

<p><b>Council Meeting</b> <b>15 July 2008</b></p>
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**REPORT OF THE DEMOCRATIC SERVICES MANAGER**  
**AGENDA ITEM 14.1**

**1. FIRST CLASS EDUCATION AND CHILDREN OVERVIEW AND SCRUTINY COMMITTEE**

The Council on 13 May, 2003, agreed that with effect from 2004/2005 the appointments of voluntary aided school representatives on the then Education Children Overview and Scrutiny Committee be for a period of two years.

The Council on 13 May 2008 deferred making any appointments pending receipt of nominations.

The responses so far received to the invitations are attached at Appendix A. Any further responses received after the circulation of the Agenda will be reported to the Council.

**RECOMMEND – That the Council appoint one voluntary aided school representative from each of the following to serve as co-opted Members of the First Class Education and Children Overview and Scrutiny Committee for the period ending May 2010:**  
**Church of England schools**  
**Roman Catholic Schools**  
**Persons who appoint Foundation Governors to Voluntary Aided Jewish Schools.**

**2. HEALTH CARE FOR LONDON CONSULTATION PAN LONDON JOINT OVERVIEW AND SCRUTINY COMMITTEE.**

The Conservative Group has requested that Council approve a change to the Council's representation on the Pan London Joint Overview and Scrutiny Committee.

**RECOMMEND – Council is asked to consider that Councillor Sachin Rajput replace Councillor Richard Cornelius as the Barnet representative on the Pan London Joint Overview and Scrutiny Committee.**

**3. REPORTS EXEMPTED FROM THE CALL-IN PROCESS BECAUSE THEY ARE URGENT:**

These matters are reported to the Council to meet Constitutional requirements. No action is required by the Council and the decisions have been implemented.

In the case listed below the Chairman of the Cabinet Overview and Scrutiny Committee agreed that the decision proposed was reasonable in all the circumstances, was urgent and therefore has consented to the proposed decision being exempted from call-in:

- (i) The Leader of the Council approved acceptance of the tender contract sum from Willmott-Dixon Construction for the rebuild of Parkfield Primary School and The Hyde Primary School with an integrated Children's Centre, and the construction of a Children's Centre at Underhill Infants School.  
The report was exempted from call-in as it was necessary to issue the notice to begin construction before 27 May 2008 to meet grant funding deadlines and minimise construction costs. The next meeting of the Cabinet and Overview Scrutiny Committee was not until the 23 June 2008.

#### **4. LEADER'S SCHEME OF DELEGATION: -**

##### **1. Appointment of Assistant Cabinet Member.**

The Leader has advised the Democratic Services Manager that he has appointed Councillor Daniel Webb, Assistant Cabinet Member for Planning and Environmental Protection.

##### **2. Creation and appointment to Cabinet Housing and Regeneration Committee**

The Leader has advised the Democratic Services Manager that he has appointed a Cabinet Housing and Regeneration Committee, details for which are set out in Appendix B.

**RECOMMEND – That Council note the amendments to the Leader's scheme of delegation and that the Democratic Services Manager has made the appropriate changes to the Council's Constitution.**

#### **5. HOUSEKEEPING AMENDMENTS TO THE CONSTITUTION**

- (i) The Council's Senior Structure approved found in Part 7 of the Constitution. The structure has now been updated and reflected in the current approved structure.

##### **(ii) OTHER ISSUES:-**

(a) In Part 3 : Responsibility for Functions – "5.8 The fourth exception is the Pension Fund Committee" has been added. This reflects the change made under Part 4: Section 2 - Committees and Sub-Committees – under the heading "Extract from Part 3 of the Constitution".

(b) In Section 2 - Committees and Sub-Committees: - Paragraph 7.2 (Members items for the agenda) - Should 'any item received after **4pm** will be recorded as received on the next working day', be changed to **11pm**. 'A working day is deemed to end at 4pm' was removed but not the rest of the sentence.

##### **(iii) UNDER CONTENTS LIST:-**

(c) Article 7 – The Executive: Addition of a heading "7.08 Assistant Cabinet Members".

(d) Article 10 – Heading changed to Area Committees and Forums & Local Strategic Partnerships.

(e) Article 10 – Addition of a heading "10.07 Local Strategic Partnership"

(f) Article 12 – 12.05 **Deputy** to provide sufficient resources to the Monitoring Officer and Chief Finance officer - This has been changed to **Duty** to reflect amendment made in Constitution.

- (g) At Part 3, Responsibility for Functions - Pension Fund Compliance Statement has been added.
- (h) At Section 3, Panels and Consultative Bodies, there have been amendments to headings under Appendix 1 and Appendix 2
- (i) Section 4 – Public Participation – Addition of Heading and addition of headings for Contents and Explanatory Note - Petitions, public comments and questions.
- (j) Financial Regulations – Under 5 – Further responsibilities **of Directors** and Heads of Service (Directors has been added)
- (k) Financial Procedure Rules – Under 10 – Heading has been amended to Investments, Borrowing, Capital Financing and Trust **Accounts** (it previously said Funds)
- (l) Under Contact Procedure Rules - 5.6 has been amended to: Acceptance Parameters for Contract Additions, Extensions and Variations **and Authorisation Parameters for Contract Novations and Assignments** as amended.
- (m) Under Local Code of Conduct for Members - Headings have been amended to tie-in with headings in New Code.
- (n) Under Members' Licensing Code of Good Practice - Headings have been amended to tie-in with headings in New Code.
- (p) Part 6 - Members' Allowance Scheme – Amended to reflect the current Scheme 2008/2009, and will be further amended to include reference to the Council's decision of 6 March 2007, Minute 147 to remove the cap for payment of allowances.

## 6. FUTURE OF SCRUTINY IN BARNET

The Council on 4 March 2008 (Minute 160) decided to appoint a politically balanced Working Group consisting of seven Members to consider and make recommendations to the Council at the 15 July 2008 meeting on the Future of the Overview and Scrutiny process in Barnet and any issues arising from the Mycroft Group report.

The Group's report is attached at Appendix C.

**Recommend – That the Council consider the Report of the politically balanced working group of Members on the future of the overview and scrutiny process in Barnet and make decisions.**

Janet Rawlings  
Democratic Services Manager

**SCHEDULE OF NOMINATIONS RECEIVED FOR APPOINTMENT AS NON-COUNCIL (CO-OPTED) MEMBERS  
OF THE FIRST CLASS EDUCATION AND CHILDREN SCRUTINY AND OVERVIEW COMMITTEE IN 2008-20010**

**3 REPRESENTATIVES OF VOLUNTARY AIDED SCHOOLS (VOTING REPRESENTATIVES)**

Name of Nominee	Nominators	Experience and Qualifications
<p>(i) <u>1 Representative of the Church of England</u></p> <p>➤ Gladys Vendy</p>	<p>London Diocesan Board for Schools</p>	<p><b>Miss Gladys Vendy</b></p> <ul style="list-style-type: none"> <li>• Head Teacher for 26 years in CE schools in London Diocese. At St Mary's CE Primary School, Finchley 1986-2000 which included the period in which the school relocated to the present site.</li> <li>• Two very successful Ofsted inspections "provides excellent model of leadership" and mentioned in HMCi report.</li> <li>• Retired in 2000 and became a link tutor for PGCE trainees in inner London Schools (fourth year of this).</li> <li>• An accredited performance management consultant.</li> <li>• An accredited external adviser (assists governors in setting Head Teacher objectives).</li> <li>• An Ofsted Section 23 inspector (RE and Worship) working in CE schools in the London Diocese.</li> <li>• Have acted as a consultant in two Barnet schools where there has been an acting Head Teacher (since 2000).</li> <li>• Governor of two church schools – primary (Barnet LEA) and secondary (Surrey LEA) – member of personnel committees and a vice chair.</li> <li>• Strengths – good listening skills; analytical; diplomatic.</li> </ul>

Name of Nominee	Nominators	Experience and Qualifications
		<ul style="list-style-type: none"> <li>Has been a co-opted Member of the Overview and Scrutiny Committee relating to Education and Children since 2004</li> </ul>
(ii) <u>1 Representative of the Roman Catholic Church</u>  ➤ Mr Denis Carey	Westminster Diocese Education Service	Mr Denis Carey has been the Roman Catholic Church's representative on Barnet's First Class Education & Children Overview & Scrutiny Committee. Until his retirement in August 2000 he was the Head Teacher of St Teresa's Primary School, where he had been a teacher for at least 17 years.
(iii) <u>1 Representative of Persons who Appoint Foundation Governors to Voluntary Aided Jewish Schools</u>  ➤ Mrs Cathy Goldin	Menorah Primary School	Mrs Cathy Goldin was a representative on the Education and Children Overview and Scrutiny Committee last year. She is a qualified nursery teacher and currently a parent/governor of Menorah Primary School. She was the Voluntary-Aided Jewish School's representative on the Education and Children Overview and Scrutiny Committee last year. The family are members of the Golders Green Beth Hamedrash Hebrew Congregation.
(iv) ➤ Mr Davis Deutsch	Pardes House School	Mr Deutsch is a long standing foundation Governor who has been involved with Pardes Primary for the past 20 years. His knowledge of the school as well as being a well respected member of the local Jewish Community would stand him in good stead.

## **Appendix B**

<b>Committee</b>	<b>Functions</b>	<b>Membership</b>
Cabinet Housing and Regeneration	<p>To monitor the delivery of the Council's housing needs, both within and outside the regeneration schemes, including delivery through Barnet Homes, Registered Social Landlords and the regeneration development partners.</p> <p>To make recommendations on the above to Cabinet or Cabinet Resources Committee as appropriate</p>	<p>Cllr Lynne Hillan (Chairman)</p> <p>Councillor Mike Freer</p> <p>Councillor Anthony Finn</p> <p>Cllr Richard Cornelius</p> <p>Councillor Melvin Cohen</p>

## APPENDIX C

### **Recommendation –**

**That a politically balanced working group consisting of seven Members be appointed to consider and make recommendations to the Council at their 15 July 2008 meeting on the future of the Overview and Scrutiny processes in Barnet and *any issues arising from the Mycroft Group Report.***

## THE FUTURE OF OVERVIEW AND SCRUTINY IN BARNET - THE REPORT OF THE WORKING GROUP

	2/4/08	6/5/08	4/6/08	24/6/08
Sachin Rajput (Chairman)	*	*	*	*
Brian Coleman	*	\$		\$
Joan Scannell		*	*	*
Andreas Tambourides	*	*		*
Julie Johnson	*	*	\$	*
Linda McFadyen				
Monroe Palmer				
Substitute Members				
Maureen Braun				
Kate Salinger	*	*	*	*
Alison Moore				
Barry Rawlings			*	*
Susette Palmer				
Jack Cohen				

* Members attending	\$ Member absent on Council business
Not a Committee Member/substitute at the time	^Not a substitute Member at the time

## **1. EXECUTIVE SUMMARY**

- 1.1 The remit of the Future of Scrutiny In Barnet Working Group was to evaluate current provision for the discharge of the Councils Overview and Scrutiny function, with a view to producing recommendations for Council to consider as to its future direction and development.
- 1.2 Meeting from April 2008 through to June 2008, the working group focused on the following key areas of work, gathering evidence from a variety of sources in order to help shape eventual outcomes:
- Consideration of new and emerging legislation, particularly in the context of the council place shaping agenda
  - Research into model of best practice undertaken in other London Boroughs and at the Greater London Assembly
  - Site visits to three selected London Boroughs
  - Conducted evidence gathering meetings with both internal and external officers and with the Centre for Public Scrutiny
  - Conducted a consultation exercise, canvassing a cross party sample range of the views of overview and scrutiny Councillors, with varying levels of experience of their roles in overview and scrutiny
- 1.3 The evidence gathered during the course of this review is set out in the body of this report and broadly follows the structure outlined in the bullet points above.

## **2. RECOMMENDATIONS**

- 2.1 **That the existing overview and scrutiny committee structure is disbanded.**
- 2.2 **That a new, overarching overview and scrutiny committee, to be named “Policy and Performance Overview and Scrutiny Committee” is established in its place, with a Business Management Overview & Scrutiny Sub-committee to support its work.**
- 2.3 **That a stand alone budget and performance overview and scrutiny committee is established, to be responsible for scrutinising the budget and performance management process.**
- 2.4 **That a stand alone health scrutiny committee is established, in accordance with the requirements of the Health and Social Care Act 2001.**
- 2.5 **That the proposed Policy and Performance Overview and Scrutiny Committee will meet at least once a year to appoint its Sub-committees and Scrutiny Panels/Task and Finish groups and will**



also set the annual work programme for Scrutiny Panels/Task and Finish groups, working to set time limits.

- 2.6 The proposed Business Management Overview & Scrutiny Sub-Committee will appoint additional Scrutiny Panels/ Task and Finish Groups; co-ordinate and monitor the work of Scrutiny Panels/ Task and Finish Groups; consider the most appropriate arrangements for reviews, whether by politically balanced committees or panels, non proportional panels or a rapporteur with a cross-party reference group and, where appropriate, make recommendations to the proposed Policy and Performance Overview & Scrutiny Committee; consider reports from Scrutiny Panels/Task and Finish Groups or rapporteurs and make recommendations to the Council, the Executive or the proposed Policy and Performance Overview & Scrutiny Committee, as appropriate
- 2.7 That the proposed, stand alone Budget and Performance Overview and Scrutiny Committee will consider, consult upon, comment and, where appropriate make recommendations to the Executive in respect of the proposed Council budget and Medium Term Financial Strategy.
- 2.8 That the proposed Budget and Performance Overview and Scrutiny Committee will also scrutinise the management of the Council's budget and hold the Executive to account for performance in delivery of the Corporate Plan and all other plan, strategy and service objectives.
- 2.9 That the Director of Corporate Governance should be instructed to ask the Special Committee (Constitution Review) to consider an amendment to the Constitution so that the Chairman of the proposed Budget and Performance Overview and Scrutiny Committee shall have the right to speak at the budget-making and council tax setting meeting of the Council.
- 2.10 That the Head of Paid Service be asked to consider that there be a minimum team of 4.5 overview and scrutiny staff, with appropriate professional skills, to include a manager, in line with Centre for Public Scrutiny Guidance to support overview and scrutiny and that if appropriate this requirement for increased staffing be incorporated in the 2009/10 budget.
- 2.11 That the Head of Paid Service be asked to consider appropriate arrangements to ensure that the overview and scrutiny officer team is strategically positioned within the organisation.
- 2.12 That the proposed Policy and Performance Overview and Scrutiny Committee and proposed Business Management Overview & Scrutiny Sub-committee as appropriate receive requests, reports and submissions from the Council, the Executive, residents

forums, community and voluntary groups, partnership and outside bodies and other locally constituted groups—and also respond to “Councillor Calls for Action”, if and when the relevant statutory provisions come into force.

- 2.13 That the profile, process and credibility of overview and scrutiny be raised, both internally and externally, and that the Executive be asked to ensure that appropriate resources and instruction be given to facilitate communications support and publicity for the overview and scrutiny function.
- 2.14 That a monthly programme incorporating the forward plan and other projected executive work items be reported by the Executive to the proposed Business Management Overview & Scrutiny Sub-committee and to the proposed stand alone Budget and Performance and Health Overview and Scrutiny Committees.
- 2.15 That the Chairmen of the proposed Policy and Performance Overview and Scrutiny Committee, the proposed Business Management Overview & Scrutiny Sub-committee and the proposed stand alone Budget and Performance and Health Overview and Scrutiny Committees, meet regularly with the Leader to discuss overview and scrutiny.
- 2.16 That in carrying out its functions, primarily through sub-committees and scrutiny panels, the proposed Policy and Performance Overview and Scrutiny Committee will, amongst other matters, have overall scrutiny responsibility for review of the policy framework and the development of policy and strategy. Involvement of the overview and scrutiny function in these areas should extend to the early and developmental stages of the process as well as at the finalisation or approval stage.
- 2.17 The proposed Policy & Performance Overview & Scrutiny Committee and the proposed Business Management Overview & Scrutiny Sub-Committee will ensure that the work of scrutiny is reflective of Council priorities as evidenced by the Corporate Plan and the programme being followed by the Executive.
- 2.18 That Council consider the principle embodied in some other local authorities of having a non-partisan approach to the Chairmanship and or Vice-Chairmanship of the proposed overview and scrutiny committees.
- 2.19 That the Call-in function will be carried out by the proposed Business Management Overview & Scrutiny Sub-committee.
- 2.20 That the Special Committee (Constitution Review) is asked to consider the criteria upon which decisions could be called in, whether call-in should only apply to Key decisions (as defined in

Article 13.03 of the Constitution) and whether there should be a stated understanding of how call-in would be exercised.

- 2.21 That the Director of Corporate Governance be instructed to ask the Special Committee (Constitution Review) to consider the details of Committee and Sub-Committee membership and terms of reference and other constitutional changes necessary to implement the proposed changes.
- 2.22 That the Director of Corporate Governance be instructed to ask the Independent Remuneration Panel to review Special Responsibility Allowances relevant to the proposed arrangements at the appropriate time.

### 3. BACKGROUND

- 3.1 On 29<sup>th</sup> January 2008, Council resolved to establish a **‘politically balanced working group consisting of seven Members be appointed to consider and make recommendations to the Council at their 15 July 2008 meeting on the future of the Overview and Scrutiny processes in Barnet and *any issues arising from the Mycroft Group Report.*’**
- 3.2 The membership of the Future of Scrutiny In Barnet Working Group was agreed at Council on 4<sup>th</sup> March 2008 and comprised of Councillors Sachin Rajput (Chairman), Brian Coleman, Andreas Tambourides, Joan Scannell, Julie Johnson, Linda McFadyen and Monroe Palmer. The appointed substitutes were Councillors Maureen Braun, Kate Salinger, Alison Moore, Barry Rawlings, Susette Palmer and Jack Cohen.
- 3.3 The Local Government Act (2000) introduced an Executive/Scrutiny split into local authority operations in England and Wales with the Executive determining and implementing the policy agenda and Scrutiny Committees being responsible for holding the Executive to account.
- 3.4 Barnet Council’s Constitution (Article 6.02) states that the powers of Overview and Scrutiny Committees include:
- To review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions.
  - Make reports and/or recommendations to the full Council and/or the Executive and/or any area Committee in connection with the discharge of functions.
  - Consider any matter affecting the area or its inhabitants.
  - Any Overview and Scrutiny Committee may appoint Sub-Committees and may arrange for the discharge of their functions by any such Sub-Committees.

- Two or more Overview and Scrutiny Committees may appoint Joint Sub-Committees and may arrange for the discharge of their functions by any such Sub-Committees so that the Scrutiny Role may be performed in a cross-cutting way.
- Any such Sub-Committees or Joint Sub-Committees appointed under paragraphs (d)(i) or (ii) above are subject to the rules on public meetings and political balance within the terms of the relevant legislation.
- The Terms of Reference of any Sub-Committees or Joint Sub-Committees appointed under paragraphs (d)(i) or (ii) above must be clearly stipulated by the appointing “parent” Overview and Scrutiny Committee(s) together with a defined period for their operation and existence and must be within the powers of the appointing Overview and Scrutiny Committee(s).
- Overview and Scrutiny Committees individually or jointly with other Overview and Scrutiny Committees may consider that, in order to better facilitate cross-cutting reviews, the discharge of their duties would be best served by the appointment of working parties or panels or other groups to assist the Committees in their functions. Such groups are not Sub-Committees, are not subject to the rules on public meetings and political balance, and accordingly have no powers other than to investigate and make recommendations to the parent Committee. The Terms of Reference of such groups must be within the Committee appointing them and must be clearly stipulated, with a defined period for their operation and existence.

### **Overview and Scrutiny Committees – Specific Functions (Article 6.03):**

- 3.5 **Policy development and review-** Overview and Scrutiny committees may assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- 3.6 Conduct research, community and other consultation in the analysis of policy issues and possible options;
- 3.7 Consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- 3.8 Question members of the executive and/or committees and chief officers about their views on issues and proposals affecting their area;
- 3.9 Liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
- 3.10 **Scrutiny** - Overview and Scrutiny committees may -

- 3.11 Review and scrutinise the decisions made by and performance of the Executive and/or Committees and Council officers in relation to individual decisions and over time;
- 3.12 Scrutinise decisions which the Executive is planning to take and comment on them to the Executive;
- 3.13 Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- 3.14 Question Members of the Executive and/or Committee and chief Officers about their decisions and performance;
- 3.15 Make recommendations to the executive and/or appropriate committee and/or Council arising from the scrutiny process
- 3.16 Review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the overview and scrutiny committee and local people about their activities and performance;
- 3.17 Question and gather evidence from any person (with their consent).
- 3.18 **Finance** - Overview and scrutiny committees may exercise overall responsibility for any finances made available to them.
- 3.19 **Annual report** - Overview and scrutiny committees must report annually to full Council on their workings and make recommendations to full Council for future work programmes and amend working methods if appropriate.
- 3.20 **Officers** - Overview and Scrutiny committees may exercise overall responsibility for the work programme of any officers employed to support their work.

### **Agenda Items**

- 3.21 Any Member of an Overview and Scrutiny Committee or sub-Committee shall be entitled to give notice to the Democratic Services Manager that he/she wishes an item relevant to the functions of the Committee or sub-Committee to be included on the agenda for the next available meeting of the Committee or sub-Committee (Overview & Scrutiny Procedure Rules 9).
- 3.22 Members of the Overview and Scrutiny Committees have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of the Council Constitution.

### **Reports from Overview and Scrutiny Committee**

- 3.23 The Overview and Scrutiny Committee can report findings and any recommendations back to the Executive and/or Council.

- 3.24 The Council and/or Executive shall consider the report of the Overview and Scrutiny Committee at their next available meeting (Procedure Rules 9).
- 3.25 Currently in Barnet, there are six Overview and Scrutiny Committees. These are-
- I. First Class Education & Children Overview and Scrutiny Committee
  - II. Supporting the Vulnerable in our Community Overview and Scrutiny Committee
  - III. Tackling Crime and Housing Overview and Scrutiny Committee
  - IV. Cleaner, Greener, Transport and Development Overview and Scrutiny Committee
  - V. Resources, Performance & Partnerships Overview and Scrutiny Committee
  - VI. Cabinet Overview and Scrutiny Committee

#### **4. FINDINGS OF THE REVIEW**

##### **4.1 Scrutiny Commission meetings**

The Scrutiny Commission met four times and the discussions during these meetings are summarised below.

##### **4.2 The general structure of Scrutiny**

- Some Members stated that they were interested in looking at different models of Scrutiny and how Scrutiny was structured in other Boroughs
- The need to look at how the Executive is held to account by non-Executive Members was also discussed
- The 'Overview' part of Scrutiny should be considered as there had been more focus on the critical friend role
- Members agreed that Scrutiny, if used and managed properly, could be a very effective tool
- A Member of the Scrutiny Commission stated that in his view, one of the most effective Overview and Scrutiny Committees in the past was planning, which led to innovative ideas such as the development forums
- Raising the profile of Scrutiny in Barnet was necessary
- Scrutiny has to be properly resourced - Scrutiny specialists are needed rather than Committee clerks
- Scrutiny should not be a mechanical process – it was suggested that the main issues the Scrutiny Commission should focus on are the work and structure of Scrutiny
- The possible need to change or enforce Council standing orders to ensure that Members attend meetings when requested to attend was raised
- Modernising the Scrutiny function – an overhaul of the current Scrutiny function was discussed- if the structure is right then the

politics will follow, and this may involve a radical constitutional change

- Scrutiny must be responsive and flexible

#### 4.3 **Scrutiny Committees**

- The Members of the Scrutiny Commission raised the number of Scrutiny Committees currently standing in Barnet. This was discussed at each meeting of the Scrutiny Commission.
- Scrutiny arrangements in Camden: one overarching Scrutiny Committee.
- Other Boroughs listed the items that needed Scrutiny on an adhoc basis, and then prioritised meetings around the list as required, rather than have six dates set throughout the year.
- Scrutiny must be effective – following the ‘7<sup>th</sup> July’ London bombings, Scrutiny at GLA conducted an excellent piece of work in relation to the same.
- Scrutiny has to be fit for purpose and respond to the needs of the community.
- A single Scrutiny Committee may have more impact and its decisions therefore might be more powerful; it could ask for support from each department and a more flexible working pattern could be introduced so that talented and busy Councillors would not be excluded.
- One Scrutiny Committee alone to deal with the call-in process was discussed.
- The merits of a specific Budget Scrutiny Committee was discussed
- The backing of the Executive would be necessary for any proposed changes sought by the Scrutiny Commission. The Council would decide on the composition of the Scrutiny Committee(s). If there was genuine confidence in the system of Scrutiny, the power of the Committee would be demonstrated by the votes of the Members and not by the politics of the Chairman.

#### 4.4 **Executive/Non-Executive Members and Officer Roles**

- Officer role: a clearer understanding of their role was needed and further it was noted that it was their role to be much more responsive in fulfilling Members’ requests.
- The Performance team also had an important supportive role here
- If Scrutiny were to underpin policy development, then much more exchange should go on between Officers, Scrutiny and Members.
- It was suggested that at present Officers did not consider their interaction with Scrutiny as being positive and proactive and further did not appear to understand that they were required to support the non-Executive too.
- Members expressed concern regarding the level of officer support from some service areas, which at times they felt was unsatisfactory.
- Members stated that there was a communications problem between Officers and Councillors and a strategy was therefore considered to improve the situation.
- At the site visit to the London Borough of Harrow, it was reported that the Leader met the Chair of Scrutiny every three months to brief on

key issues that were upcoming and it was considered that would obviously be very helpful, although it was noted that it did not always happen. A Cabinet Work Programme was also fed back to their Scrutiny Committees every month.

- It was agreed that this was an excellent communications strategy, quite possibly something that could be introduced in Barnet.
- Furthermore, it was stated that Performance staff at Barnet could be co-opted to support the Scrutiny Committee on specialised issues.

## **POLICY DEVELOPMENT & REVIEW**

### **4.5 Scrutiny Work Programmes & Reviews**

- Work programmes of the Scrutiny Committees did not necessarily reflect the issues of major importance that could be considered apparent in the Borough.
- Scrutiny could be aligned more closely with the priorities of the Executive and should cut across service boundaries where necessary.
- Work programmes should reflect the decisions and policies going through Cabinet in a timely way.
- Cabinet Members should inform respective Chairman of planned works and service priorities and respond to questions
- The Hate Crime Review was good but exceeded the timeframe for example: matters should remain time limited where possible.
- Involvement in working groups offered Members a degree of satisfaction. However, it could be said that once a report was produced it might disappear into a vacuum possibly because reports may not be timely or relevant to the agenda
- At the London Borough of Harrow, Scrutiny differentiated the issues; which were categorised as either light-touch (dealt with in a matter of days); medium-depth (weeks); or in-depth (months). The Chair was drawn from the majority Party and the Vice Chair from the major opposition Party.
- It was collectively considered that if the standing Scrutiny Committees continued, they would benefit enormously from having the following two sources of input: firstly, being kept informed of the forward planning of the Executive and secondly, being advised of issues raised at local level from Residents' Forums. Everyone present agreed that this would be a very significant development. In addition one or two of the key priorities highlighted in the Corporate Plan should also go to the relevant Scrutiny Committee each year.

### **4.6 Call-In**

- The need for policy development was raised; Scrutiny of the Executive has been weak and call-in ineffective
- In comparison to other London Boroughs, Barnet Scrutiny Committees were calling in far more key decisions.



- Effective Scrutiny was being hampered by the sheer volume of decisions being examined, and the fact that Officers did not always respond in a professional manner to the questions referred to them.
- Effective Scrutiny required alliances to be formed across party lines but current arrangements make this very difficult.
- The role of questioning had expanded so much that it may be considered to be detracting from the important work that the Scrutiny Committees were intended to do as described in the relevant Act of Parliament.
- Improvement could be achieved if far fewer decisions were called in and more time could thus be spent doing a much more productive Scrutiny of the major decisions.
- If call-in took place four or five times during the year, and the decisions called were very significant, far more attention would be paid to the work of Scrutiny.
- This would result in Scrutiny decisions having a much greater impact on policy making than they did at present.
- A more positive position would be for the non-Executive to call in only the major decisions, while the Executive accepted that these would be examined in far greater depth, eventually having a definite effect on policy development.
- One Scrutiny Committee alone to deal with the call-in process was discussed. A decision would have to be reached about what important issues would trigger the call. For example, Scrutiny of the regeneration schemes would provide an ideal proactive model of the call-in and Scrutiny process.
- Another area which should be open to Scrutiny was any change in Council powers.

#### 4.7 **Budget Scrutiny**

- Concern was raised about what is done with performance management information (PIs) as it was felt that this was not a productive area of work for Scrutiny. The need to look at strategies in advance before they are submitted to Cabinet and Council was discussed and it was noted that these should be timely.
- The Budget was an area which could be opened up to greater Scrutiny in a proactive way, subject to adequate reports being provided in relation to the same.
- The normal timetable for the Budget (£250 million) provided for detail to be published in February each year. However, in order to monitor such an important process, Overview and Scrutiny should begin at least six months earlier with a serious forum being provided.. This would include a thorough examination of the likely impact of budget decisions in key areas. Members considered that this was an excellent idea as there was never enough time to ask searching questions about the Budget.
- It was agreed that the Chair of a Budget Scrutiny Committee would be a very important role. Following a question from the relevant Chairman, the proposal could be sent to the Resources Committee for consideration if such a model were adopted.

- It was important for voting purposes that the political membership of the Overview and Scrutiny Committees be balanced and that it was in the interest of good partnership to ask the parties to work together productively for the good of the community.
- That the recommendations must be made wholeheartedly, as Scrutiny Committee Members believed they were engaged in work that was potentially extremely beneficial for the community.
- Cabinet Members should be asked to improve the flow of information regarding key policies to the Overview and Scrutiny Committee(s), so that planning could be improved.
- A Budget Scrutiny Committee would be able to monitor service performance more effectively than the current process: This would require an altered response from Officers who would be required to co-operate differently.
- A Scrutiny Committee dedicated to Budget and Performance would have a much higher profile among Officers and the public.

## **EXTERNAL SCRUTINY, PARTNERSHIPS & ENGAGEMENT**

### **4.8 External Scrutiny**

- External Scrutiny of partnership boards was discussed, as was the new police consultative group.
- Members felt that it was important to ensure that Overview and Scrutiny was geared up to the latter particularly given the expanding role of Overview and Scrutiny in both crime and health and safety.
- Petitions, CCA and engaging with residents was discussed- the need to have a mechanism in place to allow/encourage residents to attend Overview and Scrutiny meetings was raised.
- Nottingham's 'task and finish' groups and standing panels discussed with an emphasis placed on building good relationships with service providers.

### **4.9 Community Engagement**

- The need to develop the role of Overview and Scrutiny and making members of the community aware of what can be achieved.
- Scrutiny meetings may be held at various venues in the community
- Overview and Scrutiny Committees must be publicised.
- Scrutiny required a new communications strategy to improve its profile within the Council and the community.
- It was recognised that it would be difficult but not impossible to change the current attitudes towards Scrutiny and there must be many ways in which an enhanced Overview and Scrutiny could support performance and policy development, and then perceptions would change.
- A possible model could be to focus on a local area and, through a public meeting, to find the issues requiring Scrutiny, a local Scrutiny Forum. The resulting information would then be fed back to Members.

- A PR strategy would also be required to support this exercise.
- At local Residents' Forums, chaired by local Councillors, questions are normally asked about Executive decisions. The local Scrutiny Forum model discussed could be chaired by a Cabinet Member but no further discussion on this point is required here as it is not within the remit of the Scrutiny Commission.
- Local Residents' forums were very productive, and it seemed important to retain those that were already working well.
- Issues raised at Residents' Forums should be sent straight to the relevant Overview and Scrutiny Committee(s).
- Local meetings could be very valuable because each area had its own concerns which could be very differing.

## **5. MEETING WITH EXTERNAL OFFICERS**

### **Centre for Public Scrutiny**

- 5.1 Members of the Working Group met with a representative from the Centre for Public Scrutiny namely Gareth Wall. The Centre for Public Scrutiny (CfPS) is a national body which was set up to provide training advice and guidance on all matters relating to Scrutiny across the public sector. The CfPS does extensive work with a range of public sector organisations including local authorities.
- 5.2 Gareth Wall outlined recent legislative changes such as the introduction of the Local Government and Public Involvement in Health Act 2007, Councillor Calls for Action (CCA), LINKS and other reforms, the impact of which indicates a strengthened role for Scrutiny. This continues from previous reforms to areas such as health, aimed to fulfil what was identified as the "democratic deficit". The Pitt review in response to flooding in North Yorkshire and East of England identified outcomes that water companies should be locally accountable, through for example the Scrutiny process.
- 5.3 Aligning Overview and Scrutiny to policy development and corporate priorities was important to enable a strategic approach which could act responsively and as a driver for a broad corporate whole Council approach. To illustrate, comprehensive area agreements, local area agreements and the way in which Overview and Scrutiny could examine local targets and how these were being achieved through service implementation. A key new target looked at how satisfied customers were with services. Westminster City Council had recently established an Overview and Scrutiny unit which was aligned with its neighbourhood renewal unit. The linkage allowed for greater responsiveness and meant that Overview and Scrutiny could be well placed to enable a more comprehensive approach.
- 5.4 The placement of Overview and Scrutiny within an organisation was important. Advance notice of identified priorities ensured that Overview and Scrutiny could input into strategic policy development: To do otherwise was problematic. Gareth Wall referred to Overview and

Scrutiny work undertaken by the London Borough of Enfield. Short, sharp and focused reviews had yielded positive results and support from the local community which had enhanced the profile of Overview and Scrutiny.

- 5.5 Members commented that Overview and Scrutiny had been adopted early on by the Council and that the Council had not really benefited from examples of good practice that had later developed. It was observed that persuading the Executive of the benefits of the “critical friend” approach was an issue. It was also noted that closer alignment of the Scrutiny structure to cabinet portfolios was necessary. Some models in other Boroughs had separated the Overview and Scrutiny roles, as illustrated by LB Hillingdon. Camden was another example, with one Overview and Scrutiny Committee, acting as a strategic commissioning body, which could question the Leader and initiate task and finish groups.
- 5.6 Members asked whether many Councils had co-options from members of the public. Gareth Wall gave the example of Bristol City Council which maintained a pool of 50 co-optees who would be involved in a range of local issues a recent example of which was local bus transport.
- 5.7 Resources to enable co-option, undertake task and finish groups and reviews were in place in the examples and models of working touched on during the discussion. Gareth Wall indicated that the status and credibility of the Overview and Scrutiny function was important. Getting good results that were timely and responding to topical issues enhanced the profile of Overview and Scrutiny, particularly where it has been able to demonstrate clearly that it has added value. Building on momentum, gathering interest and support and identifying local issues that have local resonance was a valuable approach.
- 5.8 Gareth Wall referred to the 2007 survey of Overview and Scrutiny in local government. This was the fifth annual review and provided a comprehensive national picture of Overview and Scrutiny. In comparing resources, Gareth Wall informed Members that Barnet was below average in terms of support staff, which generally averaged between 4-8 members of staff. He also commented that where Officers were placed within the organisation was in itself an issue of credibility. Placement within a legal and democratic services setting has a big impact on how Overview and Scrutiny is perceived in terms of the support Officers provide. It should be understood that Overview and Scrutiny Officers play a substantially different role to Committee clerks however.
- 5.9 Gareth Wall also took the view that the Audit Commission assessments can be somewhat overly critical and had noted observations which had challenged the way in which the Council delivered this service.

## **6. MEMBER LED SITE VISITS**

- 6.1 The Working Group considered that they would like to carry out site visits with selected Boroughs as this might have aided Members in gaining greater insight into Overview and Scrutiny arrangements operated by other Boroughs. Following discussion, the London Boroughs of Camden, Harrow and Hillingdon were selected.

### **London Borough of Camden**

- 6.2 Councillors Andreas Tambourides and Julie Johnson met with senior Officers and a Chairman of a Camden Scrutiny Committee at Camden Town Hall on 25<sup>th</sup> April 2008. The political and structural arrangements for delivering the Overview and Scrutiny function allow for five Committees: three of which are service area or directorate based. The political make up of the Council means that Chairmanships are shared across political groups with two from each of the Labour and Liberal Democrat Groups and one Conservative.
- 6.3 Member training and development was viewed by Camden as a priority. New Members received an induction and mentoring. Chairmen received separate in-house and external training. There existed a system of self-evaluation and external training and expertise was often utilised.
- 6.4 Members made the following observations:
- The Scrutiny process in Camden appeared more “natural” and there was greater interaction between Members of the Executive and Scrutiny.
  - Both oral and written reports were taken at each Council meeting on Overview and Scrutiny activities, together with any possible recommendations. These are presented by each of the Chairman on a rotating basis.
  - Each Overview and Scrutiny meeting was preceded by a 30 minute question and answer setting pre-meet to determine which questions should be asked and by whom.
  - Camden has four political parties a “no overall control” alliance with the two larger political groups.
  - Administration and opposition Members are designated as Chairman.
  - Camden held regular meetings between the chairman of Overview and Scrutiny Committees and this was viewed as a positive and useful approach.
  - Camden Members of Cabinet regularly provided oral and written reports to Scrutiny as well as Council.
  - Once a year Scrutiny Chairman meet with the Leader and Deputy Leader of the Council
  - Overview and Scrutiny Chairman have input into agenda priorities – large complicated items are always debated first in meetings with routine items following on.
  - There seems to be cross working between Committees and Chairman where there is an obvious overlap and an informal

emphasis on the strategic direction of the Council.  
Recommendations and notes from informal meetings of Scrutiny Chairman are sometimes passed to the Executive. Very few items are called in.

- Members of the Scrutiny Commission noted that in Barnet a Member of the opposition chairs the Audit Committee. Whilst, it was observed that Camden had a sufficiently more diverse mix of opposition Members chairing Committees than simply an Audit Committee it was noted that the political structures were very different to Barnet

### **London Borough of Harrow**

- 6.5 Councillors Julie Johnson and Kate Salinger visited Harrow on 7<sup>th</sup> May 2008 and met with Members and senior Officers to find out more about arrangement in the Council for Overview and Scrutiny.
- 6.6 It was noted that Harrow defined the role very carefully, placing emphasis on its role as a “champion of local people”, representing the concerns and aspirations of the same. In the definition, it is stated that local people have a very important part to play in the Scrutiny process.
- 6.7 Harrow views Scrutiny as an independent Councillor-led function that works with local people to improve services. It is stressed that Scrutiny looks at both Council-led and non Council-led services. The purpose of Scrutiny in Harrow is to hold decision makers to account, identify and investigate areas of concern in service delivery, point out options for improving service delivery and to assist Council and its partners to respond to the changing policy environment.
- 6.8 In terms of structure, Harrow has two Committees which each have a chairman, a vice-chairman and 4 lead Members:-
- I. Overview and Scrutiny Committee**  
This can commission a sub-Committee to investigate performance issues.
  - II. Performance and Finance Committee**  
This analyses local performance against various indicators. Sub-Committees can undertake investigations can be made in one of 4 ways:
    - a light-touch review
    - a challenge panel
    - a standing review
    - an in-depth review

### **London Borough of Hillingdon**

- 6.9 Councillors Rajput and Scannell visited the London Borough of Hillingdon. The Scrutiny Commission were advised of the structure of the Committees and most specifically that only Cabinet Overview and Scrutiny Committee was chaired by a Member of the opposition.
- 6.10 Members from the working group attended a mental health working group meeting. It was noted that Hillingdon has four Policy and Overview Committees or 'POCs' and two Scrutiny Committees, one looking at decisions of the Executive and the other looking at the work of external organisations (health, police etc).
- 6.11 The POCs looked at policy and performance indicator information in-depth. Members observed that the meeting was well-chaired and harmonious, with consensus. Pre-meetings determined which questions would be asked and what lines of enquiry would be explored.

## **7. CONSULTATION WITH OVERVIEW AND SCRUTINY MEMBERS**

### **Background and methodology**

- 7.1 The rationale behind this was that the Scrutiny Commission felt that it was important to gain a sense of what the prevailing view of Overview and Scrutiny Members was. In reaching their decision to conduct a very simple consultation Members of the Commission acknowledged that Members had been reluctant to participate in a previous consultation evidenced by the level of response achieved (the Mycroft Report, 2007).
- 7.2 It was felt that a cross-party perspective, selecting three Members from each of the political parties, with varying levels of experience of the process would assist the group in identifying key issues and concerns. Members of the working group drafted six questions that were intended to be simple and direct. These were sent to each of the political group leaders who were asked to identify three Members to respond. In total, 5 out of nine responses were returned.

### **Awareness and Understanding of Overview and Scrutiny**

- 7.3 The responses clearly indicated a broad understanding of Overview and Scrutiny. The details however varied. The need to examine the decisions of the Executive, to scrutinise service delivery, both internal and external, to explore key issues in more depth by way of working groups and reviews and to suggest areas for improvement were all key points mentioned. One Member commented that whilst they were able to scrutinise and make recommendations it was a "complete waste of time" implying that despite their efforts the relevant Member continued to feel that the current process was unsatisfying.
- 7.4 Additional comments were more revealing, indicating that whilst Members were aware of what the remit of Overview and Scrutiny was,

the full extent of what could be achieved was not apparent. None of the responses identified the “Overview” aspect of the process. Some touched on the concept of reviewing the policies of the Council. There did not appear to be an understanding that Members should be able to consider policies and strategies prior to implementation by the Council.

- 7.5 The second question followed the first question in trying to establish the extent to which Members understood their respective roles. Many of the responses encompassed the “Scrutiny” aspect of the role, i.e., challenging the Executive on the decisions it makes in respect of service delivery or to participate in reviews. Some of the responses clearly indicated that there was some understanding of the role, but these do not appear to identify the possible elements of the role that could offer greater satisfaction if appropriately pursued.

### **Effectiveness of the Committees**

- 7.6 This question was expected to draw out individual experiences of participating in Overview and Scrutiny Committees. One response does this, citing the Members experience of Supporting the Vulnerable in our Community O&SC and indicating that the level of work and the broad brief of issues dealt with by the Committee prevented it from being as focused as it could be. From the majority of the responses it could be inferred that the Committees are not perceived to be particularly effective. One of the responses cites political reasons for this. With reference to paragraph 5.4 above, another response speculates that the Committee could be more effective if it could review policies that are in development prior to implementation, so any comments, views and suggestions can be reviewed for inclusion by the Cabinet.

### **Overview and Scrutiny Member Perceptions of Cabinet Members and Officers**

- 7.7 Anecdotal evidence appears to suggest two key concerns: that Cabinet Members should engage better with areas being scrutinised that fall within their remit and that as ultimate responsibility rests with them they should attend meetings together with Officers.
- 7.8 Generally, Members viewed those instances where Cabinet Members did attend as positive, expressing satisfaction at the level of involvement perceived by them, which applied equally to Officers. However, one Member commented that Officers “usually supported the Members of the ruling party”.

### **Suggestions as to how Overview and Scrutiny can be improved**

- 7.9 There were a variety of suggestions which Members felt might improve the existing process:



- Opposition chairman, to at least one Committee and that the Chairman should be non-partisan.
- That when items are called-in the specific detail is examined and referred so that Cabinet Members are better informed to avoid the need for written responses when oral responses are insufficient.
- Greater research and input, avoid duplication on issues that the Executive have already identified.
- A non-political discussion about good practice and models developed by other local authorities on Overview and Scrutiny.
- For Cabinet Members to attend Committee meetings
- Better publicity to the media and public about the views and work of the Committee.

### **Overall sense of satisfaction**

7.10 The views of Members were almost equally divided as to whether they had a sense of satisfaction from the role they undertake. Of four of the responses two felt no satisfaction whilst two were satisfied. One of the satisfied responses was interesting because it referred to related events such as workshops and other externally organised events to which Members of Overview and Scrutiny Members were invited to attend. The fifth response, indicated satisfaction particularly when involved in conducting reviews and seeing positive outcomes and improvements.

### **Consultation Concluding Comments**

7.11 The short span, basic framework of the consultation and the number of responses received, do not necessarily indicate a fully representative sample of those Members of the Council involved in Overview and Scrutiny though the responses are of course helpful. It was hoped that since the sample group was specifically targeted, this would solicit improved response rates. The aim of the consultation was to try to be inclusive, recognising that whilst the Commission were tasked with overall responsibility to conduct the review, there were additional Members who might welcome the opportunity to input into the review.

7.12 Responses to the consultation have revealed a number of key issues which the Commission could benefit from exploring further and which could also support final recommendations. Much of these concern how Members perceive their roles and that of the role of Overview and Scrutiny. There also appears to be wider issues which concern practical elements and the need to address issues such as media and communications, and how these could be used to raise the profile of Overview and Scrutiny.

## **8. CONCLUSIONS AND NEXT STEPS**

8.1 To conclude the review, the Working Group has drafted a number of detailed recommendations for Council to consider. This reflects the extent of changes that the Working Group concluded would be required

in order to effect a move that could deliver an enhanced overview and scrutiny function that was fit for purpose.

The recommendations cover the following areas:

- Placement and structure, an appropriate democratic model for Barnet
- Effective and productive dialogue between the Executive and the Overview and Scrutiny functions
- An Overview and Scrutiny function that can fulfil the “overview” aspect of the role, with a strategic input into pre-cabinet policy and strategy development
- Raising the profile of Overview and Scrutiny, both within the organisation and externally
- Improved resources and support to ensure delivery of an enhanced and credible overview and scrutiny function

8.2 It was accepted that any changes would have to ensure that the future direction of Overview and Scrutiny would also encompass within it new and emerging legislation. Members observed that the role of Overview and Scrutiny had changed significantly since it was introduced by the Local Government Act 2000, with the later introduction of statutory health scrutiny committees following the Health and Social Care Act 2001. This strengthened the role of local overview and scrutiny committees. The Local Government and Public Involvement Act 2007 has continued this trend and introduced significant changes such as the remit to request reports and attendance at overview and scrutiny meetings by partnership organisations.

8.3 The Working Group took view that many weaknesses highlighted by the report could be addressed with the changes proposed in the recommendations. They also acknowledged that there was a need to examine closely and discuss openly what could be done to ensure the residents of Barnet were able to engage with the democratic process, not only through representative Councillors but either individually or in groups. The report builds on the view that non-executive members have a significant role to play and that there is a responsibility incumbent on all members to ensure that the democratic decision making process is both transparent and accountable.

8.4 The Working Group achieved a consensual approach in both the gathering and effective analysis of the evidence. Members of the Working Group felt throughout their discussions that the opportunity to shape the future delivery of the overview and scrutiny function was vital.

## **9. BACKGROUND PAPERS**

Local Government Act 2000

Health and Social Care Act 2001

Local Government and Public Health and Involvement Act 2007

Centre for Public Scrutiny – 2007 Survey  
Centre for Public Scrutiny – Scrutiny Matters  
Guidance for Members on overview and scrutiny – London Borough of Harrow  
London Borough of Hillingdon extracts of the Constitution, Article 6  
Matrix of overview and scrutiny provision in a sample of London Boroughs