A Review of Scrutiny at Lincolnshire County Council

Final Report

26th November 2015

A Review of Scrutiny

Lincolnshire County Council

Final Report

1. Introduction

1.1 East Midlands Councils was invited by Lincolnshire County Council in April 2015 to undertake a review into its approach to overview and scrutiny.

1.2 The following report highlights the contribution that overview and scrutiny can make to the council in undertaking its community leadership role. It is informed by consultation with both councillors and officers, and makes a number of conclusions and recommendations that are intended to support the council in securing improvements where necessary, and consolidating good practice already evident.

2. Executive Summary and Recommendations

2.1 This review of scrutiny undertaken at Lincolnshire County Council illustrates that even in effectively led and managed councils, scrutiny can be improved. The corporate commitment to self-improvement and a willingness to critically examine its own approach and effectiveness though external and independent challenge should be applauded.

2.2 The intention of this review is to support and inform members and officers of Lincolnshire County Council to reflect upon the approach and effectiveness of its scrutiny processes, and to develop and agree a way forward.

2.3 There is evidence that scrutiny at Lincolnshire County Council is undertaken in a spirit of trust and mutual respect. Despite this, both members and officers have identified the need and opportunity to improve upon current arrangements. This culture of self-challenge will be important in driving improvement in the future.

2.4 Scrutiny has the responsibility for ensuring robust, evidence-based challenges contribute to better outcomes and this review identifies some clear objectives:

- Scrutiny members and the officer support team both need to adapt to the challenges identified.
- A shared understanding of scrutiny and the policy area is needed amongst committee members.
- Scrutiny needs to be involved at an earlier stage of policy development.
- Improve the co-ordination and focus of the scrutiny work programme.
- The initial focus should be on process, approach, skills, culture and behaviour. Structure is important but is a means of support, not the end itself.

2.5 The following provides a summary of the conclusions and recommendations:

a) Does Scrutiny Influence and what is the Impact?

2.6 Scrutiny does not have decision or policy making responsibilities. Its role is to advise and recommend (that may include alternative options) – its principle power is that of influence; and effective scrutiny that is seen a credible and authoritative is able to influence.

2.7 It is important to understand and demonstrate the impact of scrutiny. Capturing the impact, monitoring the implementation of recommendations is an important part of the process.

2.8 Timing is key. For pre-decision scrutiny to work effectively, it needs to be programmed into the early stage of policy development to enable not only the full consideration of relevant issues, but importantly to explore and offer alternative options before decisions are made.

Recommendations

R1 The Executive and Executive Members should provide formal and constructive feedback on why the views and/or recommendations of a scrutiny committee are not accepted.

R2 The implementation of recommendations need to be formally and more consistently tracked and reported back to the Overview and Scrutiny Management Committee at regular intervals.

R3 Scrutiny needs to get out of County Hall more and to look at new ways to engage the public in its work.

R4 Scrutiny should call upon the support of corporate communications to demonstrate impacts and benefits of its work to both the council and wider community.

b) Capacity and Capability

2.9 To undertake effective scrutiny, it is important that the committee members have sufficient skills and competencies to undertake their scrutiny role, and understanding of the policy area under review. While there is certainly good evidence of this, it is not consistent across committees and needs to be improved.

2.10 This is about building capacity and capability, scrutiny members do not need to become professional scrutineers but they do need support to effectively undertake their role.

Recommendation

R5 There needs to be a refresh of member training with unambiguous commitment to on-going training and development. This should include support for the development of 'softer skills'; the style and types of questions asked, the confidence and skill of members, the ability to probe and enquire in a challenging but non-abrasive way, are important factors in holding the Executive to account.

c) Agenda Setting and Work Programme

2.11 Scrutiny needs to better demonstrate how it reflects the council's priorities and take full ownership and responsibility for setting its own approach to delivering its work programme.

2.12 It is not clear how the key corporate priorities are reflected in the scrutiny work programme; how duplication is avoided [or not, as the case may be] or how resources are targeted on those issues of greater importance.

2.13 Task and Finish Groups are almost universally accepted as a good feature of scrutiny; they are able to fully consider specific issues, are welcomed by members and can offer robust and constructive recommendations. However, they are also resource-heavy and time consuming.

Recommendations

R6 Scrutiny committees must be selective about what they do look at, and what they do not look at. This requires firm leadership by the Chair and Vice-Chair, unambiguous and bold advice from officers, and acceptance by committee members that a fuller consideration of issues will require prioritisation of agenda items.

R7 The management of 'in-depth' reviews needs to become more streamlined and less-resource intensive, therefore becoming a more effective tool for enhancing the effectiveness and responsiveness of scrutiny.

d) The Scrutiny Team

2.14 Effective scrutiny is time consuming and challenging. Members need support to do it well. The most obvious source of this support is the team that service the council's scrutiny function; working closely with members and colleague officers and making the best us of their time and resource is essential.

2.15 Significant effort and resource goes into supporting a scrutiny process that would benefit from better direction and focus, thereby ensuring adequate support is available to deliver scrutiny well; while a cliché it nevertheless remains true, focus on quality over the quantity of material.

2.16 There is concern over the length of scrutiny reports and the ability to capture and reflect the nature of scrutiny discussion, the debate and subsequent agreement of recommendations to the Executive.

Recommendations

R8 The discussion and decisions at committees should be better reflected at Executive. The reports need to better reflect the range of perspectives, and indeed alternative options considered by the committee.

R9 Scrutiny officers should assume a greater advisory role, both on the process and content of the activity, including providing support in the framing of probing and productive lines of enquiry.

e) Who is Scrutinised?

2.17 In an ideal world, it is clear that it is the members who should scrutinise, and it is Executive members who are scrutinised. Officers are also there to provide advice and support, particularly on issues of a detailed/and or technical for these decisions - and officers implement it and should be accountable for operational nature.

2.18 But we do not live in an ideal world. The knowledge and expertise of officers is central to an effective scrutiny approach, and their work in support of the Executive is absolutely an issue that scrutiny should consider. The attendance of Executive members, let alone the actual contribution and support, is patchy at best and very often it is the officers that are the focus for scrutiny.

Recommendation

R10 Lincolnshire County Council should consider whether the balance between scrutiny of the Executive (through its members), and scrutiny of officers, is the right one. The Executive should more fully engage in scrutiny, and it needs to be more fully accepted as a core responsibility.

f) Leadership

2.19 The commitment of senior leadership for supporting the scrutiny process, providing opportunities for council debates on scrutiny reports, reinforcing its role and contribution to the effective governance of the council is key for ensuring scrutiny is not pushed to periphery of council business.

2.20 However, scrutiny itself has to 'gear-up', particularly in terms of confidence and clarity of leadership. Scrutiny cannot make significant improvements without more effective and consistent leadership by chairs and vice chairs.

2.21 Style is everything, and committee members have an obligation to contribute but must also be supported in doing so by the Chair and Vice-Chair; being brought in to lead on certain items by the Chair who will also ensure the committee benefits from clarity of discussion and enquiry – with clarity of outcomes and recommendations as a result. There is a risk that committees suffer from polite but undirected effort, or become dominated by one or two individuals that prevents collective ownership and effort.

Recommendation

R11 There is a need for more effective leadership on scrutiny matters – and this leadership needs to be provided by the council itself by more 'unity of purpose' between the Executive, chairs and vice-chairs of scrutiny committees and senior managers.

g) Oversight and Accountability

2.22 The Overview and Scrutiny Management Committee has a central role in holding other scrutiny committees and their leadership to account. In addition, through its seniority of membership and taking firm responsibility for the leadership of scrutiny, it provides an ideal forum for engaging with the Executive that could include early involvement in the annual budget process, and the attendance and participation of the Chair of OMSC at Executive meetings.

Recommendations

R12 The chair and vice-chairs of scrutiny committee members should be held accountable for their performance of their respective scrutiny committees, and jointly for the operation of the scrutiny process as a whole.

R13 Each committee should account annually for the impact of its work including tracking the implementation of recommendations; and developing and directing the delivery of a co-ordinated work programme.

h) The Relationship between Executive and Scrutiny

2.23 The responsibility for ensuring effective scrutiny rest with scrutiny councillors, officers *and* the Executive. A good scrutiny/Executive relationship is a first principle component of success, and without this, scrutiny will not improve.

2.24 Executive Members have a role in keeping scrutiny committees informed not solely on matters relating to policy delivery and proposals, but also about the implementation of recommendations and their impact.

Recommendations

R14 Scrutiny chairs should routinely attend the Executive meetings to present the conclusions and recommendations of their reviews. It would help develop relationship between the Executive and scrutiny leadership, and be a positive step in better articulating the breadth and intent of reviews.

i) Culture and Behaviours

2.25 Scrutiny should not act in a party political manner. Members, regardless of political affiliation, should rely on evidence rather than opinion and work together to ensure that proposals and/or decisions are properly tested by bringing their political skills and understanding of local priorities to 'the table'.

2.26 There does need to be a change in culture and behaviours; and this is a challenge posed to both politicians and officers. Many of the potential improvements to scrutiny cannot be unlocked unless there is a change in culture, and a change in culture won't happen on the basis of people thinking it will just happen, it requires action.

Recommendation

R15 The Overview and Scrutiny Management Committee, as the overarching scrutiny committee, should take a clearer and firmer role in driving forward and managing the scrutiny process and relevant committees, and provide the bridge between scrutiny and the Executive.

j) Sound and Effective Governance

2.27 Structures and governance, whether new or old, will not in themselves deliver a better functioning scrutiny model. Others factors will have a greater influence, e.g. culture, engagement and agenda planning.

2.28 There is, however, a persuasive case for change, and the current structure would fail to deliver the revised approach to scrutiny as envisaged buy this review. In summary:

- The council has changed considerably since scrutiny governance was last reviewed; not least in response to financial austerity, public sector reform and LCC's commissioning approach to service delivery.
- Scrutiny needs to better reflect the councils' priorities. It is not clear how key corporate priorities are reflected in the scrutiny work programme; how duplication is avoided and how resources are targeted on those issues of greater importance.
- There is administrative overload and the limited resource of the scrutiny team (members and officers) is not best directed.
- Lincolnshire County Council, when compared to other council councils, is at the upper-end of the scale in terms of numbers of committees. Many have substantially fewer.
- Provides and demonstrates a refresh of scrutiny arrangements.
- Reflects the changing context for local government, particularly combined authorities and devolution.

Recommendation

R16 To secure a more effective system of scrutiny at the county council, there is a need to put in place a revised governance structure for scrutiny based on the following principles:

- The Overview and Management Scrutiny Committee should take a leading role in delivering the revised approach to scrutiny, specifically agenda and work programming, relationships and culture, focus and prioritisation, in consultation with scrutiny chairs and vice-chairs, and the Executive.
- The numbers of scrutiny committees are reduced.
- The membership of scrutiny committees is reviewed to support greater consistency in the number of members that sit on each committee.
- Scrutiny panels are established in support of scrutiny committees, with chairs and vice-chairs appointed on an annual basis.

2.29 Both options presented in Section 3 of this report ('5 Plus One' and '4 Plus One') offer the benefits of reflecting the commissioning strategies of the council, supporting a more cross-cutting consideration of the scrutiny agenda, and will enable the scrutiny team to better focus its resource support.

2.30 The '5 Plus One' model offers these benefits but avoids an overly radical reduction in the number of scrutiny committees and concerns of a disproportionately high workload for the Adults and Communities Scrutiny Committee in particular, while also bringing together Economy, Environment and Transport, and Community Protection and Wellbeing, into two separate scrutiny committees (services that fit naturally alongside one another).

Recommendation

R17 In considering the case for change and the relative merits of both options presented in Section 3 of this report, Lincolnshire County Council is recommended to implement a revised governance structure for scrutiny based on the '5 Plus One' model with the following scrutiny committees:
Overview and Scrutiny Management Committee.

Plus

1. Adults Scrutiny Committee.
2. Children and Young People Scrutiny Committee.
3. Health Scrutiny Committee.
4. Economy, Environment and Transport Scrutiny Committee.
5. Community Protection and Wellbeing Scrutiny Committee.

3. Background and Context to this Review of Scrutiny

3.1 The legal basis of scrutiny can be found in the Local Government Act 2000 that introduced new political governance arrangements with the abolition of the old committee system and the introduction of the new executive model of leadership – with scrutiny to provide the check and balance to council cabinets.

3.2 Since then, subsequent Acts of Parliament have bolstered scrutiny by extending its remit and statutory responsibilities, more recently through the Localism Act 2011. Lincolnshire County Council, like many others, has a number of scrutiny committees; an overarching Overview and Scrutiny Management Committee and 9 scrutiny committees; adults, children and young people, community and public safety, economic, environmental, flood and drainage, highways and transport, health and value for money.

3.3 The commissioning of this review into scrutiny was the result of a Council decision at its meeting in February 2015 that considered the findings of an internal audit report 'Organisational Learning – Libraries Project' that was critical of the way scrutiny had, or had not been, carried out. The audit report emphasised the need to improve how

Lincolnshire County Council undertakes scrutiny, and the Council agreed a motion that the Chief Executive is asked to 'secure external advice and support in conducting a review of the Council's scrutiny arrangements and to present recommendations for making those arrangements more effective'.

3.4 This subsequent review of scrutiny illustrates that even in effectively led and managed councils, scrutiny can be improved. The corporate commitment to self-improvement and a willingness to critically examine its own approach and effectiveness though external and independent challenge should be applauded.

3.5 In the process of undertaking this review, the commitment and enthusiasm of both members and officers to critically consider an area of activity they are so closely involved in should also be commended. However, while there is evidence of scrutiny in Lincolnshire being undertaken in a spirit of trust and mutual respect, as evidenced from discussions with Members and observing committee meetings; few members and officers content with current arrangements, and this culture of self-challenge will be important in driving improvement in the future.

4. Why is Scrutiny in Lincolnshire County Council so Important?

4.1 Lincolnshire County Council benefits from confident and clear leadership at both the political and managerial level. In these circumstances, scrutiny's role in providing constructive challenge is perhaps even more important.

4.2 The challenges facing the council are well-understood; and the pressures are likely to increase further. Therefore, the responsibility becomes even greater for the council to effectively deliver its services and to provide leadership on behalf of the community. This is not solely the job for council leaders and their cabinets; but a responsibility for the council *itself*. At a time of austerity, scrutiny should play a supportive role in the council by identifying savings and reviewing services.

4.3 Scrutiny is a political interface – but should not be overtly partisan. It should deliver accountability and provide independent challenge to executive decision-making. At best, scrutiny is a vital component of good governance and improves council's decision making, service delivery and cost-effectiveness. When councils get it wrong, councils risk corporate and/or service failure and only a cursory glance of recent local government history provides a stark reminder.

4.4 The Jay Report (August 2014) into child sexual exploitation in Rotherham revealed systemic failures in local council scrutiny, governance, and leadership - a salutary warning of where the failure of scrutiny leads to wider council failure. The report

reminded us that Rotherham had "no shortage of policies, procedures or plans…..the weakness [being] that nobody checked whether they were being implemented, or indeed whether they were any good."

4.5 The Casey Report (February 2015) put a marker down that scrutiny needs to demonstrate effectiveness in holding cabinet Members and senior officers to account for individual performance and decision-making….with evidence of how scrutiny has changed practice or policy making.

4.6 And while a review of the failings of health scrutiny in Stafford, the finding of the Francis Report (February 2013) are equally applicable elsewhere. … "Councillors are not and cannot be expected to be experts….they can, however, be expected to make themselves aware of, and pursue, the concerns of the public who have elected them. This is surely the purpose of giving a local scrutiny role to councillors."

4.7 Despite its fundamental role, scrutiny is often seen as being less important; the resources of the council are rightly focused on delivering the decisions of the Executive; and councillor ambition (if part of the ruling group) can often understandably be focused on becoming part of the decision-making Executive, where scrutiny can be seen as offering a chance to 'make your mark' before moving on to better things. However, if the council is not making best use of scrutiny, and there is evidence that this may indeed be the case, then the council is failing to make best use of one of the most valuable resources it has – the time, energy, knowledge, expertise and commitment of its elected members.

5. Scrutiny Arrangements in County Councils

5.1 Of the 37 County Councils (including 10 unitary councils):

a) Decision Making Structures:

- Leader and Cabinet system – 34.
- Committee system with some scrutiny – 2 (Norfolk and Nottinghamshire)
- Committee only – 1 (Cambridgeshire)

b) Number of Scrutiny-Related Committees

- Numbers of scrutiny-related committees ranges from 2 to 10. The average number of committees is 5.
- Lincolnshire County Council is at the upper-end of the scale with 10 committees; adults, children and young people, community and public safety economic, environmental, flood and drainage, highways and transport, overview and scrutiny management, health and value for money.

- Scrutiny-related committees go under a number of guises that include; scrutiny committees, select committees, overview and scrutiny committees, scrutiny commissions, scrutiny panels, scrutiny advisory boards, overview committees, and improvement and scrutiny committees.

c) Chairman and Vice-Chairmen

- Appointments of chairmen are split between either the ruling group only (18), or a mix of the ruling group and opposition (14), often on the basis of political balance.
- Only 4 councils have all their chairmen from the opposition.
- For councils with vice-chairmen, again it is split between either the ruling group (14), or a mix of the ruling group and opposition (16).

d) Other Models

- Cambridgeshire. A committee structure is in place. Statutory scrutiny functions in relation to health and flood & water management are undertaken by the relevant committees.
- Cornwall. There are 2 overarching scrutiny committees; scrutiny management committee and the health & social care scrutiny committee. In addition, there are 10 policy advisory committees that are linked to executive portfolios.
- Devon. There are 2 scrutiny committees; corporate services, places, people, health & wellbeing. These meet about 5 times a year. In addition, there were 10 task and finish groups in the last year.
- Dorset. There are overview and scrutiny committees. The overview committees undertake the policy development role, and scrutiny committees undertake the scrutiny role. It also has an audit and scrutiny committee.
- Hertfordshire. More of a hybrid structure where cabinet panels undertake policy development and make recommendations to the executive. Each panel is chaired by the relevant executive councillor with the remainder panel membership being non-executive councillors. Each panel is aligned to executive portfolios.
- Nottinghamshire. Recently established a committee governance structure, with 2 health scrutiny committees (one for Nottinghamshire, 1 joint committee with Nottingham City). The service committees undertake scrutiny in relation to policy development.
- Oxfordshire. A system of cabinet advisory groups consider topics selected by the cabinet. These advisory groups are attended by the relevant executive councillor and enable backbencher involvement on issues of greatest importance to the council. They are not formal meetings.

- Wiltshire. Operates 4 committees comprising a management committee and three service focused select committees; health (including public health and adult social care), environment (including highways, waste and transport) and children's services. The council established 21 task and finish groups over the last year, originating from respective select committees and endorsed by the management committee.

6. Does Scrutiny Influence and what is the Impact?

6.1 While scrutiny committees can and do make recommendations, they cannot compel the Executive to follow to implement a particular action/policy. Scrutiny's principal role is to hold the Executive to account on behalf of the public – making sure their decisions are in the public interest. Scrutiny should act as a 'critical friend', challenging decisions in a supportive way, ensuring they are properly thought through and that the full range of considerations have been taken into account.

6.2 For example, the primary focus of the Health Scrutiny Committee for Lincolnshire has been to monitor the quality of health service provision across the County. It was remarked that this committee has shown firmness and confidence in the management of its work programme and achieved success in protecting services for the community by challenging the decision by NHS England to close the Burton Road GP Surgery in Lincoln that led to the announcement in March 2015 of the surgery remaining open for a minimum of five years.

6.3 But scrutiny does not have decision or policy making responsibilities. Its role is to advise and recommend (that may include alternative options) – its principle power is that of influence; and effective scrutiny that is seen a credible and authoritative is able to influence. This is dependent upon a good relationship between scrutiny and the Executive; and in the absence of this; a negative view of scrutiny and a defensive approach from the Executive will exist.

6.4 It is important to understand and demonstrate the impact of scrutiny. Capturing the impact, monitoring the implementation of recommendations is an important part of the process. There appears to be a lack of consistent approach to this, a lack of corporate communication support – and the ideal opportunity to demonstrate the value of scrutiny offered by the 'Annual Report' is not taken – replaced in part by a compendium of activity.

6.5 A more general concern relates to pre-decision scrutiny, particularly its timing. Pre-decision scrutiny has the potential to be an asset in the development and delivery of

policy and increasing the corporate knowledge of the council and the engagement of its councillors. Timing, however, is key.

6.6 For it to work effectively, it needs to be programmed in to the early stage of policy development to enable not only the full consideration of relevant issues, but also to explore and offer alternative options before decisions are made. Without sufficient time and the focus of pre-decision scrutiny at the time immediately before it will be considered and agreed by the Executive, pre-decision scrutiny has less ability to effectively consider and influence leading to criticism of too much 'affirmative' scrutiny against single options; in effect, the rubberstamping of decisions already made. This, coupled with the concern that the scrutiny process is designed to minimise the risk of 'call-in', in part evidenced by how are meetings scheduled [and indeed rescheduled] to fit within the cycle of Executive meetings, does question the veracity of process.

6.7 The output of scrutiny is likely to be a report with recommendations but for these to have an impact, they must be able to influence the issue being considered, i.e. final decisions have not been made [with sufficient time to reflect, weighing up the evidence and assessing options; a useful intersection of pre-decision with policy development], or a review of policy is underway, which mean that a recommendation could realistically lead to change.

6.8 Scrutiny reviews/reports should be relatively short and include a limited number of concrete recommendations. These recommendations should, wherever possible, be SMART (Specific, Measurable, Achievable, Relevant and Timed). A limited number of focused recommendations is more likely to support subsequent implementation.

6.9 The implementation of recommendations need to be formally and more consistently tracked and reported back to the Overview and Scrutiny Management Committee at regular intervals. It does not need to be resource intensive; the response of the Executive to recommendations should be clear, and if not accepted then detail be provided as to why, and subsequent progress and the outcomes that result in implementing proposed actions be reported.

6.10 This will allow members, partners and the public to demonstrate and acknowledge the impact of scrutiny reviews and should be a key feature of the annual report. It also provides a useful means of communicating the impact of scrutiny, including council newsletters, and to full council meetings.

6.11 Efforts have been made to engage the public, and examples include the recent Adults Scrutiny Committee in its consideration of 'non-residential care contributions

policy'. However, scrutiny members should consider further opportunities for 'getting out' of County Hall more and to look at new ways to engage the public in their work, whether they be residents or particular service users. This will add an additional dimension and credibility to the scrutiny role. Even if not physically meeting outside of Newland offices, scrutiny does need to further engage with the public – including participatory attendance! Similar to scrutiny reviews undertaken elsewhere, consultation with members and officers failed to emphasise the importance of an externally-focused perspective; how is the public involved, and how are they assured that delivery is effective? This does then lead to comment on communication.

6.12 Inevitably, much of the focus of corporate communications will be on the Executive but this can be at the expense of the wider council. There is potential for a greater role to be played by corporate communications in pre-publicity particularly for outward facing reviews, e.g. economy and health, to raise awareness of proposed work and the opportunities for outside partners/local people to inform the review, but more generally as an area of council activity that does have benefit and an impact on services that make a difference to local people. The matters considered from health to housing, jobs and investment, trading standards to roads provide a rich seam of material.

6.13 It is appreciated that the use of corporate communication is a knotty issue. It tends to be an Executive resource, as in many other councils, and a reluctance to publicise internal challenge and criticism – no matter how constructive – would be an entirely reasonable concern. Nevertheless, access to, and the support of, corporate communication support would be beneficial.

6.14 But alongside this, scrutiny members must be clear about the objectives. It should not be profile for profile's sake but for demonstrating impact and importantly, for linking to the public more effectively in meeting an objective of scrutiny, that of enabling the public's voice to be heard.

<u>Recommendations</u>

R1 The Executive and Executive Members should provide formal and constructive feedback on why the views and/or recommendations of a scrutiny committee are not accepted.

R2 The implementation of recommendations need to be formally and more consistently tracked and reported back to the Overview and Scrutiny Management Committee at regular intervals.

R3 *Scrutiny needs to get out of County Hall more and to look at new ways to engage the public in its work.*

R4 *Scrutiny should call upon the support of corporate communications to demonstrate impacts and benefits of its work to both the council and wider community.*

7. Capacity and Capability

7.1 An obvious point – but one that should be emphasised; to undertake effective scrutiny, it is important that the committee members have sufficient understanding and competencies to undertake both their scrutiny role. While there is certainly good evidence of this, it is not consistent across committees and needs to be improved.

7.2 Effective scrutiny needs to be owned and led by the scrutiny members themselves. This means taking responsibility for providing leadership before and after meetings, and getting the most from scrutiny members and witnesses. This is about building capacity and capability, scrutiny members do not need to become professional scrutineers but they do need support to effectively undertake their role.

7.3 Firstly is the understanding the scrutiny process itself and its objectives. It is one thing being on the committee, quite another is fully understanding your role and being equipped to undertake that role. Secondly, scrutiny members need support in understanding – and engaging with – the specific policy area of their committee(s).

7.4 Scrutiny members have the electoral mandate to consider and challenge delivery from a broad perspective. They are not there to promote a specialist or narrow interest, but to reflect the interests of the wider community. Parochial/local ward views frequently 'play-out' in scrutiny meetings and this detracts from the strategic and collective focus. It's understandable that members will have interest in how service delivery impacts upon their specific ward; but these issues or promoting ward interests need to be addressed through their ward councillor role, not through their membership of a scrutiny committee. Members also need to appreciate the 'interface' with officers – keeping the focus on those issues relevant for the review, and not to stray into assuming a level of technical knowledge and discussion unlikely to be productive to the review itself.

7.5 So within this context, how are councillors equipped to become an effective councillor and how are they supported to develop their scrutiny skills. Training and

on-going development is the obvious answer – and a commitment to on-going training and development should be seen as a pre-requisite of membership.

7.6 It is the process itself that offers the benefit; development sessions as a committee supports them develop as a group, where members can discuss policy priorities, scrutiny objectives and their role in an informal setting. Part may be structured, with training and policy support from officers; but part should be the Chair and Vice-Chair working with their colleagues on the committee to develop an ethos and jointly owned approach going forward in delivering the annual work programme.

7.7 It is the development of 'softer skills' that is important here. Scrutiny is an 'art'; the style and types of questions asked, the confidence and skill of members, the ability to probe and enquire in a challenging but non-abrasive way, are important factors in holding the Executive to account.

Recommendation

R5 *There needs to be a refresh of member training with unambiguous commitment to on-going training and development. This should include support for the development of 'softer skills'; the style and types of questions asked, the confidence and skill of members, the ability to probe and enquire in a challenging but non-abrasive way, are important factors in holding the Executive to account.*

8. Agenda Setting and Work Programme

8.1 There is little compelling evidence that scrutiny wholly reflects the council's priorities and takes full ownership and responsibility for setting its own approach to delivering its work programme, in conjunction with the executive, but not subjugated to the demands or timescales of the executive or other.

8.2 Lincolnshire County Council has taken a firm commissioning approach to its delivery of public services, and has clear challenges to address – not least resources. It is not clear how the key corporate priorities are reflected in the scrutiny work programme; how duplication is avoided [or not, as the case may be] or how resources are targeted on those issues of greater importance. There is a clear role for the scrutiny chairs to consider issues collectively through the Overview and Scrutiny Management Committee.

8.3 Scrutiny committees consider a large number of issues over a year with full agendas and papers – and they seem to be getting even longer, perhaps in part caused by

recent legal challenges that could encourage risk adversity amongst officers with a tendency to include everything as a result.

8.4 There seems almost to be a competition, vying for the longest agenda and the most trees felled in the production of papers. So stop – understand what is wanted and direct the officers to deliver. Scrutiny committees must be selective about what they do look at, and what they do not look at. Attempting to scrutinise everything on route to the Executive will tie the process up in knots, lead to an unmanageable workload and will reduce the Committee's ability to focus appropriately on priority issues or responding to emerging issues.

8.5 Deciding what goes on the agenda is difficult though, it requires firm leadership by the Chair and Vice-Chair, unambiguous and bold advice from officers, and acceptance by committee members that a fuller consideration of issues will require prioritisation of agenda items. A simple test could be; why is the item being suggested for inclusion; what will be the outcome of its consideration, including potential nature of the recommendation[s]; is there an governing timetable or deadline; and what would be the impact if the committee chose not to consider the item?

8.6 Remember the purpose of scrutiny! It is not councillor development by other means. In reality, a relatively few number of councillors are directly involved in the decisions that are 'place-shaping', this being the reserve of the leader and executive councillors, and so scrutiny does help in engaging councillors in the business of the council. However, Member information sessions may be a more appropriate channel for items that do not necessarily require specific action by the Committee.

8.7 Task and Finish Groups are almost universally accepted as a good feature of scrutiny; they are able to fully consider specific issues, are well-received across the Council membership and can offer robust and constructive recommendations. Commonly highlighted examples were the reviews of 'Frontline Social Workers and Safeguarding', 'Speed Management in Lincolnshire' and the 'Impact of Transportation on Maximising Economic Growth'.

8.8 The latter review brought together representatives to reflect the broad but linked economic, environment, tourism and transport policy areas. In highlighting the impact that transport infrastructure, in particular rail and the road network, has on businesses and tourism; it identified specific transport improvements to support the development of a long term strategy to improve transport infrastructure in Lincolnshire.

8.9 However, task and finish groups are resource-heavy and time consuming, and the whole process from establishing the groups to delivering the final report needs to be much shorter. However, for the more significant, cross-cutting policy areas, in-depth reviews offer the best opportunity to engage members and inform policy development and delivery, without the need for formal committee meetings. As such, they are a potent means for the Overview and Scrutiny Management Committee for driving a more effective and focused approach.

8.10 Call-in is a tool to be used cautiously but can offer scrutiny the opportunity to look at decisions if there is concern that they have been taken wrongly. The lack of call-in can be viewed as a success, but it may also be viewed as a reflection of the churn of pre-decision scrutiny and a lack of confidence of the scrutiny process itself to challenge the Executive on matters it thinks right to do so.

Recommendations

R6 *Scrutiny committees must be selective about what they do look at, and what they do not look at. This requires firm leadership by the Chair and Vice-Chair, unambiguous and bold advice from officers, and acceptance by committee members that a fuller consideration of issues will require prioritisation of agenda items.*

R7 *The management of 'in-depth' reviews needs to become more streamlined and less-resource intensive, therefore becoming a more effective tool for enhancing the effectiveness and responsiveness of scrutiny.*

9. The Scrutiny Team

9.1 Scrutiny is under-resourced. In this, it keeps good company within the local government sector - it is not alone and there should be no special case, but the problems of under-resourcing would be less acute if resources are better directed.

9.2 Effective scrutiny is time consuming and challenging. Members need support to do it well. The most obvious source of this support is the team that service the council's scrutiny function; working closely with members and colleague officers and making the best us of their time and resource is essential.

9.3 First things first, the Scrutiny Officer Team are hard-working, dedicated and an important third pillar of the scrutiny. In the consultation that informed this review, their support and professionalism was frequently highlighted, as indeed were the Democratic Services Team.

9.4 There is, however, a scrutiny industry where significant effort and resource goes into supporting a process that is vulnerable to diminishing returns along the way. In terms of activity, a simple multiplication of the numbers of committees, against the numbers of times they meet, then with the addition of ad-hoc task-and-finish groups, and with the logistics and papers underpinning this – you have a busy industry where the level of activity does not directly translate into value-added, or the end-product of the process.

9.5 It is the tightness of resources that inevitably pose the question of whether the scrutiny resource is best directed and focused, and reinforces advice on adjusting the work programme to ensure adequate support is available to deliver scrutiny well; while a cliché it nevertheless remains true, focus on quality over the quantity of material.

9.6 While member expectations must be adjusted, so too should the allocation of officer resources. If there are both scrutiny and democratic services teams in attendance at meetings, then there needs to be a clear demarcation of duties. Scrutiny officers should *advise* on both the process and content of the activity, with discretion to ask questions at the meetings themselves, with democratic services providing the administrative support. Simplistic perhaps, but it does avoid the blurred distinction between roles that does exist in parts.

9.7 This will require scrutiny officers to take a more active advisory role, including providing support in the framing of probing and productive lines of enquiry. While this responsibility does pose the risk of friction (likened to 'friendly fire') with fellow officers, all staff should be aware of roles and responsibilities and accept that this is the business of the council - it is part of their advisory role to members – whether as a scrutineer or as a scrutinised.

9.8 The discussion and decisions at committees must also be better reflected at Executive. Papers could better demonstrate that genuine accountability is taking place; they could do more to capture the nuance of discussions; and in order to inform consideration by the Executive, the reports need to better reflect the range of perspectives, and indeed alternative options considered by the committee, rather than a more narrow focus on the actual outcomes/decisions from the debate.

<u>Recommendations</u>

R8 The discussion and decisions at committees should be better reflected at Executive. The reports need to better reflect the range of perspectives, and indeed alternative options considered by the committee.

R9 *Scrutiny officers should assume a greater advisory role, both on the process and content of the activity, including providing support in the framing of probing and productive lines of enquiry.*

10. Who is Scrutinised?

10.1 In an ideal world, it is clear that it is the members who should scrutinise, and it is Executive members who are scrutinised. Executive members set policy direction, and are accountable for these decisions - and officers implement it and should be accountable for operational performance. Officers are also there to provide advice and support, particularly on issues of a detailed/and or technical nature.

10.2 But we do not live in an ideal world. The knowledge and expertise of officers is central to an effective scrutiny approach, and their work in support of the Executive is absolutely an issue that scrutiny should consider. But it is a balance – and Lincolnshire County Council has not got the balance right. The attendance of Executive members, let alone the actual contribution and support, is patchy at best and very often it is the officers that are the focus for scrutiny. Part of this can be explained by Executive workloads – but only part. The Executive should more fully engage in scrutiny, it needs to be more fully accepted as a core responsibility, and the council leader could seize the initiative in 'setting out the stall' in this regard.

<u>Recommendation</u>

R10 *Lincolnshire County Council should consider whether the balance between scrutiny of the Executive (through its members), and scrutiny of officers, is the right one. The Executive should more fully engage in scrutiny, and it needs to be more fully accepted as a core responsibility.*

11. Leadership

11.1 The ability of scrutiny to influence decisions can be affected by the approach of the most senior people in council leadership, both political and managerial. Without the commitment of senior leadership for supporting the scrutiny process, providing opportunities for council debates on scrutiny reports, reinforcing its role and contribution to the effective governance of the council at both member and staff induction, then scrutiny risks being pushed to the periphery.

11.2 However, scrutiny itself has to gear-up, particularly in terms of confidence and clarity of leadership. Scrutiny cannot make significant improvements without more effective and consistent leadership by chairs and vice chairs. This is not to infer there are not some good examples of leadership – there certainly are – but it is inconsistent across committees.

11.3 The Chair and Vice-Chairs set the context for scrutiny; working with members and officers in advance on the potential lines of enquiry and objectives of process, with a focus on a limited number of issues and clarity of expectations from Executive representative and/or lead officer to the committee. The management of the committee, often in advance, is as important as the meeting itself.

11.4 Style is everything, and committee members have an obligation to contribute but must also be supported in doing so by the Chair and Vice-Chair; being brought in to lead on certain items by the Chair who will also ensure the committee benefits from clarity of discussion and enquiry – with clarity of outcomes and recommendations as a result. There is a risk that committees suffer from polite but undirected effort, or become dominated by one or two individuals that prevents collective ownership and effort.

Recommendation

R11 There is a need for more effective leadership on scrutiny matters – and this leadership needs to be provided by the council itself by better unity of purpose between the Executive, chairs and vice-chairs of committees and senior managers.

12. Oversight and Accountability

12.1 The Overview and Scrutiny Management Committee has a central role in holding other scrutiny committees and their leadership to account. It meets regularly and does provide a forum for scrutiny representatives to discuss respective work. But it could do more in providing firm leadership and accountability. By bolstering its terms of reference, it should ensure that scrutiny committees, through their chairs/vice-chairs, rigorously account for their performance; it should track implementation of recommendations; and develop and direct the delivery of a co-ordinated work programme that focuses upon significant corporate priorities.

12.2 In addition, through its seniority of membership and taking firm responsibility for the leadership of scrutiny, it provides an ideal forum for engaging with the Executive that

could include early involvement in the annual budget process, and the attendance and participation of the Chair of OSMC at Executive meetings.

12.3 The chair and vice-chairs of scrutiny committee members have a responsibility for leading an effective scrutiny process. Given this additional responsibility, chairs and vice-chairs receive special responsibility allowances. They should be held accountable for their performance of their respective scrutiny committees, and jointly for the operation of the scrutiny process as a whole.

12.4 As part of this, each committee should account annually for the impact of its work. This will go some way in helping the scrutiny process as a whole in demonstrating impact but will also help each committee articulate the benefits of its role and how it contributes to the wider business of the council.

12.5 And a refocused Annual Report is needed. The current annual report does provide a useful illustration of the breadth of scrutiny and a detailed compendium of activity. What is needed, however, is an annual report, owned by each committee chair that details the key issues that scrutiny considered over the past 12 months, why this was undertaken, and the benefits that resulted from the review – specifically its value-added!

Recommendations

R12 The chair and vice-chairs of scrutiny committee members should be held accountable for their performance of their respective scrutiny committees, and jointly for the operation of the scrutiny process as a whole

R13 Each committee should account annually for the impact of its work including tracking the implementation of recommendations; and developing and directing the delivery of a co-ordinated work programme.

13. The Relationship between Executive and Scrutiny

13.1 Two perspectives, almost poles apart, have been highlighted…. 'The actions of the Executive result in the scrutiny being marginalised' to, 'The actions of scrutiny result in marginalising itself.' Without any comment on the reality of this (and it is likely to be a little more nuanced) it is illustrative in highlighting that the relationship between scrutiny and the executive lies at the heart of the matter.

13.2 So let's be clear on this; the responsibility for ensuring effective scrutiny rest with scrutiny councillors, officers *and* the Executive. A good scrutiny/Executive

relationship is a first principle component of success, the absence of this and without the active support of the Executive [e.g. regular attendance and genuine engagement with committee meetings by Executive members], scrutiny will not improve.

13.3 The Executive has the opportunity to drive scrutiny forward and set the tone for the relationship. Part of this is relationship management, with conspicuous attendance and engagement by the Executive at scrutiny committees rather than conspicuous absence. Executive Members have a role in keeping scrutiny committees informed not solely focused on policy delivery and proposals but also about the implementation of recommendations and their impact.

13.4 However, Executive Members do have a wide range of responsibilities, particularly those with large portfolios and any intent to be engaged with scrutiny risks being stymied by other commitments. To address this, there is the potential for an enhanced role for Executive Support Members in supporting scrutiny.

13.5 Alongside this, there could be a role for scrutiny chairs to routinely attend the Executive meetings to present the conclusions and recommendations of their reviews. It would help develop relationship between the Executive and scrutiny leadership, and be a positive step in better articulating the breadth and intent of reviews.

13.6 Culture and behaviours go some way in illustrating the problem; to what extent is there real appetite amongst the Executive and Group Leaders for a better functioning scrutiny, and what is the commitment of scrutiny members to deliver a more supportive and constructive approach?

<u>Recommendations</u>

R14 Alongside this, scrutiny chairs should routinely attend the Executive meetings to present the conclusions and recommendations of their reviews. It would help develop relationship between the Executive and scrutiny leadership, and be a positive step in better articulating the breadth and intent of reviews.

14. Culture and Behaviours

14.1 Scrutiny should not act in a party political manner. Members, regardless of political affiliation, should rely on evidence rather than opinion and work together to ensure that proposals and/or decisions are properly tested by bringing their political skills and understanding of local priorities to 'the table'. If scrutiny is addressing the right

issues, then by definition they will be politically contentious, but it is how these contentious issues are addressed that's significant.

14.2 There does need to be a change in culture and behaviours; and this is a challenge posed to both politicians and officers. Many of the potential improvements to scrutiny cannot be unlocked unless there is a change in culture, and a change in culture won't happen on the basis of people thinking it will just happen, it requires action.

14.3 The council is a political body, and so don't be surprised when councillors act in a party political manner. It is the extent to which 'partisan party politics' is played out through scrutiny that needs to be considered. Consultees reported their perception that scrutiny can be sometimes seen as the 'Praetorian Guard of the Executive' and/or the 'primary means of opposition' to the Executive. Both have resonance – and without change, the cycle continues.

14.4 However, it should be emphasised that there is no evidence of a formal whip in scrutiny, either in the ruling group or opposition. To what extent to which there is an 'informal' whip is a moot point though. Politics rightly has a pack mentality, with shared perspectives and self-imposed political discipline. 'Soft power' is a powerful influence, actions guided by expectations and it is this reality that can constrain open and robust challenge across political boundaries that is itself a feature of good formal scrutiny.

14.5 The reference to 'formal' scrutiny is deliberate in order to make a distinction between that scrutiny undertaken in open scrutiny committees [and the focus for this review], and the scrutiny that takes place within political groups themselves, that may well be more robust and challenging, and indeed influential, but is nevertheless done within the confines of the group.

14.6 In addition to this, scrutiny committee members should recognise that they have been given a mandate to undertake scrutiny on behalf of the council. Their role should not necessarily be confined to undertaking scrutiny only at committee meetings, and if the need arises, should feel empowered to challenge policy delivery/performance at other times.

14.7 A change in culture will take a good while to secure but there are a number of steps that could be taken to quicken the pace and to build understanding between the Executive and scrutiny. The OSMC needs to play the lead role and provide the bridge. Firstly, the chair of OSMC though attending Executive meetings could better articulate the 'intent' of scrutiny; and secondly an annual session between the

Executive, senior officers and OSMC could help the scrutiny leadership better understand the priorities of the council in the next 12 months, shape a co-ordinated and more timely programme of scrutiny to reflect those, and offer a forum for the Executive to engage directly with the scrutiny leadership in the consideration of policy options.

Recommendation

R15 *The Overview and Scrutiny Management Committee, as the overarching scrutiny committee, should take a clearer and firmer role in driving forward and managing the scrutiny process and relevant committees, and provide the bridge between scrutiny and the Executive.*

15. Sound and Effective Governance

15.1 Context is everything, and this review of scrutiny has considered governance as one part of the wider discussion on proposals for a more effective system of scrutiny at Lincolnshire County Council. There is always a risk that 'structures' become *the* discussion, rather than the *means* to deliver the changes agreed as a result of this review.

15.2 Structures and governance, whether new or old, will not in themselves deliver a better functioning scrutiny model but if members accept the shortcomings of the current approach, then structures and governance should not be rushed to for the answer. Others factors will have a greater influence, e.g. culture, leadership, engagement and agenda planning. Until these are addressed, there is little worth in proposing any revised governance model.

15.3 However, the Scrutiny Review Group and Chief Executive directed that the scrutiny review should include options for a revised governance model for subsequent presentation to full Council, and this review is clear that current structures are unlikely to facilitate efficient and effective scrutiny of the Council's commissioning strategies in line with the principles identified in this report. New structures are necessary and should be seen as a useful means of delivering a revised approach – and a corporate demonstration of commitment to refresh its approach to scrutiny – but structures are not in themselves the answer to improving scrutiny nor do they insulate the council from failure.

Principles for Revised Governance

15.4 To be candid, it's fairly straight forward to propose, and even implement, a revised structure. The very act of doing this can provide a strong statement of intent that

'scrutiny is changing at Lincolnshire County Council'. The real objective, however, is implementing a revised governance model where:

- It is actually desired Members
- Delivers on the objectives for scrutiny
- Meets the expectations of Members, and
- It is an improvement on the current approach.

a) Is a new governance model wanted?

15.5 Members have generally accepted the shortcomings of the current approach in supporting an effective system of scrutiny. Proposals for a revised scrutiny governance model are largely seen as a necessary and inevitable conclusion of the current review.

15.6 However, consultation to date has shown that support for a revised model is not universal. Nor is opposition to a revised model likely to only come from those on the 'periphery'. Scrutiny is well supported by councillors – and a number could prefer the status quo; therefore placing a greater onus on this review, and the leadership at the Council, for presenting a compelling case for change.

15.7 As highlighted in this review of scrutiny; the culture, approach and focus of scrutiny has a clear link to governance and structures. It is not sufficient to consider culture and focus without consideration as to whether governance and structures remain a fit for purpose vehicle for the delivery of any revised approach.

b) Presenting the case for change

15.8 The summary below provides a rationale to revise the scrutiny model to ensure it reflects the key challenges facing the council, on the grounds of both efficiency and effectiveness. There are few persuasive reasons to do nothing.

- The council has changed considerably since scrutiny governance was last reviewed; not least in response to financial austerity, public sector reform and LCC's commissioning approach to service delivery.
- Scrutiny needs to better reflect the council's priorities. It is not clear how key corporate priorities are reflected in the scrutiny work programme; how duplication is avoided and how resources are targeted on those issues of greater importance.
- The Overview and Scrutiny Management Committee should be supported in taking firm responsibility for the leadership of scrutiny, and for holding other scrutiny committees to account.

- There is administrative overload and the limited resource of the scrutiny team (members and officers) is not best directed.
- Lincolnshire County Council, when compared to other councils, is at the upper-end of the scale in terms of numbers of committees. Many have substantially fewer.
- Provides and demonstrates a refresh of scrutiny arrangements.
- Reflects the changing context for local government, particularly combined authorities and devolution.

15.9 But what should the successor model be? And how radical could it be? The consideration of a revised model needs to be more sophisticated than a 'cut-and-shut' of existing committees, with the introduction of longer meetings to compensate for the longer agendas.

15.10 Lincolnshire County Council is at the 'upper-end' in terms of the number of committees in place. Many have significantly fewer. The suggested framework for a review of governance is that options for less committees are an inevitable conclusion of the review. Certainly not more. This is not to infer that there are existing committees that do not contribute any value-added; and the entirety of the council agenda is certainly covered. However, the greater focus of scrutiny resources upon the key priorities; be they challenges facing the council, or its wider commissioning approach, does afford the potential to deliver a revised model, with potentially fewer committees, minimising overlap and reflecting the cross-cutting nature of many service areas.

15.11 For comparative purposes, the existing decision-making structure including scrutiny is attached as Appendix (c).

Options for Future Governance

15.12 Scrutiny in Lincolnshire tends to take two forms:

- Pre-decision Scrutiny – where council proposals, objectives and draft decisions are considered to inform their development before formal agreement. Here, scrutiny is intended lead to more effective policy decisions and delivery.
- Post-Decision Scrutiny – where the implementation of council policy and performance is considered within the context of service delivery. It enables the council to consider the effectiveness of its decision-making, supports policy and practice to be adjusted as a result – and supports 'learning from past practice'.

15.13 What is the 'Lincolnshire way'? There is much talk of this as a concept, and indeed its importance as the foundation for any future model of scrutiny. From discussion

with Members; it seems to be about balance, particularly in relation to the balance between pre-decision and post-decision scrutiny, and that post-decision longitudinal reviews, e.g. the effectiveness of a commissioning strategy or contractual relationship over a period of time, does then feed into pre-decision scrutiny.

a) The Overview and Scrutiny Management Committee

15.14 Whatever model is implemented, the Overview and Scrutiny Management Committee is the foundation for the revised approach. Leadership is not just the reserve of the Executive; and although currently underplayed, the OSMC, with membership comprising the chairs and vice-chairs of scrutiny committees, should provide strategic direction and ownership for the scrutiny process, mirroring the leadership role of the Executive.

15.15 In supporting the OSMC in taking a firmer leadership role, it is proposed the committee should:

- Scrutinise the council's budget, audit and overall performance (including revenue budget and capital programme). This should include engagement between the Executive and OSMC on the budget setting process, and regular monitoring reports on the revenue budget and capital programme throughout the year. The Value for Money Scrutiny Committee is therefore disestablished on the basis that:
  i) The OSMC is ideally paced to provide strategic oversight of resources, particularly how they relate across service areas of the council given the senior status of the membership drawn from all the other scrutiny committees.
  ii) It would provide a core element of the OSMC's agenda.
  iii) The capital appraisal role of specific service areas is best undertaken by the scrutiny committee where that service would normally sit.
- Scrutinise issues of strategic importance to the council that come within the scope of more than one scrutiny committee.
- Provide clear and firm oversight of the work of other scrutiny committees and the management of the scrutiny work programme, including allocating specific issues, on an ad hoc basis, to scrutiny committees.

15.16 All of the following options are based on the Overview and Scrutiny Management Committee assuming responsibility for three of the commissioning strategies (#9 – enablers and support to the Council's outcomes; #10 – how we do our business; #17, enablers and support to key relationships) and undertaking the overview of performance, finance and customer satisfaction. It should provide the overarching

leadership, accountability and co-ordination for scrutiny, within the framework provide above.

15.17 Whatever model is favoured, it should focus on Lincolnshire's commissioning strategies and reflect on the opportunity to undertake a 'commissioning approach' to scrutiny, with more overarching committees directing scrutiny reviews upon issues of importance and relevance rather than a reliance upon a number of standing committees across the whole breadth of council activity. This would involve a reduction in the number of committees to reflect both the cross-cutting nature of a number of the strategies and the potential areas of overlap with a high risk of duplication of effort.

b) The Framework for Options; the '5 Plus One', and '4 Plus One'

15.18 In the consideration of governance options, the option of 'no change' is rejected. Similarly, the previous proposals of February 2015 ('Future Scrutiny Arrangements' report to an 'Informal Meeting of Scrutiny Chairmen and Vice-Chairmen', 26th February 2015), is also rejected as being too close to the status quo and so not able to credibly deliver the required changes to scrutiny.

15.19 A core objective of scrutiny is to offer constructive challenge to the ruling administration on issues of importance to the wider community. However, a large number of committees is not the sole means, nor the most effective, for ensuring effective coverage of the decision-making agenda. A greater number of committees oblige an expansive work programme; fewer committees offer an opportunity to better reflect the cross-cutting nature of policy and service delivery alongside prioritisation of resources. This convergence becomes clear upon bringing together a number of the commissioning strategies where a number of strategies, currently separated, sit more naturally alongside each other within a single scrutiny committee.

15.20 There are committees that do not necessarily fit within this approach, the Value for Money Scrutiny Committee and the Flood and Drainage Management Scrutiny Committee. Specific proposals for the Value for Money Scrutiny Committee are outlined in para 15.15 of this report; while the important role that the Flood and Drainage Management Scrutiny Committee currently provides would be more effectively undertaken outside the scrutiny governance model through the establishment of a Lincolnshire Flood and Drainage Management Partnership.

15.21 For information, Appendix (d) contains a list of the 17 commissioning strategies.

c) Scrutiny Panels

15.22 Task and Finish Groups are widely acknowledged as an effective means for undertaking in-depth and comprehensive scrutiny reviews and the model should continue to be a feature of the revised approach; supporting both a meaningful input into the development of new council policies, and for 'longitudinal' reviews of policy implementation.

15.23 However, to balance the reduction in scrutiny committees, it is suggested that task and finish groups become formalised with the establishment of (two) standing groups called Scrutiny Panels; with a Chairman and Vice-Chairman and reviews agreed by the OSMC, with each panel acting on behalf of a scrutiny committee in considering one topic and concluding with a final report and recommendations.

15.24 It is proposed that the membership of the scrutiny panels is structured on the following basis:

- Each panel should have up to 8 members and be politically inclusive.
- To allow for consistency and stability, the Chairs and Vice-Chairs of scrutiny panels should be annual appointments of the council.
- The wider membership of each new scrutiny panel should be refreshed for each enquiry undertaken.
- The Chairs and Vice Chairs of Panels should not also hold chair and/or vice chair positions of scrutiny committees.
- Panels should have the option to appoint specialist advisers to assist with particular inquiries.

15.25 The following meeting cycles are proposed:

- Each review commissioned by the OSMC should take no more than 4 months from the time of commencement to the completion of the final report and its consideration by the relevant Scrutiny Committee.
- At the discretion of the OSMC, and dependent upon the nature of each proposed review, this would enable *up to* 6 such reviews (3 per panel) to be undertaken each year.

15.26 The following 2 options ('5 Plus One and the '4 Plus One') each include scrutiny panels in support of scrutiny committees.

d) The 5 Plus One Model

15.27 This option, attached as Appendix (e), will reduce by four the number of scrutiny committees of the Council. The proposed structure includes the following

committees against each of which in brackets are, in broad terms, the associated commissioning strategies:

15.28 Overview and scrutiny management committee (commissioning strategies 9, 10, 17)

Plus

1. Adults Scrutiny Committee (commissioning strategies 5, 6, 7, 8)
2. Children and Young People Scrutiny Committee (commissioning strategies 1, 2, 3, 4)
3. Health Scrutiny Committee (externally facing).
4. Economy, Environment and Transport Scrutiny Committee (commissioning strategies 12, 13, 14).
5. Community Protection and Wellbeing Scrutiny Committee (commissioning strategies 11, 15, 16).

15.29 **Adults Scrutiny Committee**

The role of this committee is to scrutinise the executive function of the council in respect to its provision of adult social care. This relates to commissioning strategies 5, 6, 7, 8.

15.30 **Children and Young People Scrutiny Committee**

The role of this committee is to scrutinise the executive function of the council in respect to its provision of children and young people services. This relates to commissioning strategies 1, 2, 3, 4.

15.31 **Health Scrutiny Committee**

The role of this committee is externally facing to scrutinise NHS service delivery in Lincolnshire and the work of the Health and Wellbeing Board. This relates to commissioning strategies 11 and 16.

15.32 **Economy, Environment and Transport Scrutiny Committee**

This scrutiny committee is recognition of the clear cross-cutting nature of the council's transport, infrastructure, environment and economic development roles and responsibilities. This relates to commissioning strategies 12, 13 and 14.

15.33 **Community Protection and Wellbeing Scrutiny Committee**

This scrutiny committee is a recognition of the coherence for bringing together community safety, resilience and wider wellbeing. This relates to commissioning strategies 11, 15, 16.

e) The 4 Plus One Model

15.34 This option, attached as Appendix (f), will reduce by five the number of scrutiny committees of the Council. The proposed structure includes the following committees against each of which in brackets are, in broad terms, the associated commissioning strategies:

15.35 Overview and scrutiny management committee (commissioning strategies 9, 10, 17)

Plus

1. Adults and Communities Scrutiny Committee (commissioning strategies 5, 6, 7, 8, 11, 15, 16).
2. Children and Young People Scrutiny Committee (commissioning strategies 1, 2, 3, 4).
3. Economy, Environment and Transport Scrutiny Committee (commissioning strategies 12, 13, 14).
4. Health Scrutiny Committee (externally facing).

15.36 **Adults and Communities Scrutiny Committee**

The role of this committee is to scrutinise the executive function of the council in respect to its provision of adult social care, and communities and wellbeing responsibilities. It may further consider the work of the Health and Wellbeing Board in relation to integrated commissioning of health and social care services. The work of the committee relates to commissioning strategies 5, 6, 7, 8, 11, 15, 16.

15.37 **Children and Young People Scrutiny Committee**

The role of this committee is to scrutinise the executive function of the council in respect to its provision of children and young people services. This relates to commissioning strategies 1, 2, 3, 4.

15.38 **Economy, Environment and Transport Scrutiny Committee**

This scrutiny committee is recognition of the wider cross-cutting nature of the council's environment, transport, infrastructure and economic development roles and responsibilities. This relates to commissioning strategies 12, 13, 14.

15.39 **Health Scrutiny Committee**

The role of this committee is externally facing to scrutinise NHS service delivery in Lincolnshire and the work of the Health and Wellbeing Board. This relates to commissioning strategies 11 and 16.

Membership

15.40 At the same time that the number of committees is considered, then so too should the number of members on each committee. For purposes of consistency at the very least, all committees should have an equal number of councillors unless there are compelling reasons to the contrary. If there are to be 11 county council members, as there are at present, then the basis for this should be laid out. More than 12 members would, however, constrain the management of scrutiny business and decision making.

15.41 There may be exceptions to this proposal for consistency in the number of committee members – and the example of the Health Scrutiny Committee is a good case in point, with its requirements for district councillor inclusion and Healthwatch Lincolnshire.

15.42 Scrutiny committees may not include members of the council's executive and their membership should in general reflect the political make-up of the council (Article 6 of the Council's Constitution).

15.43 In the delivery of a refreshed approach to scrutiny, it is suggested that the leadership considers the merits of allocating chair and vice-chair responsibilities with an eye on inclusivity across political groups. There is no statutory requirement to do this and needs to be considered alongside wider political management matters – but it is commonly accepted good practice to do so.

Devolution and Combined Authorities?

15.44 This review has not considered how Combined Authority [or similar] proposals may impact on the governance model for scrutiny, and of course, the wider council. Until the situation becomes clearer, particularly in terms of devolved powers and mayoral-models of governance [or not], there is little value in attempting to reflect these developments in the proposals presented in this report.

15.45 Nevertheless, there are a number of principles that should be considered. The greater responsibilities that Combined Authorities bring will require robust governance arrangements that are accountable and transparent.

15.46 The recent burst of activity to meet the Chancellor's spending review deadlines has obliged the constituent partners to focus on the 'what'; 'what' are the opportunities, 'what' powers to be devolved, 'what' are the levels of local support? The important part that must also follow is the 'how'; 'how' to ensure effective decision making, and 'how' to ensure wider engagement, accountability and transparency, i.e. 'how'

to enable local councillors, on behalf of their communities, to scrutinise and challenge all matters within the remit of the Combined Authority.

15.47 In this respect, Parliamentary Orders were laid down that require the Combined Authorities' overview and scrutiny committee(s) to have members drawn from both the constituent and non-constituent councils and, following good practice, will mean that members are appointed to these committees with a view to achieving political balance across the councils involved. No Councillor who is a member of the Combined Authority itself may sit on the Overview and Scrutiny Committee.

15.48 In term of scrutiny of LEP activity, where it is a specifically Lincolnshire issue, then it is entirely reasonable that this issue is considered as part of the council's relevant scrutiny committee's work programme. However, where it is a wider issue and linked to Combined Authority proposals, and in line with the recommendations of the recent LGA peer review (Investment – Open for Growth'), a collaborative approach would be required with input from all 10 councils, with an objective of establishing all-member ownership of the growth agenda, and creating a clear shared vision for Greater Lincolnshire's future economic growth.

Timings and Implementation

15.49 Some of the proposals included in this review of scrutiny do not require any formal constitutional (or similar) changes, for example; agenda planning, the focus of scrutiny, work programme and culture. Where these recommendations are accepted by Lincolnshire County Council, then the advice is to 'get on with it'.

15.50 Such proposals are separate to governance proposals; they concern the approach and principles of scrutiny. The Overview and Scrutiny Management Committee has an important role in driving these proposals forward and by providing strong leadership on behalf of, and for, scrutiny committees.

15.51 Other proposals require a more 'constitutional' response, in particular those that relate to governance and structures (including the number of scrutiny committees). While on the one hand, change is often better when implemented quickly; the pursuit for implementing a new model should be balanced against that of the forthcoming boundary review (that will reduce the number of councillors), agreement of devolution proposals, and the subsequent 2017 council elections.

15.52 The implementation of governance proposals is for the council to consider and agree. It may be that the immediate uncertainties and wider changes oblige the

development of proposals in advance of the 2017 council elections, with implementation thereafter.

15.53 In this instance, the Council may wish to consider the merits of more immediately amending the OSMC's terms of reference to equip this committee [within the principles identified in para 15.15] in preparing the ground for any subsequent governance changes, or alternatively inviting OSMC to assume additional responsibility that supports its leadership in advance of any formal governance changes. This could offer the benefits of a stronger leadership model for the OSMC to drive the wider changes to scrutiny that do not have constitutional implications.

Recommendation

R16 *To secure a more effective system of scrutiny at the county council, there is a need to put in place a revised governance structure for scrutiny based on the following principles:*

- *The Overview and Management Scrutiny Committee should take a leading role in delivering the revised approach to scrutiny, specifically agenda and work programming, relationships and culture, focus and prioritisation, in consultation with scrutiny chairs and vice-chairs, and the Executive.*
- *The numbers of scrutiny committees are reduced.*
- *The membership of scrutiny committees is reviewed to support greater consistency in the number of members that sit on each committee.*
- *Scrutiny panels are established in support of scrutiny committees, with chairs and vice-chairs appointed on an annual basis.*

15.54 Both options presented in Section 3 of this report ('5 Plus One' and '4 Plus One') offer the benefits of reflecting the commissioning strategies of the council, supporting a more cross-cutting consideration of the scrutiny agenda; and with the reduction in the number of committees, will enable the scrutiny team to focus resource support.

15.55 The '5 Plus One' model offers these benefits but with a more even spread of commissioning strategies across scrutiny committees. This avoids an overly radical reduction in the number of scrutiny committees that may lead to concerns of a disproportionately high workload for the Adults and Communities Scrutiny Committee in particular, while also bringing together Economy, Environment and Transport, and Community Wellbeing and Protection into two separate scrutiny committees; services that fit naturally alongside one another.

Recommendation

R17 *In considering the case for change and the relative merits of both options presented in Section 3 of this report, Lincolnshire County Council is recommended to implement a revised governance structure for scrutiny based on the '5 Plus One' model with the following scrutiny committees:*

Overview and Scrutiny Management Committee.

Plus

1. *Adults Scrutiny Committee.*
2. *Children and Young People Scrutiny Committee.*
3. *Health Scrutiny Committee.*
4. *Economy, Environment and Transport Scrutiny Committee.*
5. *Community Protection and Wellbeing Scrutiny Committee.*

16. Concluding Remarks

16.1 This is a summary of the issues as informed by consultation at Lincolnshire County Council, desk based reviews, attendance at and reflections of scrutiny committee meetings, and consideration of practice elsewhere. The conclusions and recommendations are intended to support members and officers of Lincolnshire County Council to reflect upon the approach and effectiveness of its scrutiny process, and develop and agree a way forward.

16.2 The engagement of members and officers in contributing to this review has already been acknowledged. It is therefore important that this enthusiasm is matched by the commitment of the Council to reflect upon this report and implement changes that have the support of members. 'No change' is, in itself, always an option but will not meet the aspirations to improve scrutiny so evident throughout this review.

16.3 It remains, of course, for Lincolnshire County Council as a whole to determine the scrutiny arrangements that best meets its needs. But Members are invited to focus on agreeing the new approach to scrutiny; once this framework is agreed, then measures should be taken to implement proposals for the governance arrangements for scrutiny.

Stuart Young
26th November 2015

Appendix A

Scrutiny Review – Terms of Reference

1. Background

1.1 Lincolnshire County Council proposes to undertake a review to support a more effective overview and scrutiny process.

2. Project Requirements

2.1 A 'scrutiny review councillor working group' has been established to oversee this review.

2.2 The review should not be review of structures per se but a wider review of how scrutiny is undertaken by Lincolnshire County Council, how to improve its effectiveness, and how to better engage councillors and officers in both the process and outcomes of scrutiny through a specific consideration of proposals for:

a) Increasing impact of scrutiny
b) Effectiveness of approach
c) Behaviours and culture
d) Sound and effective governance
e) Learning from good practice

3. Increasing the Impact of Scrutiny

3.1 To what extent is there a consensus on the objectives, usefulness and focus for scrutiny and how should this be secured?

3.2 What are/should be the impacts of scrutiny, how can the recommendations be measured and demonstrated?

4. Effectiveness of Approach

4.1 Achieving the right balance between pre-decision scrutiny, developmental and pro-active scrutiny.

4.2 Improving engagement and value-added between scrutiny process and the executive.

4.3 The role of officers across the council in support of the scrutiny process, in addition to that of the 'Democratic Services Team'.

4.5 Agenda setting, prioritisation of scrutiny topics and work programme.

4.6 The potential for more effective and consistent scrutiny of outside organisations whose role and responsibilities impact on the communities of Lincolnshire.

4.7 Opportunities for increasing the awareness and involvement of wider partners and the local community with the scrutiny process.

4.8 How have all scrutiny committees, and their respective chairs, been held to account for their programme of work/performance.

4.9 How are councillors supported in undertaking their scrutiny responsibilities, e.g. on-going training and development, mentoring and appraisal?

5. Behaviours and Culture

5.1 The culture and behaviours of councillors; is scrutiny used for critical challenge, a means of opposition or does it act as the Praetorian Guard of the executive?

5.2 How consistent is the culture of, and approach to, scrutiny across the council.

5.3 The culture and behaviour of officers through the prompt provision of information to councillors, to engage fully in the process (and outcome) of scrutiny, to answer questions frankly and to provide effective advice and support as required.

5.4 The usefulness and appropriateness of any presumption against whipping members of scrutiny committees.

6. Sound and Effective Governance

6.1 The number and structure of scrutiny committees, meeting frequency, the role of task and finish groups and associated processes.

6.2 Opportunities for improving effectiveness, impact and relevance alongside a more focused, streamlined governance framework that reflects the changing nature, challenges and pressures facing Lincolnshire County Council.

7. Learning from Good Practice

7.1 Examples of effective scrutiny by Lincolnshire County Council.

7.2 Comparative analysis of effective scrutiny elsewhere in the country.

7.3 Consider any learning from the comparison of the 'scrutiny and executive model' with the committee system.

8. Outputs

8.1 The key output will be a print-ready PDF of the final draft document (for consideration by full council).

8.2 At least 3 meetings of the scrutiny task and finish group are envisaged to inform the development of the review.

8.3 Final presentation to full council, if required.

9. Timetable

9.1 Expected commencement of the project 30th April 2015.

9.2 The print-ready PDF of the final draft document should be submitted by 18th September 2015 for initial consideration by full council.

Appendix B

Consultation and Governance of this Review

At the 20th February 2015 meeting of Lincolnshire County Council the following motion was carried;

> "That the Council ask the Chief Executive to secure external advice and support in conducting a review of the Council's scrutiny arrangements and to present recommendations for making those arrangements more effective."

Subsequently, Dr Stuart Young, Executive Director at East Midlands Councils was appointed by the Chief Executive to conduct this Review. At the informal meeting of scrutiny chairmen and vice-chairmen on 26th February 2015 it was proposed that a Scrutiny Review Group should be established to provide member oversight of the Review and to act as a sounding board as the work progressed and this was confirmed at the meeting of political group leaders on 3rd March 2015. This Scrutiny Review Group has met on four occasions and has comprised the following councillors:

- Councillor Pat O'Connor (Chairman)
- Councillor Mrs J Brockway
- Councillor R L Foulkes
- Councillor A J Jesson
- Councillor Mrs A M Newton
- Councillor Mrs M J Overton MBE
- Councillor C R Oxby
- Councillor R B Parker
- Councillor N H Pepper
- Councillor T M Trollope-Bellew

In undertaking this review, the views, conclusions and recommendations are those of the report's author and are for the consideration and, if appropriate, endorsement by the members of Lincolnshire County Council.

Consultees

Councillor Jackie Brockway	Chief Whip, Conservative Group
Councillor Nev Jackson	Member of the Audit Committee
Councillor Christine Talbot	Chairman of the Health Scrutiny Committee for Lincolnshire.
Councillor Colin Mair	Leader of the UKIP Group and a member of the Value for Money Scrutiny Committee.

Councillor John Hough	Leader of the Labour Party Group
Councillor Marian Overton	Leader of the Lincolnshire Independents Group
Councillor Chris Pain	Leader of the Independence from Europe Group and vice-chairman of the Economic Scrutiny Committee.
Councillor Lewis Strange	Chairman of Environmental Scrutiny Committee and the Flood and Drainage Management Scrutiny Committee
Councillor Linda Wootten	Vice-Chairman of Community and Public Safety Scrutiny Committee
Councillor Colin Davie	Executive Councillor for Economic Development, Environment, Planning and Tourism.

Further supported by discussion with:

(Informal) Executive
Corporate Leadership Board
Scrutiny Team
Democratic Services Team

Scrutiny Consultation Workshop

Councillor Tony Bridges
Councillor Mike Brookes
Councillor Phil Dilks
Councillor Richard Fairman
Councillor Tiggs Keywood-Wainwright
Councillor Robin Renshaw
Councillor Lewis Strange
Councillor Tony Turner

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