Sandwell Herald to promote overview and scrutiny work across the Borough.

3 How does this deliver objectives of the Corporate Plan?

		Effective governance arrangements support the delivery of all corporate objectives.
		
		

4 Objectives

The aim of the scrutiny review is to:-

- know the purpose of scrutiny;
- detail what good scrutiny looks like;
- how to conduct it;
- the benefits scrutiny can bring;
- raise the profile of effective scrutiny in Sandwell;
- develop a stronger understanding of roles and responsibilities - what does Sandwell see as good scrutiny? Is it policy development or performance monitoring?
- appreciation and understanding of the value that scrutiny brings – communication;
- actively engaging and encouraging participation of members, officers, partners and the public so as to address the local needs and help to drive improvement in public services;
- understanding of how scrutiny resources are used – and how effectively;
- ensure scrutiny make good quality recommendations which are responded to by Executive and the impact is measured and felt;



- ensuring that there is a strong cultural commitment which enables scrutiny to succeed and flourish;
- identifying any gaps in skills and addressing these as appropriate.

5 Implications

Resources:	<p>Additional resources have been commissioned to enable the Governance Review to deliver at pace.</p> <p>The appointment of a Vice Chair on Budget and Corporate Scrutiny Management Board from within current scrutiny chairs and vice chairs will not qualify for an additional Special Responsibility Allowance (SRA) as members can only receive one SRA.</p>
Legal and Governance:	<p>The scrutiny review is one element of the Governance Review. It is recognised that a strong, effective and efficient scrutiny function within a council is a significant sign of the political and governance health of a council. The Scrutiny Review demonstrates the council’s commitment to good and effective scrutiny, but also provides strong evidence of the improving nature of the scrutiny function within the council.</p>
Risk:	<p>There are no direct risk implications arising from this report, save that the momentum and improvements to the scrutiny function need to be maintained to avoid the council stagnating (or regressing) which would undermine the ‘check and balance’ scrutiny provides and increase the risk of potential failure</p>
Equality:	<p>Scrutiny Boards recognise the importance of the equality, diversity and inclusion agenda and will support the council to embed a positive EDI agenda, which includes supporting the role and work of the Equalities Commission.</p>
Health and Wellbeing:	<p>Scrutiny specifically focuses on health and wellbeing and will continue to examine this area to ensure the council meets its performance targets whilst examining how continuous improvement and innovative approaches can be progressed.</p>



Social Value	Social Value will be a key theme of the Improvement Plan with engagement and participation. Scrutiny will play a significant role in providing assurance to the council, members, partners, stakeholders and residents that the council remained committed to delivering and promoting social value where possible.
Climate Change	The proposals will not have a detrimental impact on climate change. However, Scrutiny will play an important role to ensure the council drives and delivers upon its climate change objectives and targets.

6 Appendices

Appendix 1 – Role descriptions for Chairs, Vice Chairs, Overview and Scrutiny Elected Members and Co-opted members

Appendix 2 – Protocols - Scrutiny Chairs, Vice Chairs and Scrutiny Elected Members with the Executive Scrutiny Chairs, Vice Chairs and Scrutiny Members with Officers.

Appendix 3 – [Scrutiny Improvement Plan](#)

Appendix 4 – [Scrutiny Handbook](#)

7. Background Papers

[Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities](#)

[CfPS Good Scrutiny Guide](#)

