

Rapid Review:

# Strengthening Overview and Scrutiny

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Rapid Method:

Stage 1:

121 conversations with a small number of officers and Members 'closest' to the scrutiny function, observation of Overview Scrutiny Committee and Health Scrutiny Committee (September Meetings), review of October Forward Plan.

Stage 2:

Series of facilitated group conversations with CLT, backbenchers, officers, Cabinet and cross party working group and Chairs and Vice Chairs of the Scrutiny Committees.

Stage 3:

Findings, Reporting and Action Planning



## Recent History at Nottinghamshire CC

The Council has moved to executive arrangements at some pace following a decade + under the Committee System model of governance.

The overwhelming majority of capacity and capability to 'do' scrutiny well (Member and Officer) left the Authority many years ago. That capacity is in the process of being rebuilt in the context of austere times.

This rapid shift has led to overhangs from the previous system. Members in the main spoke fondly of the previous system and its familiarity brought confidence. Frequent references were also made to recent changes to the Constitution which some Members felt limited their rights.

Undoubtedly the move away from this system has brought challenges into scrutiny which is why the CfGS has been asked to recommend actions in which to strengthen existing arrangements.



## Overview Of Issues

Low (on occasion very low) level of understanding, ownership and confidence across Members and Officers in the operation of the scrutiny function.

This manifests itself in:

- A lack of engagement in scrutiny work;
- A clear belief that the function is not owned by its Members;
- That it is not looking at 'the right things in the right way';
- Members feeling that Cabinet and Officers have significant degrees of over-influence over the work programme;
- Frustration being displayed around the administration of the scrutiny function and the apportioning of this frustration, less than helpfully, towards officers.



## Issue 1: Ownership, Understanding and Engagement

### Key findings:

- There is low take up of opportunities to contribute to task group work;
- There was an extensive conversation at Overview Committee in September which comprehensively ‘talked scrutiny down’;
- There was a visible reluctance of opposition groups to wholeheartedly endorse the work of Overview and Scrutiny in 22/23 and that this was a form of protest against what they saw as the function working sub optimally;
- Some Members hold beliefs that scrutiny cannot be undertaken informally, that it must be ‘devolved’ from the Executive and pre-decision scrutiny ‘is not possible here’.
- Some Members don’t appear to have a baseline of awareness about the role and function of overview and scrutiny;
- At senior officer levels in the organisation there is no consistency in view as to how best to support Overview and Scrutiny.
- That there is an adversarial nature of O&S at the Council.



## Issue 1: Ownership, Understanding and Engagement

### Recommendations:

1. That political groups appoint members to scrutiny committees with the time, authority and expertise and support them to contribute and operate in an independently minded fashion.
2. That Scrutiny Officers develop a local induction to Overview and Scrutiny at Nottinghamshire such training is rolled out regularly to officers and Members.
3. That the Monitoring Officer assures herself that she has the optimal level of capacity and capability amongst scrutiny officers to deliver on its statutory responsibilities and the expectations of Members;
4. That the Chief Executive, the Monitoring Officer and the S151 officer actively and visibly champion, and raise the profile of, the important role of Statutory Scrutiny Officer within the organisation and, where necessary, with partners.
5. That the Council develops an Executive/Scrutiny Protocol to reset relationships and ensure a positive flow of information between these two functions.
6. That the Council explores the use of other Committee rooms not the Council chamber, for scrutiny meetings.



## Issue 2: Information

### Key findings:

- That senior officers are not consistently placing items on the forward plan at the earliest available opportunity;
- That there are a range of opinions that exist on how to and how not to involve the Cabinet in shaping scrutiny work programmes;
- That many Members are time poor, have low levels of engagement or a blend of both, and this could be creating the conditions to not seek out information through reviewing the forward plan, reading Committee papers etc.
- That there is a concern at this Council that sensitive information shared with Members in confidence has been leaked. This has created distrust in some areas of the Council.



## Issue 2: Information

### Recommendations

1. That the MO, SSO and CEO ensure:
  - That tiers 1-3 of the organisation understand that the Forward Plan (FP) has many roles and one such role is a tool to support O&S work planning;
  - That those officers, supported by CLT and Executive, visibly role model a culture of openness and transparency towards the use of the FP;
  - That a fundamental review of the FP is undertaken to ensure its utility to the organisation and the public. That the benefits of extending the timeframe of the plan out from 28 days to approx. 6 months is also considered.
2. That the MO and CEO engage political group leaders on how best to support all Members to effectively and efficiently access and understand governance documentation.
3. That the MO clarifies the responsibilities of all Members in respect of accessing information of a confidential nature and where necessary put safeguards in place to support such access.





### Issue 3: Work Programming

#### Key findings:

- That all Committees did have a work programme and that the programme went to each Committee for agreement;
- That Members were given opportunities to discuss the Work Programme at Committee and suggest items for inclusion;
- That senior officers and Members were not readily clear, on occasion, about why topics for scrutiny were selected and their overall importance;
- It was not made clear how partners were involved in actively shaping the work programme;
- Some Members have pragmatically allowed work programmes to be controlled by officers and others believe programmes are controlled by the executive.



### Issue 3: Work Programming

#### Recommendations:

1. That the work programming process is reset to contain the following features :
  - A documented process with the inputs and outputs of Scrutiny Members, backbench members, CLT, Cabinet and Partners documented;
  - A process which operates over an identified timescale with the majority of each Committees' work programme being set in advance of, or immediately after, the new municipal year;
  - That a protocol is developed to govern the establishment of task groups to include, chairing, agreement of scope/terms of reference and membership as a minimum.
  - That consideration be given to how to engage the Council's communications team in the work of Overview and Scrutiny;
  - That Scrutiny and Select Committee chairs visibly take active steps to ensure their work programmes are Member – led.



## Issue 4: Overlaps

### Key findings:

- That there are overlaps between the adults, children's, health and overview scrutiny committees;
- Those overlaps are not being pragmatically managed when issues arise that could legitimately cut cross across the remits of those Committees;
- There are issues with the current design of the Scrutiny Committees as increasingly issues will impact on adults, children and health given integrated care arrangements across Nottingham and Nottinghamshire.



#### Issue 4: Overlaps

#### Recommendations:

- That the chairs of relevant committees convene on an ad hoc basis to resolve issues of a cross cutting nature;
- That the Council considers joint sittings of Committees or joint task groups to undertake their inquiries so to utilise the talents, knowledge and experiences of all Members on such committees.