

Options for Overview & Scrutiny

Cabinet Scrutiny Committee – 21 July 2009

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Focus

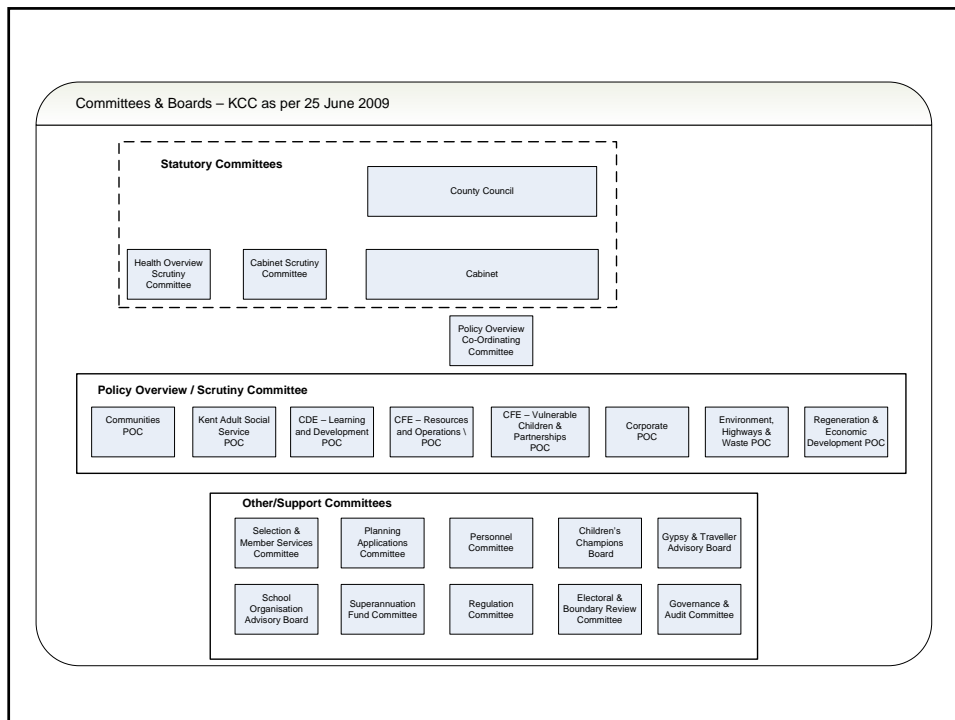
- Is the overall scrutiny set up in KCC fit for purpose, or are there other models that we could look at? What are the choices?
- Are there other mechanisms that can be used to engage non executive/backbench members in the wider overview and scrutiny
- are there examples of co-option onto scrutiny committees to strengthen the system and what are the lessons can be gleaned?

Models/Issues examined

- Current KCC model
- Hertfordshire CC
- Essex CC
- Telford & Wrekin UA
- Durham CC
- HOSC options
- Rapporteur

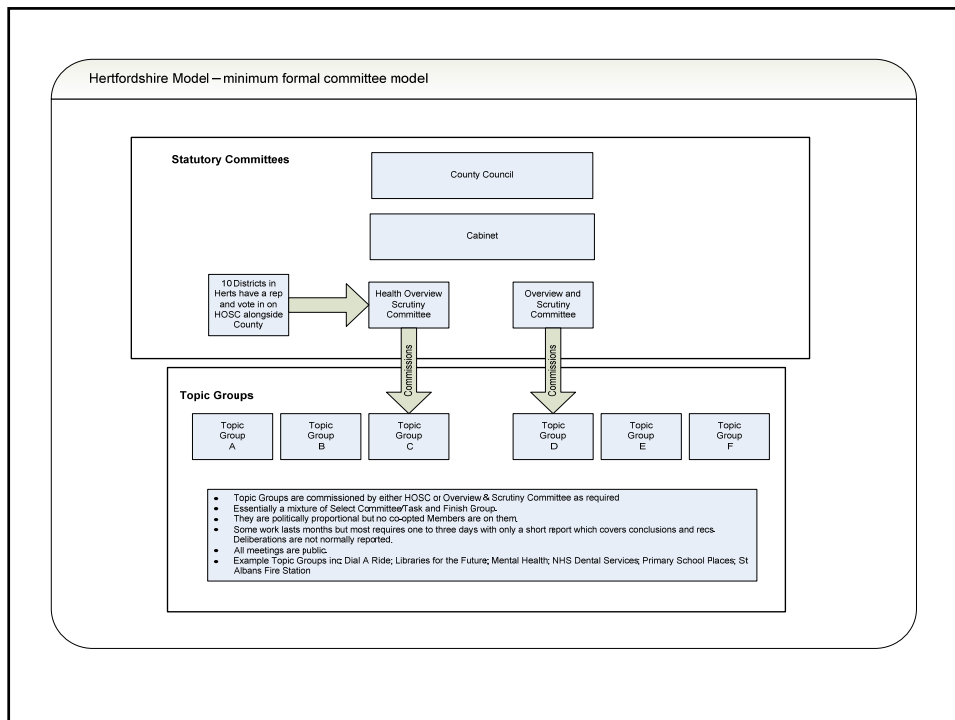
Statutory requirements – a reminder

- You must have one scrutiny committee responsible for the scrutiny of executive decisions and operating a 'call in' procedure.
- Health Overview & Scrutiny Committee (HOSC) is a statutory committee.
- At least one Committee must be designated as the Crime & Disorder Reduction Committee.
- Committees relating to school provision have statutory co-optees – parent governor / RC diocese / Church of England
- Beyond this the structure and set up of the scrutiny system is a matter for local discretion.



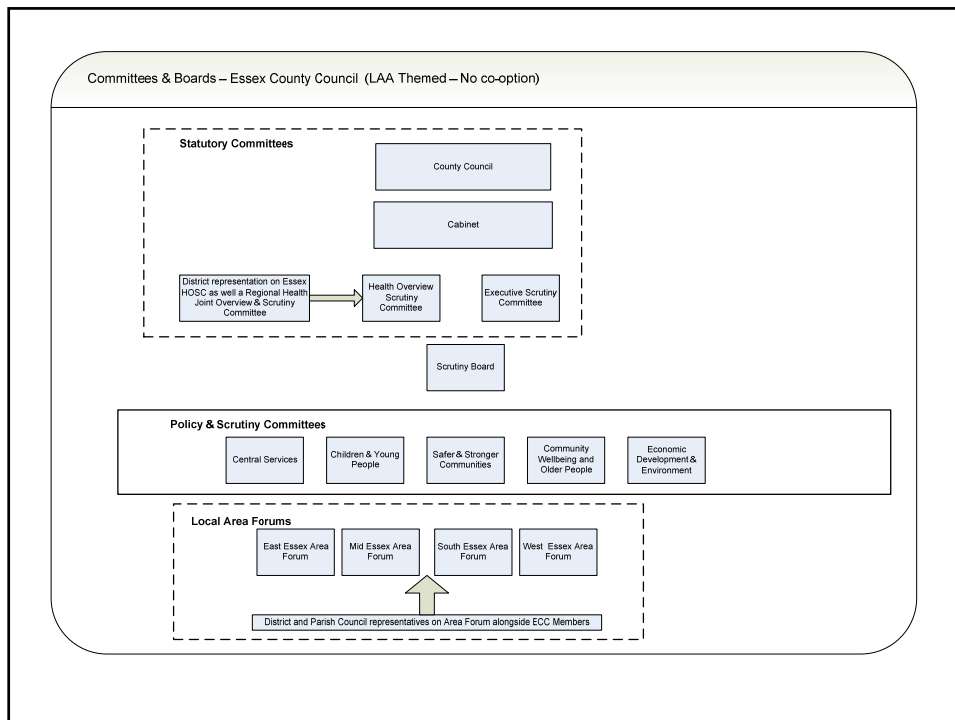
Kent County Council

- Traditional model mirroring KCC business structure
- Understood by the organisation – Members and Officers
- Executive scrutiny function and scrutiny coordinating function are undertaken by separate committees (this is not always the case)
- Comprehensive in coverage of KCC business



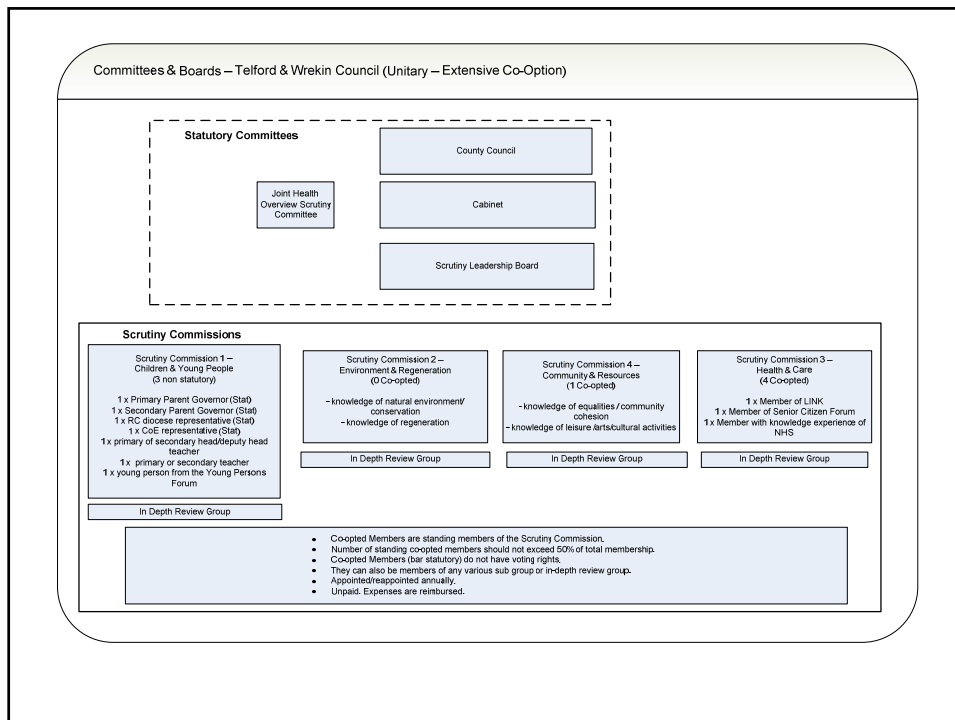
Hertfordshire

- Radical commissioning model with limited formal standing arrangements
- O&S Committee undertakes both executive scrutiny function (call in) and co-ordination of scrutiny arrangements
- Very flexible and responsive to emerging issues
- Very broad range of topics covered and fast turn around time in reports
- HOSC and O&S Committee operate the same commissioning model – limits confusion
- Interesting HOSC governance arrangements – bringing in Districts as equal partners



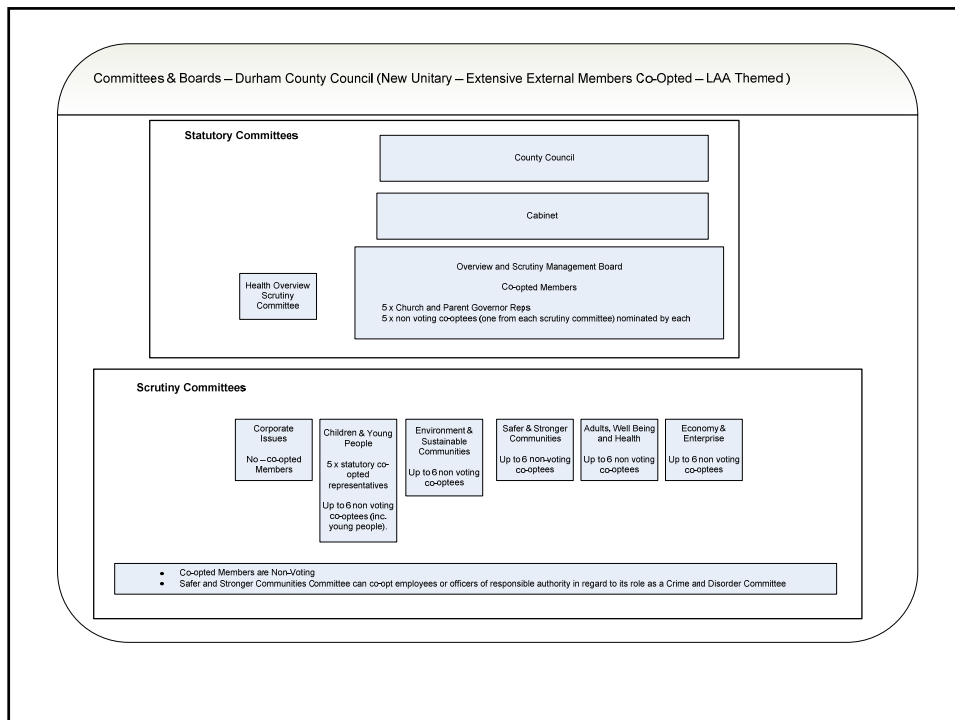
Essex

- Scrutiny model focussed around LAA /LSP themed groups
- Better model for examination of cross cutting issues.
- Provide ECC with a formal means to scrutinise the actions of partners, especially in response to delivery of LAA
- Clearly geared around CAA
- Interesting HOSC governance arrangements –district representation and regional arrangements
- Separate executive scrutiny and scrutiny co-ordination arrangements
- Area Forums operate on a similar model to KCC area based structures



Telford & Wrekin

- LAA-light scrutiny model with limited co-option
- Scrutiny Leadership Board undertakes executive scrutiny role and scrutiny co-ordination
- Co-option via open advertisement **but**
- Co-opted posts are designated around groups/individual with particular skill sets.
- Allows some scrutiny of LSP / LAA partners performance



Durham

- Scrutiny model focussed on LAA themes with extensive co-option
- Large scale co-option onto scrutiny committees new arrangement (April 09) as part of transition to unitary status
- Overview & Scrutiny Management Board undertake executive scrutiny and scrutiny co-ordination
- Management Board has co-opted members nominated by scrutiny committee – i.e. co-opted members have opportunity to set agenda.
- Co-option was part of the governance model in unitary bid following review by the University of Northumbria – providing external assurance
- Up to 30 co-opted posts available.
- Interesting arrangements to co-opt other service authority officers / members as part Crime and Disorder scrutiny committee

Lessons learned from models:

- Claims for radical/different scrutiny models - more rhetoric than reality
- Co-ordination of scrutiny function and executive scrutiny (call in) function are often undertaken by the same, rather than separate, committees – potential for rationalisation
- Co-option of external members (beyond statutory education co-optees) is undertaken in a few councils – but is very rare and immature
- Non-statutory co-opted members are non-voting members of committees
- Filling positions appears to be better when posts are designated for a specific group or type of individual rather than general member of the public
- Co-opted Members are unpaid
- Co-opted appointments are made internally by elected Members

Our thoughts:

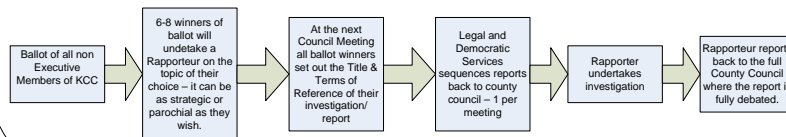
- If co-opting is a route that the Council considers appropriate then our advice would be that:
 - Role requirement / type of person might be known but open advertisement to attract as wider field as possible
 - To maximise transparency and impartiality appointments might be undertaken by independent third party (e.g. Centre for Public Scrutiny)
 - Consider making co-opted members full voting members – to make position as attractive as possible.
 - Consider co-opted members on some form of scrutiny co-ordination role so that they have the opportunity to influence scrutiny agenda
 - Appointments should be for longer than one year to build up expertise and understanding of council processes.
 - If we move to a scrutiny of the LAA / Partnership – one option might be to co-opt non-local authority members from other service authorities (i.e. police authority – NHS Trusts)
 - Elected Members should be the majority at all times – but balancing the weighting on KCC scrutiny committees under current political make up of the council might require more than just a few appointments onto a few committees but a significant number of co-optees (i.e. the Durham model over the Telford model)

Rapporteurs

- The London Assembly – which has a pure scrutiny function has made great use of the Rapporteur system more commonly associated with Europe.
- A rapporteur is when an individual member suggests a topic for investigation/review and then is charged by the organisation (generally an organising committee or plenary session) to investigate and formally report back.
- Some examples of the London Assembly rapporteurs include:
 - MRSA
 - Playing Fields
 - Travel Arrangements for Sporting Events
 - Barriers to Greater Recycling
 - Promoting Business Continuity for Small Businesses
 - Infant Immunisation
- Rather than a “free for all” with Members request Rapporteur status at will, would be to limit the number of rapporteurs per year – with Members chosen by ballot in a similar way to how Balloted Private Members Bills in the House of Commons are awarded.

A Rapporteur Model for KCC (hybrid model of GLA and Parliamentary Ballot for Private Members Bills)

Rapporteur (derived from French) is used in international and European legal and political contexts to refer to a person appointed by a deliberative body to investigate an issue or a situation and report to that body.

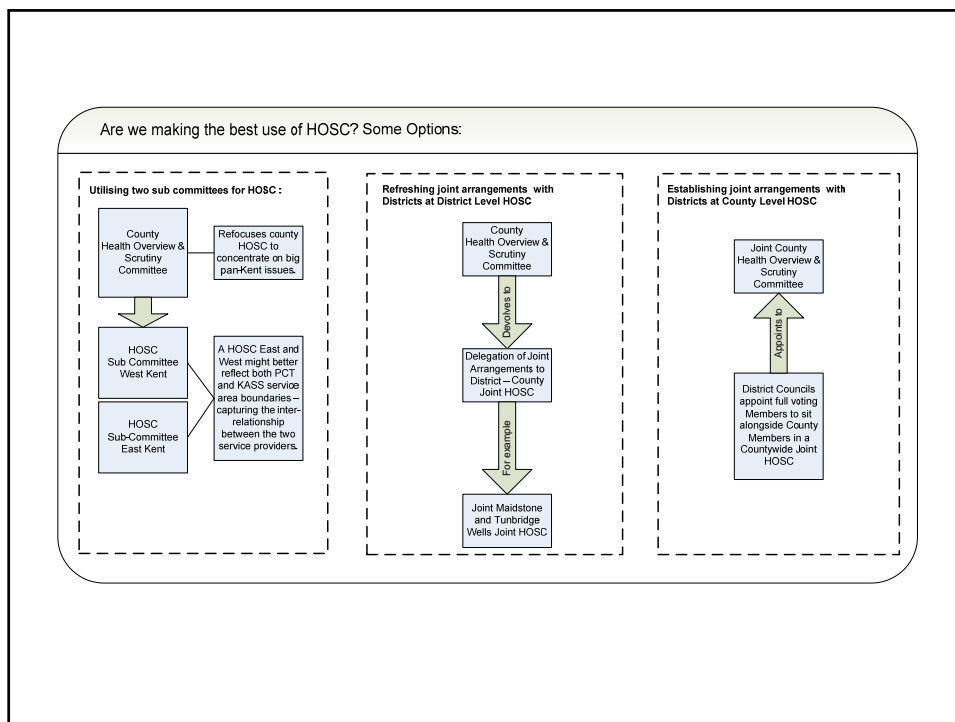


Rapporteurs

- Allows individual backbenchers to set agenda which is difficult through formal committee if not in the Chair
- Develops knowledge base and member capability
- Likely to be popular
- Fits in with Councillor role as community advocate
- Innovative within local government outside of GLA
- GLA experience is that Rapporteurs are generally evidence based and positive rather than party political in nature
- Unlikely to be particularly expensive beyond officer time

Health Overview and Scrutiny Committee

- Given the importance of the NHS in terms of size of public spend in Kent and our place shaping/community leadership role – HOSC should be a key tool for KCC to (be seen) to influence NHS service delivery
- The current HOSC model is a traditional KCC committee structure – predominantly discharged by full committee meeting only
- Protocols negotiated with Borough/District colleagues when HOSC was established but never been used appropriately e.g. ability for Districts to establish Joint Committees to look at local services including local county member representation
- Already have a Joint Committee which can be involved with Medway Council for sub-regional issues – is this being utilised properly
- Yet the health agenda is so vast – other mechanisms (rapporteurs?) and new ways of working need to be considered to being to better cover a broader number of NHS issues
- East and West Kent have two separate PCT's matched by KASS service areas – is a single countywide HOSC structure the best approach – are we capturing the grey area that links NHS and KASS services?



Final thoughts

- Only one side of the story – we must not forget that our localism arrangements will be key to developing a broad and worthwhile non-executive Member role
- The methods of appropriate community engagement, depending on the issue(s), to be addressed need to be developed
- Consideration to getting scrutiny as close to the community as possible needs to be explored