

17 April 2024

Agenda Item:7

REPORT OF SERVICE DIRECTOR CUSTOMERS, GOVERNANCE AND EMPLOYEES AND MONITORING OFFICER

OUTCOMES OF THE STRENGTHENING OVERVIEW AND SCRUTINY REVIEW

Purpose of the Report

1. To consider and agree the recommendations from the independent scrutiny review and refer them to Overview Committee for implementation.

Information

2. The Council established the new model of executive governance in May 2022, creating a Cabinet and Scrutiny function. In the process of agreeing the new model and required changes to the Council's Constitution it was recommended that the operation of the new arrangements be reviewed after 12 months operation.
3. The cross-party Member Working Group considered the operation of the new governance model and recommended minor changes to arrangements which were reflected in revisions to the Constitution. These were agreed by Full Council at its meeting in July 2023.
4. An independent review of the operation of the Council's scrutiny function was also commissioned from the Centre for Governance and Scrutiny. This was a member led process which took the form of a review into current arrangements and made recommendations for improvements to how scrutiny operates at the Council.
5. The initial stage of the review was carried out between September and October 2023:
 - a. Stage one involved one to one conversations with a small number of officers and Members 'closest' to the scrutiny function, observation of Overview Committee and Health Scrutiny Committee (September meetings) and review of the October Forward Plan
 - b. Stage two involved a series of facilitated group conversations between the Independent Reviewer and individual political groups, backbench Members, Cabinet members and the cross-party Member Working Group plus meeting with the Chairs and Vice Chairs of the Scrutiny Committees. Discussions also subsequently took place with officers including the Corporate Leadership Team.

- c. Stage three involved preparing findings, reporting to various groups individually on those findings and supporting the start of development of action planning and identifying specific areas of work.

Review recommendations

6. The review set out a number of recommendations under key themes, as set out below:

7. Ownership, Understanding and Engagement

- (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 and 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, Monitoring Officer and the Section 151 Officer actively and visibly champion, and raise the profile of, the important role of the 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.

8. Information

- (1) That the Monitoring Officer, Senior Scrutiny Officer and Chief Executive ensure:
 - (a) that tiers one to three of the organisation understand that the Forward Plan has many roles and one such role is a tool to support Overview and Scrutiny work planning;
 - (b) that those officers, supported by the Corporate Leadership Team and Executive, visibly role model a culture of openness and transparency towards the use of the Forward Plan;
 - (c) that a fundamental review of the Forward Plan 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 approximately six months is also considered.
- (2) That the Monitoring Officer and Chief Executive engage political group leaders on how best to support all Members to effectively and efficiently access and understand governance documentation.
- (3) That the Monitoring Officer clarifies the responsibilities of all Members in respect of accessing information of a confidential nature and where necessary puts safeguards in place to support such access.

9. Work Programming

- (1) That the work programming process be reset to contain the following features:
 - (a) a documented process with the inputs and outputs of Scrutiny Members, backbench Members, Corporate Leadership Team, Cabinet and Partners documented;
 - (b) a process which operates over an identified timescale with the majority of each Committee's work programme being set in advance of, or immediately after, the new municipal year;
 - (c) 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;
 - (d) that consideration be given to how to engage the Council's communications team in the work of Overview and Scrutiny;
 - (e) that Scrutiny and Select Committee chairs visibly take active steps to ensure their work programmes are Member-led.

10. Overlaps

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

Change in Governance Arrangements Member Working Group

11. The Member Working Group, including the Chairman and Vice-Chairman of Overview Committee, met in February 2024 to receive a briefing on the outcomes of the review and its recommendations from the independent reviewer.
12. The Member Working Group was in support of the recommendations and endorsed their presentation at Governance and Ethics Committee for consideration and approval. The group was keen to progress work on developing an action plan to implement the recommendations.

Next Steps

13. Members are asked to consider and endorse the recommendations from the review.
14. Overview Committee will be tasked with developing an action plan based on the recommendations and leading on the implementation and monitoring of the impact of the actions.

Other Options Considered

15. It was agreed that a review of the operation of the new governance arrangements be undertaken after 12 months in operation. The recommendations set out in the report in relation to scrutiny were made following an independent review by the Centre for Governance and Scrutiny working closely with elected members. Given that scrutiny is a member-led process it is important that a wide range of members from all groups were involved in the review

process and that the Governance and Ethics Committee now has the opportunity to consider the recommendations and actions proposed.

Reason/s for Recommendation/s

16. To ensure that Governance and Ethics Committee has sight of the outcome of the independent review and seek approval for implementation of the recommendations arising from the independent review and monitoring of the actions arising by members through Overview Committee.

Statutory and Policy Implications

17. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

RECOMMENDATIONS

- 1) That the review recommendations set out in paragraphs 7 to 10 of the report, be approved.
- 2) That Overview Committee be requested to develop and oversee implementation of an action plan in response to the review recommendations.

Marjorie Toward

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Constitutional Comments (HD 05/04/2024)

18. Governance and Ethics Committee has the authority to consider the report and its recommendations.

Financial Comments (CSS 08/04/2024)

19. There are no specific financial implications arising directly from the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- CfGS Rapid Review report

Electoral Division(s) and Member(s) Affected

- All