



County Council

Open Report on behalf of David O'Connor, Executive Director Performance & Governance

Report to:	County Council
Date:	13 September 2013
Subject:	Non-Executive Councillors' Roles in Policy Development and Scrutiny

Summary:

This report sets out progress on the review of the Constitution with particular emphasis on the role of non Executive Councillors in developing policy and strategy

Recommendation(s):

That Council notes progress and comments on the recommended principles in part 1.4 of the report.

1. Background

Following the County Council Election in May 2013, queries were raised about the way in which non-executive councillors¹ are engaged in policy development and scrutiny. This included discussions at a meeting of Group Leaders and a question at Council. Group Leaders requested that a review should take place to consider the role of non-executive councillors in relation to policy development and scrutiny and the Monitoring Officer, David O'Connor, was asked to lead on this as the officer with responsibility for monitoring and reviewing the Constitution.

On 27 June 2013, David O'Connor presented a report to Overview and Scrutiny Management Committee (OSMC) outlining a potential review and inviting members of the Committee to come forward to form a review group to assist him. The following seven members of the Committee volunteered and have participated in the review to date;

Councillor C J T H Brewis
Councillor Mrs J Brockway
Councillor A Jesson
Councillor Mrs M J Overton

¹ When reference is made to non-executive councillors in this report this term should be taken to include the three parent governor representatives and the three church representatives who sit on the Children and Young People Scrutiny Committee and OSMC.

Councillor R B Parker
Councillor T M Trollope-Bellew
Dr Emile van der Zee (Parent Governor Representative)

1.2 Review Group Activity

The Review Group has met on two occasions so far; 23 July and 14 August 2013. At the first meeting the Group had a broad discussion around the opportunities open to councillors in relation to policy development and scrutiny and when these should be utilised.

During the discussion at the meeting on 23 July the following issues were highlighted by members of the Group;

- Scrutiny has improved in recent years as it has become more evidence based.
- The challenge presented by almost half of current Councillors being new to the County Council.
- Concerns that Members' skills and knowledge are not fully utilised. We have become better at pre-decision scrutiny but there was some concern that was at the cost of broader engagement.
- Recognition that some cultural shift is required from Members and Officers so that scrutiny is seen to be an aid to effective decision making and performance rather than a set of hurdles to overcome.
- There are already many ways that non-executives can become engaged but they are not clearly understood.
- There is a pragmatic recognition that both Members' and Officers' capacity will be a constraint so there will be a continued need for OSMC to have oversight.
- There is a clear desire for non-executive councillors to add value to decision making by earlier involvement in policy development.
- Members requested clarification on the various methods available to non-executive councillors at the moment and more information about how policy development and scrutiny are performed at other councils.

At the meeting on 14 August information was provided to the Group on the methods available to non-executive councillors as currently described in the Constitution or previously agreed by the Overview and Scrutiny Management Committee (e.g. Task and Finish Groups), additional methods undertaken but not formalised within the Constitution (e.g. Working Groups) and examples of practices undertaken at other Councils. In addition the Group also received a summary of the Task and Finish Groups and Working Groups that have met during the last Council term. Clarification regarding the working methods available to

non-executive councillors will be included in guidance to accompany amendments that emerge from the review of the Constitution. A copy of information provided regarding methods is attached as Appendix A.

The Monitoring Officer and Review Group made recommendations to OSMC on 30 August. OSMC agreed the principles but requested some redrafting. The following section contains redrafted recommended principles.

1.3 Recommended principles

OSMC agreed a number of recommended principles that it would like to see taken forward and incorporated within the on-going review of the Council's Constitution which is being undertaken by the Monitoring Officer;

- Future focus of non-executive councillor activity should shift to provide more input into changes in policy and strategy whilst retaining traditional roles around pre-decision scrutiny and performance.
- There are limits to the capacity of both Councillors and Officers so different types of activity will need to be prioritised. It should be possible to free up capacity for this by reducing some of the very detailed work currently undertaken. It is not envisaged that overall workloads for Officers or Members would need to increase.
- OSMC's leadership role should focus on proactively co-ordinating a strategic approach. This can be based on a range of inputs such as the budget, organisational strategy / business plan and Forward Plan of key decisions.
- OSMC should continue to take an overview of capacity and overall scrutiny activity.
- For the Forward Plan of Key Decisions to be effective in planning non-executive Councillor activity, Officers will need to flag up items as early as possible.
- We should aim for an annual plan for each Scrutiny committee but also recognise that plans will need modification during the year as new issues arise or timings change.
- Some work such as input into developing policy and strategy will not be suitable for the normal cycle of meetings and should be part of a project approach.
- Our commitment to transparency means that activity should normally be in public but, there will be times when early development of policy and strategy should be under Chatham House Rules.
- There should be clear guidance on the ways in which non-executives can become involved including when a particular method is appropriate (or not appropriate).

OSMC recognised that many of these recommendations would need formal adoption within the Constitution before implementation. However, it was noted that some scrutiny committees already made reference to the relevant sections of the Forward Plan of key decisions and OSMC has agreed to do so with immediate effect.

1.4 Other constitutional matters

The Review Group also discussed the on-going review of the Constitution as a whole and the work that the Monitoring Officer is undertaking with the support of officers from Legal Services and Democratic Services. A number of areas have been highlighted for attention, primarily around simplification;

- Content of the budget & policy framework
- Definition of 'key decisions'
- General Exception and Special Urgency
- Call-in
- Internal consistency and cross-referencing between different parts of the Constitution
- Petitions
- Simplified guidance and / or flow charts to support the Constitution

1.5 Next Steps

Subject to any additional comments from Council, the review of the Constitution will continue and the Review Group will be invited to reconvene to assist with this process. A draft final report detailing amendments to the Constitution will then be put before the 28 November meeting of OSMC prior to a finalised report being considered by the meeting of the County Council on 13 December 2013.

2. Conclusion

This report outlines the work of the Review Group set up to assist the Monitoring Officer in reviewing the non-executive councillor role in policy development and scrutiny

3. Legal Comments:

The review is operating within the process set out in the Constitution

4. Resource Comments:

No additional financial implications

5. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

This report is based on comments from the Review Group and Overview and Scrutiny Management Committee

d) Policy Proofing Actions Required

n/a

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Existing working methods for scrutiny and policy development

7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by David O'Connor, who can be contacted on 01522 552316 or david.oconnor@lincolnshire.gov.uk.

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