

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

12 June 2019

To: MEMBERS OF THE OVERVIEW AND SCRUTINY COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Overview and Scrutiny Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 20th June, 2019 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

- | | | |
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| 1. | Apologies for absence | 5 - 6 |
| 2. | Declarations of interest | 7 - 8 |

3. Minutes 9 - 10
- To confirm as a correct record the Minutes of the meeting of the Overview and Scrutiny Committee held on 14 March 2019

4. Any Executive Decisions which have been 'called in' 11 - 12

5. Appointment of Co-opted Members

To consider co-option of persons to the Committee pursuant to Part 3 of the Council's Constitution (Responsibility for Council Functions – Overview and Scrutiny Committee).

Matters for Recommendation to the Cabinet

6. Tonbridge Castle - Concessionary Users 13 - 28

This report sets out a review of the concessionary charging regime applicable to Tonbridge Castle and presents options for further consideration

7. Review of Customer Service Surgeries 29 - 44

This report sets out a review of the Customer Service Surgeries at Snodland, Larkfield and Borough Green and presents options for further consideration

Matters Submitted for Information

8. Scrutiny Review Programme 2019/20 45 - 78

The report presents the Review Programme for June 2019 to March 2020 together with details of the Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities provided by the Ministry of Housing, Communities and Local Government in May 2019.

9. Urgent Items 79 - 80

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

Matters for consideration in Private

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

11. Urgent Items

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr Miss J L Sergison (Chairman)

Cllr Mrs A S Oakley (Vice-Chairman) and Cllr F G Tombolis (Vice-Chairman)

Cllr Mrs J A Anderson

Cllr M C Base

Cllr T Bishop

Cllr J L Botten

Cllr M D Boughton

Cllr C Brown

Cllr R W Dalton

Cllr M O Davis

Cllr M A J Hood

Cllr A P J Keeley

Cllr D Keers

Cllr H S Rogers

Cllr M Taylor

Cllr Miss G E Thomas

Cllr D Thornewell

Mr P J Drury

Mr D Still

Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 14th March, 2019

Present: Cllr F G Tombolis (Vice-Chairman in the Chair),
Cllr Mrs J A Anderson, Cllr M C Base, Cllr J L Botten,
Cllr R W Dalton, Cllr Mrs F A Kemp, Cllr Mrs S L Luck,
Cllr M R Rhodes, Cllr M Taylor, Cllr Miss G E Thomas and Mr D Still
(co-opted Member).

Councillors O C Baldock, M A Coffin, Mrs T Dean, N J Heslop and D Lettington were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors A K Sullivan (Chairman), Mrs A S Oakley (Vice-Chairman), P F Bolt and D Keers

PART 1 - PUBLIC

OS 19/8 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

OS 19/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 22 January 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 19/10 THE INDUCTION PROCESS FOR NEW MEMBERS

Following a recent review of the Member Induction process, the report of the Chief Executive set out options for improvement for newly elected Members. It was proposed that the new measures be implemented from the Borough Council elections on 2 May 2019.

Members welcomed the introduction of a series of shorter induction meetings which would concentrate on the Constitution, the Code of Conduct, the Scheme of Allowances and practical issues around meeting protocols and use of emails.

A number of ideas were put forward for further consideration. These included the addition of maps of the Borough and locations of internal meeting rooms and a directory of how to respond to routine requests from residents, such as missed bins and graffiti, to be placed in the

Welcome Pack given to new councillors at the count. Members also suggested that the programme be extended to include councillors elected as a result of a by-election.

Particular reference was made to the value of informal meetings between newly elected and experienced Members where general advice and guidance could be shared.

Finally, the Committee considered it beneficial for new Members to have a coach trip to strategic sites in the Borough and for a 'buddy system' to be adopted to offer informal advice on any issues or concerns during the first few months. It was also noted that Democratic (Committee) Services could support the 'buddy system' by signposting new Members to relevant service areas and offering general advice on issues related to meetings.

RECOMMENDED: That the proposals outlined in the report and raised by the Committee (summarised above) be agreed and implemented as part of the Member Induction Process for 2019.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 19/11 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.00 pm

Agenda Item 4

Any Executive Decisions which have been “called in”

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

20 June 2019

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 TONBRIDGE CASTLE – CONCESSIONARY USERS

Summary:

This report sets out a review of the concessionary charging regime applicable to Tonbridge Castle and presents options for further consideration

- 1.1.1 At a previous meeting of the Finance, Innovation and Property Advisory Board it was agreed that the list of concessionary users of the Tonbridge Castle Council Chamber and the rate of discount, if any, to be given to any booking by an approved concessionary user be reviewed by the Overview and Scrutiny Committee.
- 1.1.2 The Council has historically reviewed the list of concessionary users of the Castle, and the level of charges applicable to such users, on an annual basis as part of the budget setting process. The list of users was last reviewed and approved by the Finance, Innovation and Property Advisory Board in January 2019 – please see **Annex 1** for a list of the current concessionary users, and **Annex 2** for the current terms and conditions applicable to use. For ease of reference the current terms and conditions are also set out at paragraph 1.3.3 below.
- 1.1.3 Following on from the Customer Services Review carried out during 2017 which covered all aspects of Customer Service, as well as focusing on Tonbridge Castle, the Borough Council has been moving to adopt a commercial seven day a week operation, targeting fee revenue from a number of different areas hired by external commercial users. Two examples of this are the Watercolour Classes £6,500 a year, Rochester Bridge Trust Exhibition (£10,000 through subsidised tickets).
- 1.1.4 This report seeks to provide options for further consideration by Members.

1.2 Concessionary users

- 1.2.1 Members will note from **Annex 1** that there are currently 29 organisations on the approved concessionary user list. These are predominantly Tonbridge based organisations.
- 1.2.2 No specific criteria have been agreed for determining whether to include an organisation as an approved concessionary user. The list is instead reviewed by the Finance, Innovation and Property Advisory Board on an annual basis with a view to considering whether any organisations should be added or removed from the list.

1.3 Charges & other terms/ conditions

- 1.3.1 The current charges applicable for concessionary users are set out below, together with the comparative standard charges for hire of the Castle Chamber.

	Standard hire charge	Concessionary users
Monday – Friday – AM (09:00 – 13:00)	100.00	
Monday – Friday – PM (14:00 – 17:00)	100.00	
Monday – Friday – PM (18:00 – 21:00) NB: outside normal caretaker hours	100.00 (plus caretaker costs)	
Saturday – AM or PM (09:00 – 13:00) (14:00 – 17:00)	100.00	
Saturday (18:00 – 23:00) NB: outside normal caretaker hours	200.00 (plus caretaker costs)	
Sunday – 10:00 – 16:00	120.00	
Cleaning charge *1	45.00	45.00
Weekly rate Monday - Friday	Contact Castle for pricing	
Weekly rate Saturday - Friday	Contact Castle for pricing	
Day rate		75.00
Weekly rate Monday - Sunday		150.00

*Cleaning charge only applies to users where food is eaten.

All charges shown are inclusive of VAT where applicable.

1.3.2 With the exception of the applicable cleaning charge, all elements of the concessionary charges have been subject to increases over the past years.

	2014/15	2015/16	2016/17	2017/18	2018/19
First 3 hours	£23	£24	£26	£30	£30
Plus each additional hour or part hour	£8	£8	£9	£10	£10
Caretaking per hour	£16	£16	£18	£20	£20
Cleaning charge*	£35	£35	£35	£35	£35
Daily rate	£38	£38	£50	£75	£75
Weekly rate	£95	£95	£110	£150	£150

1.3.3 The current terms and conditions applicable to concessionary bookings are set out below.

- Sessions will be limited to two per month and will only be permitted between 01 October - 31 March each year (a session being morning, afternoon or evening) or one seven day period in the case of exhibitions.
- The chamber is not available on Friday evenings as this time may be required to set up and rehearse for weddings the following day.
- Charges for caretaking start at 5pm each day.
- Concessionary bookings will not be accepted more than 12 months in advance.
- A charge will be made for cleaning in the event of food being consumed.
- One Parking Permit only will be issued to the hirer.

1.4 Usage/ Income

- 1.4.1 Members will note that concessionary users may only book the Chamber during the 6 month period from 1st Oct to 31st March. Bookings are not permitted from 1st April to 30th September.
- 1.4.2 There are currently 29 Concessionary Users who can book the Council Chamber at Tonbridge Castle at a discount, payment ranges from between 16.76 – 66.67 % of fixed rate. The current booking fees are shown at **Annex 3**
- 1.4.3 Out of the 29 Concessionary Users only 8 have booked the Chamber during 2017/18, 6 have booked in 2018/19 and 6 in 2019/20.
- 1.4.4 The six long standing concessionary users who have made bookings for the last two years are Tonbridge Art Group; 4Art, Tonbridge Camera Club, Homestart AGM; Tonbridge Model Engineering Society and the CAB.
- 1.4.5 The Concessionary users generated the following income from Chamber bookings:

Concessionary users	2017/18	2018/19	2019/20
Number of organisation bookings	8	6	6
Revenue	£965	£1,320 (including CAB £665)	£1,237 (including CAB £765)

- 1.4.6 As Members will be aware, the CAB is also a tenant of the Borough Council and rents out rooms on the first floor of the Castle offices.
- 1.4.7 The Castle Chamber is also used for a number of other purposes. These include:-
- Weddings – the most popular period for bookings is from April – November, although weddings do take place all year round. Up to 80 guests can be seated in the Chamber during the ceremony. During the financial year 2018/19 a total of 9 weddings took place at the Castle, resulting in income of £8,400. For the year 2019/20 there are 14 bookings resulting in an income of £13,620.
 - School visits – during term times only. The children visiting the Castle take part in a well organised activity held in the Castle Chamber, dressing up in costumes and playing period games. In addition the staff at the Castle have built a number of interactive exhibits, such as a Trebuchet. The most popular days for school visits to the Castle are Thursday / Friday.

During the financial year 2018/19 a total of 16 school visits took place, resulting in income of £10,992. Visits by school parties also generate a separate revenue stream from purchases in the gift shop;

- Organisations that hold events on the Castle Lawn, where the Chamber has been made available to them during the events. In liaison with Leisure Services organisers who hold events on the Castle Lawn, pay for the use of the Council Chamber.
- Tonbridge organisations holding regular meetings in the evening for which there has been no charge e.g. Tonbridge Town Team;
- User Panels, such as Haysden Country Park, for which there has been no charge;
- Miscellaneous paying users e.g. private family functions
- Internal TMBC meetings. A total of 52 bookings of the Castle Chamber took place during the financial year 2018/19 for these purposes. These meetings do not bring in any income to the Council, although they are of course important in contributing to the delivery of key services to residents and businesses.
- External bookings. We are starting to attract more commercial bookings for the Council Chamber which are reflected in the follow table:

External users	2017/18	2018/19	2019/20 (bookings to date)	2020/21 (bookings to date)
Revenue	£965	£3,100	£6,905	£6,690

1.4.8 On a purely commercial basis, Members will note that weddings and school visits are the most advantageous to the Borough Council. Members will be aware that growth in both of these areas is a key component of the future business model for the Castle, with a new pricing models having been agreed by Cabinet on 8 February 2018.

1.5 Considerations/ analysis

1.5.1 There are a number of considerations that arise from a review of the current approach towards concessionary use of the Castle. These may conveniently be grouped under 3 main headings, namely (1) Purpose/ Community Benefit, (2) Impact on other usage of Castle (3) Financial considerations. Each of these headings is explored in more detail below.

(1) Purpose/ community benefit

- 1.5.2 In the event that the Council were either to cease a concessionary charging regime, or were to significantly raise the level of the concessionary charge, there would inevitably be a risk that some community groups would be unable to afford accommodation at the Castle or elsewhere in Tonbridge for their meetings.
- 1.5.3 Comparative costs have been obtained for the hire of other meeting rooms within Tonbridge. The current charges are set out below.

Medway Hall (Angel Centre)

- Daytime per hour until 6pm | £34.50
- Weekends 8am to 6pm | £325
- Sunday to Thursday evenings 6pm to 10pm | £200
- Friday & Saturday evenings 6pm to 10pm | £300
- Additional Charges - Evenings after 10pm | £100 per hour min inc staff charges

Meeting Rooms (Angel Centre)

Current charges per hour range from £14.75 to £32.50. All are subject to a 150 minute minimum evening booking

- Castle 2 or 3 £14.75 | Castle 2 & 3 £16.75
- Judd 1 or 2 | £16.75
- Vauxhall | £17.75
- Judd Suite, Castle 1 | £24.75
- Castle 1 & 2 | £27.75
- Castle Suite | £30.75
- The Riverside | £32.50
- Dance Studio, Exercise Studio & Jubilee Room | £25.50

(2) Impact on other usage of the Castle

- 1.5.4 Bookings made by concessionary users will ordinarily be for use of the Castle Chamber, although storage of chairs etc. in connection with the booking may necessitate use of additional room space at the Castle. This has a consequential impact upon the ability of the Borough Council to rent space to other organisations.

Gateway

- 1.5.5 TMBC has an existing agreement with Kent County Council in respect of the Gateway.
- 1.5.6 Gateway at Tonbridge Castle Gateway is a Kent County Council and Borough/District Council joint scheme that makes it much easier for people to access a range of public and voluntary services under one roof, from libraries and

adult education to council housing and benefits advice. Each Gateway offers a unique mix of partner services, specific to the location and customer need in each area.

- 1.5.7 Gateway operates on the principle that services follow customer need, not the other way around. Compared to traditional one-stop shops, it offers convenient physical access to front line customer advisors and officers from multiple agencies/delivery partners covering central and local government and the voluntary sector. Gateway unites services under a neutral brand, removing the confusion of a myriad of public service organisations.
- 1.5.8 The Gateway Model comprises four key service offerings: Meet and Greet; Self-Help, including assisted Self-Help; Routine Transactions; and Multi-agency Service Hubs.

Customer Service

Over 32,000 people visited Customer Services at Tonbridge Castle during the financial year 2018-19. The top ten reasons people attend the Castle Customer Services are 1) Kiosk; 2) Benefits; 3) Parking; 4) Self Help (Computers); 5) Council Tax; 6) Housing; 7) To use the Toilet; 8) Bus and Train Timetables; 9) General Enquiries; and 10) Bus Passes.

Tourist Information Centre (TIC)

The top five reasons people contacted the TIC during 2017-18 were 1) Castle Tours; 2) Shop; 3) TIC Enquiries; 4) TIC Phone Calls and 5) Box Office.

- 1.5.9 The financial impact of concessionary charging is mitigated to some extent by the agreed restrictions on use of the Chamber, particularly the limitation on the months during which concessionary users may book the Chamber.

(3) Financial considerations

- 1.5.10 Caretaking costs – currently concessionary users are required to pay a charge for the costs of caretaking after 5pm, at a rate of £20 per hour. However, these costs do not cover the fees payable by the Council to Prosec (the appointed security firm), as the Council will be liable for a minimum fee of £150 representing 5 hours at £30 per hour,
- 1.5.11 We will be going out on tender for the security/caretaking at Tonbridge Castle within the next few months. In addition we are looking to recruit a local casual contracted caretaker to lock up when there are evening meetings. This will enable us to have a more flexible cost model for evening bookings.

1.6 Conclusions/ options

1.6.1 There is a balance to executing a strategy that increases revenue against serving the local community need. It is considered that the following options exist

Option 1 – Continue to offer the existing concessionary user discounts to serve and enhance community need;

Option 2 – Discontinue the Concessionary User list. Any exceptional future discounts, would need to be authorised by the Director of Central Services;

Option 3 – Change bookings to work alongside other contracts to maximise profit and reduce losses from bookings e.g. the concessionary discount available at busy times could be reduced or removed in order to discourage use at those times. This would then allow the Council to maximise the revenue from commercial hire at the most financially beneficial times.

1.7 Legal Implications

1.7.1 None arising from this report.

1.8 Financial and Value for Money Considerations

1.8.1 The financial considerations are set out above.

1.9 Legal Considerations

1.9.1 None arising from this report.

1.10 Corporate Strategy

1.10.1 The following core values within the Council's Corporate Strategy are relevant to the matters set out in this report.

Embracing Effective Partnership Working – achieving more by working and engaging effectively with a wide range of local partners from the private, public, voluntary and community sectors.

Taking a business-like approach - focusing on ensuring good value for money, continuously reviewing how our services are provided and funded, focusing our available resources where they will have most beneficial impact, and maximising commercial opportunities.

Promoting Fairness - acting transparently at all times and being accountable for what we do, and promoting equality of opportunities.

1.11 Equality Impact Assessment

1.12 In the event that Members were minded to discontinue the concessionary users list, or reduce the concessionary discount available at busy times, it is likely that an Equalities Impact Assessment would be required. Recommendation

1.12.1 It is **RECOMMENDED** that Members consider the options set out in this report.

contact: Anthony Garnett 6151

Background Papers:

Nil

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

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Annex 1

The current designated concessionary users are:

1. Bridge Trust
2. Citizens Advice Bureau
3. Guide Dogs for the Blind
4. Home Start West Kent
5. KCC Walking Bus
6. Lyons Commuters Tonbridge
7. Mencap
8. Police
9. Platonic Arts now 4 arts
10. Relate
11. Royal British Legion –Tonbridge Branch
12. Slade Residents Association
13. Small Businesses Federation
14. Tonbridge Adult Education Centre
15. Tonbridge Access Group
16. Tonbridge Allotments and Garden Association
17. Tonbridge Arts Group
18. Tonbridge Camera Group
19. Tonbridge Creative Art Group
20. Tonbridge Civic Society
21. Tonbridge Historical Society
22. Tonbridge Memorial Gardens
23. Tonbridge Model Engineering Society
24. Tonbridge Sports Association
25. Tonbridge Lions Club
26. Tonbridge Town Lands & Richard Mylls Charity
27. Voluntary Action within Kent –VAWK and West Kent Chamber of Commerce & Industries
28. West Kent Community Health Forum
29. West Kent Victim Support.

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Annex 2

The current terms and conditions applicable to concessionary bookings:

- Sessions will be limited to two per month and will only be permitted between 01 October - 31 March each year (a session being morning, afternoon or evening) or one seven day period in the case of exhibitions.
- The chamber is not available on Friday evenings as this time may be required to set up and rehearse for weddings the following day.
- Charges for caretaking start at 5pm each day.
- Concessionary bookings will not be accepted more than 12 months in advance.
- A charge will be made for cleaning in the event of food being consumed.
- One Parking Permit only will be issued to the hirer.

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Annex 3

Current fee model

Hire Charge	Current £	Concessionary Rate £
Monday – Friday – AM (09:00 – 13:00)	100.00	
Monday – Friday – PM (14:00 – 17:00)	100.00	
Monday – Friday – PM (18:00 – 21:00) NB: outside normal caretaker hours	100.00 (plus caretaker costs)	
Saturday – AM or PM (09:00 – 13:00) (14:00 – 17:00)	100.00	
Saturday (18:00 – 23:00) NB: outside normal caretaker hours	200.00 (plus caretaker costs)	
Sunday – 10:00 – 16:00	120.00	
Cleaning charge *1	45.00	45.00
Weekly rate Monday - Friday	Contact Castle for pricing	
Weekly rate Saturday - Friday	Contact Castle for pricing	
Day rate		75.00
Weekly rate Monday - Sunday		150.00

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

20 June 2019

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 REVIEW OF CUSTOMER SERVICE SURGERIES

Summary

This report sets out a review of the Customer Service Surgeries at Snodland, Larkfield and Borough Green and presents options for further consideration

1.1 Introduction

- 1.1.1 At a previous meeting of the Overview and Scrutiny Committee it was agreed that a review be undertaken into the future of the Customer Service surgeries at Snodland, Larkfield and Borough Green.
- 1.1.2 This report seeks to set out the basis for the review and provide options for further consideration. Members are invited to review the service these surgeries provide to the local communities against the low footfall and running costs.
- 1.1.3 Members are asked to note that the surgery at Borough Green closed in April 2017.

1.2 Background

- 1.2.1 The Council has historically provided customer service surgeries, at the following locations -

Larkfield Library, Martin Square, Larkfield

Snodland Library, 15-17 High Street, Snodland

Borough Green Library, High Street, Borough Green (closed since April 2017)

- 1.2.2 All 3 surgeries are / were located within libraries operated by Kent County Council and are, or have been open for enquiries 1 day per week (Borough Green and Snodland) and 2 days a week for Larkfield. Only 1 member of the customer services team will be present at each surgery at any one time.

- 1.2.3 The surgeries at Snodland (Fridays) and Larkfield (Mondays/ Tuesday) are open between 09:00 hours and 12:30 hours.
- 1.2.4 The surgery at Borough Green has been closed since April 2017, but historically opened between 09.00 and 15.15 hours every Wednesday. The library at Borough Green is closed on Wednesdays, so the surgery operated alongside the Citizens Advice Bureau, to ensure that the customer services representative was not working alone on the premises.
- 1.2.5 At Larkfield surgery the Borough Council works in partnership with the Citizens Advice Bureau (CAB), as the CAB Officers arrange appointments for people to come and see them during the open session.
- 1.2.6 The Borough Council pays rent to Kent County Council for the hire of the libraries to enable the surgeries to be held. The rate is different depending on the Surgery. Further details of each surgery in respect of average weekly enquiries, the top 3 interactions and costs are set out below.
- 1.2.7 Members are asked to note that when the surgeries were originally set up in 2006, there was a requirement for claimants to bring in original documents for Revenues and Benefits. With the move towards digital delivery of services, claimants are now able to send such documentation to the Council by electronic means. This has of course had a consequential impact upon the need for surgeries in these locations.

1.3 Snodland

- 1.3.1 The surgery has been provided at Snodland Library since 2006.
- 1.3.2 Details of the footfall at the surgery during 2016, 2017, 2018 and 2019 are set out in the table at **Annex 1**.

Year	Average number of weekly enquiries
2016 – 2017	8.8
2017 – 2018	8.5
2018 – 2019	8.2
2019 – 2020 (Apr-May)	5.1

1.3.3 The top 3 interactions are:

Service	2016-17	2017-18	2018-19
Benefits	326	309	296
Housing	74	57	53
Council Tax	33	65	51

1.3.4 All other interactions are in single figures.

1.3.5 The costs of operating the surgery at Snodland are set out below.

Service	Cost	Cost per year
Rent to KCC each quarter	£325	£1,300
Staff – 09:00 hours until 12:30 hours at £15 an hour.	£52.50	£2,730
Total		£4,030

1.4 Larkfield

1.4.1 The surgery has been provided at Larkfield Library since 2006.

1.4.2 Details of the footfall at the surgery during 2016, 2017, 2018 and 2019 are set out in the table at **Annex 2**.

Year	Average number of weekly enquiries
2016 - 2017	12.61
2017 - 2018	12.25

2018 – 2019	12.63
2019 – 2020 (Apr-May)	12.55

1.4.3 The top 3 interactions are:

Service	2016-17	2017-18	2018-19
Benefits	513	468	492
Housing	50	63	59
Council Tax	29	57	57

1.4.4 The costs of operating the surgery at Larkfield are set out below.

Service	Cost	Cost per year
Rent to KCC each quarter	£487.50	£1,950
CAB Officer per quarter	£1,500	£6,000
Staff – 09:00 hours until 12:30 hours at £15 an hour	£105.00	£5,460
Total		£13,410

1.5 Borough Green

1.5.1 This surgery closed in April 2017

1.5.2 The costs of operating the surgery at Borough Green are set out below. Members are asked to note that no budget provision has been made since the surgery closed in April 2017 and as such would represent budget growth and, in turn, add to the required savings and transformation contribution (funding gap).

Service	Cost	Cost per year
Rent to KCC each quarter	£617.66	£2,471

CAB Officer per quarter	£1,500	£6,000
Staff – 09:00 hours until 15:15 hours at £15 an hour	£93.75	£4,875
Total		£13,346

Total costs of surgeries

1.5.3 The total cost of surgeries (if all three were operational) would be:

Service	Cost per year
Snodland	£4,030
Larkfield	£13,410
Borough Green	£13,346
Total	£30,786

1.6 Analysis/ options

1.6.1 Members will note that the costs of operating the surgeries is high in comparison to the footfall. Indeed, the average number of weekly enquiries at each location are very low – 8.2 (Snodland - 2018/19), 12.63 (Larkfield - 2018/19). On a purely financial case, there is a strong argument that the costs of providing the surgeries are unsustainable. However, Members will of course wish to balance the costs against the wider community benefit of providing customer services at the locations in question.

1 - Close surgeries

1.6.2 In the event that Members were minded to pursue this option, customers would still be able to have their queries answered on-line, on the phone or be able to speak face to face to a customer services representative at Kings Hill or Tonbridge Castle (the latter of these is probably less likely given the location of the existing surgeries). It is however possible that some residents are unable for a variety of reasons to readily travel to the Council Offices, so this may inconvenience those who are not able to communicate with the Council through other means.

- 1.6.3 There would be a budget saving in respect of payments made to KCC and the CAB of £9,250 plus a reduction in the temporary staff budget of £8,190, giving a total budget saving of £17,440.
- 1.6.4 Members are asked to note that we would need to give the CAB notice of any intended closure.

2 – Keep some or all surgeries open

- 1.6.5 As an alternative, Members may wish to consider whether some or all of the surgeries should remain open noting that reopening Borough Green would represent budget growth.
- 1.6.6 The surgery at Borough Green has been closed since April 2017. We are not aware of any negative impact brought about by this closure, so there is not considered to be any basis for re-opening this surgery. Even if the opening hours of this surgery were reduced to bring it into line with Larkfield and Snodland, the historic low number of weekly enquiries would suggest that the operating costs would remain high by comparison.
- 1.6.7 Members may however wish to consider whether the other 2 surgeries should remain open.

1.7 Legal Implications

- 1.7.1 None arising from this report.

1.8 Financial and Value for Money Considerations

- 1.8.1 The financial considerations are set out above.

1.9 Equality Impact Assessment

- 1.9.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.
- 1.9.2 If Members are minded to close surgeries, consideration will be given to a Equality Impact Assessment.

1.10 Policy Considerations

- 1.10.1 The digital delivery of services is one of the key objectives of the current IT Strategy, as agreed by the Finance, Innovation and Property Advisory Board on 23 May 2018. Therefore, in evaluating the future of the customer service surgeries, we need to be mindful of the strategy of encouraging and moving customers to an on-line digital platform service delivery.

1.11 Recommendations

1.11.1 It is **RECOMMENDED** that Members review the future provision of the customer service surgeries set out in this paper.

1.11.2

Background papers:

None

contact: Anthony Garnett
6151

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

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Annex 1 - Monthly Totals for Snodland 2016 - 2017

	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17 Total
Benefits - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Benefits - Customer Services	46	24	13	27	30	25	9	36	28	27	18	43
Housing / Russet Homes etc.	12	13	3	6	6	5	0	7	4	5	5	8
CTax - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
CTax - Customer Services	2	1	1	5	3	4	1	5	3	1	2	5
Planning - Duty Officer	0	0	0	0	0	0	0	0	0	0	0	0
Planning - Customer Services	0	0	0	0	0	0	0	0	0	0	0	0
Building Control - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Taxi - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Taxi - Customer Services	0	0	0	0	0	0	0	1	0	0	0	1
Licensing - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Licensing - Customer Services	0	0	0	0	1	0	0	0	0	1	0	2
Waste Management	0	0	0	0	1	0	0	2	0	2	0	5
Environmental Health	0	0	0	1	0	1	0	0	0	0	0	2
Leisure	0	0	0	1	3	0	0	0	0	0	0	4
Electoral Registration	0	0	0	0	2	1	0	0	0	0	0	3
Finance	0	0	0	0	0	0	0	2	0	0	0	2
Contractor	0	0	0	0	0	0	0	0	0	0	0	0
Parking	0	0	0	0	0	0	0	0	0	0	0	0
Searches	0	0	0	0	0	0	0	0	0	0	0	0
Kent County Council (KCC)	1	0	0	0	0	2	0	0	0	0	0	3
Brochure request	0	0	0	0	0	0	0	0	0	0	0	0
Meetings / visitors	0	0	0	0	0	0	0	0	0	0	0	0
Payments	0	0	0	0	0	0	0	1	0	0	0	1
Post / deliveries	0	0	0	0	0	0	0	0	0	0	0	0
Directions for Kings Hill	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	1	0	1	0	0	2	0	4
Visitor Total	61	38	17	40	47	38	11	54	35	38	25	56
												460

Annex 1 - Monthly Totals for Snodland 2017 - 2018

	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18 Total
Benefits - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Benefits - Customer Services	12	24	40	18	22	20	31	30	28	35	14	35
Housing / Russet Homes etc.	7	1	7	6	5	2	9	3	4	3	6	4
CTax - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
CTax - Customer Services	1	7	12	1	5	8	8	7	3	3	5	5
Planning - Duty Officer	0	0	0	0	0	0	0	0	0	0	0	0
Planning - Customer Services	0	0	0	0	0	0	0	0	0	0	0	0
Building Control - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Taxi - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Taxi - Customer Services	0	0	0	0	0	0	0	0	0	0	0	0
Licensing - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Licensing - Customer Services	0	0	0	0	0	0	0	0	0	0	0	0
Waste Management	2	0	0	0	0	0	0	0	0	0	0	0
Environmental Health	0	0	0	0	0	0	0	0	0	0	0	0
Leisure	0	0	1	0	0	0	0	0	0	0	0	0
Electoral Registration	3	0	0	0	0	0	0	0	0	0	0	0
Finance	0	0	0	0	0	0	0	0	0	0	0	0
Contractor	0	0	0	0	0	0	0	0	0	0	0	0
Parking	0	0	0	0	0	1	0	0	0	0	0	0
Searches	0	0	0	0	0	0	0	0	0	0	0	0
Kent County Council (KCC)	0	0	1	0	0	0	0	0	0	0	1	0
Brochure request	0	0	0	0	0	0	0	0	0	0	0	0
Meetings / visitors	0	0	0	0	0	0	0	0	0	0	0	0
Payments	0	0	0	0	0	0	0	0	0	0	0	0
Post / deliveries	0	0	0	0	0	0	0	0	0	0	0	0
Directions for Kings Hill	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	4	1	0	0	0	0	2	0	7
Visitor Total	25	32	61	29	33	31	48	40	35	43	26	44
												447

Annex 1 - Monthly Totals for Snodland 2018 - 2019

	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19 Total
Benefits - Back Office	0	0	0	0	0	0	0	0	1	0	0	1
Benefits - Customer Services	40	41	34	17	17	28	27	27	2	11	13	296
Housing / Russet Homes etc.	3	9	10	3	3	6	4	0	2	2	4	53
CTax - Back Office	1	0	0	0	0	0	0	0	0	0	0	1
CTax - Customer Services	6	5	11	3	3	4	0	1	5	4	1	51
Planning - Duty Officer	0	0	0	0	0	0	0	0	0	0	0	0
Planning - Customer Services	0	0	0	0	0	0	0	0	0	0	0	0
Building Control - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Taxi - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Taxi - Customer Services	0	1	0	1	1	0	0	0	0	0	0	3
Licensing - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Licensing - Customer Services	0	0	0	0	0	0	0	0	0	0	0	0
Waste Management	0	0	0	0	0	0	0	0	0	0	0	0
Environmental Health	0	0	1	0	0	0	0	0	0	0	0	1
Leisure	0	0	0	0	0	0	0	1	0	0	0	1
Electoral Registration	0	0	1	0	0	0	0	0	0	0	0	1
Finance	0	0	0	0	0	0	0	0	0	0	0	0
Contractor	0	0	0	0	0	0	0	0	0	0	0	0
Parking	0	0	2	1	1	0	0	0	0	0	0	6
Searches	0	0	0	0	0	0	0	0	0	0	0	0
Kent County Council (KCC)	1	0	0	0	0	0	0	0	0	1	2	4
Brochure request	0	0	0	0	0	0	0	0	0	0	0	0
Meetings / visitors	0	0	0	0	0	0	0	0	0	0	0	0
Payments	0	0	0	0	0	0	0	0	0	0	0	0
Post / deliveries	0	2	0	0	0	0	0	0	0	0	0	2
Directions for Kings Hill	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	1	0	0	1	0	1	1	0	0	4
Visitor Total	51	58	60	25	25	39	31	30	11	18	20	56
												424

Annex 1 - Monthly Totals for Snodland 2019 - 2020

	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Total
Benefits - Back Office	0	0											0
Benefits - Customer Services	14	22											36
Housing / Russet Homes etc.	2	1											3
CTax - Back Office	0	0											0
CTax - Customer Services	1	2											3
Planning - Duty Officer	0	0											0
Planning - Customer Services	0	0											0
Building Control - Back Office	0	0											0
Taxi - Back Office	0	0											0
Taxi - Customer Services	0	0											0
Licensing - Back Office	0	0											0
Licensing - Customer Services	0	0											0
Waste Management	0	0											0
Environmental Health	0	0											0
Leisure	1	0											1
Electoral Registration	0	0											0
Finance	0	0											0
Contractor	0	0											0
Parking	1	0											1
Searches	0	0											0
Kent County Council (KCC)	0	1											1
Brochure request	0	0											0
Meetings / visitors	0	0											0
Payments	0	0											0
Post / deliveries	0	0											0
Directions for Kings Hill	0	0											0
Other	1	0											1
Visitor Total	20	26	0	0	0	0	0	0	0	0	0	0	46

Annex 2 - Monthly Totals for Martin Square 2016 - 2017

	Apr-16	May-16	Jun-16	Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17 Total
Benefits - Back Office	0	0	1	0	0	0	0	0	0	0	0	0
Benefits - Customer Services	80	58	35	30	33	31	27	35	16	31	54	83
Housing / Russet Homes etc.	8	6	0	7	3	4	6	0	3	8	2	3
CTax - Back Office	0	0	0	0	0	0	2	0	0	0	0	0
CTax - Customer Services	7	0	0	8	1	4	1	1	1	4	1	1
Planning - Duty Officer	0	0	0	0	0	0	0	0	0	0	0	0
Planning - Customer Services	0	0	0	0	1	0	0	0	0	0	0	0
Building Control - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Taxi - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Taxi - Customer Services	0	0	0	0	0	0	0	0	0	0	0	0
Licensing - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Licensing - Customer Services	0	0	0	0	1	0	0	0	0	0	0	0
Waste Management	2	3	1	0	0	0	0	0	0	0	0	1
Environmental Health	0	0	0	1	0	0	0	1	0	0	0	0
Leisure	1	0	2	2	0	0	0	0	0	0	0	0
Electoral Registration	4	1	1	0	4	1	0	0	0	0	1	0
Finance	0	0	0	0	0	0	0	0	0	0	0	0
Contractor	0	0	0	0	0	0	0	0	0	0	0	0
Parking	1	0	0	0	0	0	0	0	0	0	0	0
Searches	0	0	0	0	0	0	0	0	0	0	0	0
Kent County Council (KCC)	0	0	1	0	1	0	0	0	0	0	1	0
Brochure request	0	0	0	0	0	0	0	0	0	0	0	0
Meetings / visitors	0	0	0	0	1	0	0	0	0	0	0	0
Payments	1	0	0	0	0	0	0	0	0	0	0	0
Post / deliveries	0	0	0	2	0	0	0	0	0	0	0	0
Directions for Kings Hill	0	1	0	0	0	0	0	0	0	0	0	0
Other	0	1	2	1	3	4	4	4	1	1	2	1
Visitor Total	104	70	43	51	48	44	40	41	21	44	61	89
												656

Annex 2 - Monthly Totals for Martin Square 2017 - 2018

	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18 Total
Benefits - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Benefits - Customer Services	53	50	29	45	32	33	35	36	8	35	30	82
Housing / Russet Homes etc.	0	6	5	4	1	8	12	7	1	3	7	9
CTax - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
CTax - Customer Services	4	8	7	5	5	6	4	5	1	3	2	7
Planning - Duty Officer	0	0	0	0	0	0	0	0	0	0	0	0
Planning - Customer Services	0	0	0	0	0	0	0	0	0	0	0	0
Building Control - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Taxi - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Taxi - Customer Services	0	0	0	0	0	0	0	1	0	0	0	1
Licensing - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Licensing - Customer Services	0	1	0	0	0	1	0	0	0	0	0	0
Waste Management	1	1	1	4	1	0	0	2	0	0	2	12
Environmental Health	0	0	0	0	0	0	0	0	0	0	0	0
Leisure	0	0	0	0	0	0	0	0	0	0	0	2
Electoral Registration	0	2	1	1	0	0	0	0	0	0	0	4
Finance	0	0	0	0	0	0	0	2	0	0	0	2
Contractor	0	0	0	0	0	0	0	0	0	0	0	0
Parking	0	0	0	0	0	0	0	0	0	0	0	0
Searches	0	0	0	0	0	1	0	0	0	0	0	1
Kent County Council (KCC)	0	0	0	0	1	0	1	0	0	0	1	3
Brochure request	0	0	0	0	0	0	0	0	0	0	0	0
Meetings / visitors	0	0	0	0	0	0	0	0	0	0	0	0
Payments	0	0	0	0	0	1	0	1	0	0	0	2
Post / deliveries	0	0	0	0	0	0	0	0	0	0	0	0
Directions for Kings Hill	0	0	0	0	0	0	0	0	0	0	0	0
Other	2	0	2	4	3	2	1	0	3	2	1	20
Visitor Total	60	68	45	63	43	52	53	54	13	43	43	100
												637

Annex 2 - Monthly Totals for Martin Square 2018 - 2019

	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19 Total
Benefits - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Benefits - Customer Services	67	51	35	31	29	52	76	34	20	35	31	492
Housing / Russet Homes etc.	4	6	6	5	7	2	10	11	4	2	1	59
CTax - Back Office	0	0	0	0	1	0	0	0	0	1	0	2
CTax - Customer Services	6	1	1	4	4	7	10	13	3	2	3	57
Planning - Duty Officer	0	0	0	0	0	0	0	0	0	0	0	0
Planning - Customer Services	0	0	0	0	0	0	0	0	0	0	0	0
Building Control - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Taxi - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Taxi - Customer Services	0	0	0	0	0	0	0	0	0	0	0	0
Licensing - Back Office	0	0	0	0	0	0	0	0	0	0	0	0
Licensing - Customer Services	0	0	0	0	0	0	0	0	0	0	0	0
Waste Management	1	1	1	1	0	0	0	0	1	0	1	7
Environmental Health	0	0	0	0	0	0	0	0	0	0	0	0
Leisure	1	0	1	0	0	0	0	0	0	1	0	3
Electoral Registration	0	0	0	0	0	0	0	1	0	0	0	1
Finance	0	0	0	0	0	0	0	0	0	0	0	0
Contractor	0	0	0	0	0	0	0	0	0	0	0	0
Parking	0	2	0	0	0	0	0	0	0	0	0	2
Searches	0	0	0	0	0	0	0	0	0	0	0	0
Kent County Council (KCC)	0	1	1	0	0	0	1	0	0	0	0	3
Brochure request	0	0	0	0	0	0	0	0	0	0	0	0
Meetings / visitors	0	0	0	0	0	0	0	0	0	0	0	0
Payments	0	0	0	0	0	0	0	0	0	0	0	0
Post / deliveries	0	1	0	0	0	0	0	0	0	0	0	1
Directions for Kings Hill	0	0	0	0	0	0	0	0	0	0	0	0
Other	5	3	1	1	1	1	3	4	0	1	5	30
Visitor Total	84	66	46	42	42	62	100	63	28	42	41	657

Annex 2 - Monthly Totals for Martin Square 2019 - 2020

	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Total
Benefits - Back Office	0	0											0
Benefits - Customer Services	58	24											82
Housing / Russet Homes etc.	6	1											7
CTax - Back Office	0	0											0
CTax - Customer Services	7	3											10
Planning - Duty Officer	0	0											0
Planning - Customer Services	0	0											0
Building Control - Back Office	0	0											0
Taxi - Back Office	0	0											0
Taxi - Customer Services	0	0											0
Licensing - Back Office	0	0											0
Licensing - Customer Services	0	0											0
Waste Management	0	3											3
Environmental Health	0	0											0
Leisure	0	1											1
Electoral Registration	2	0											2
Finance	0	0											0
Contractor	0	0											0
Parking	0	0											0
Searches	0	0											0
Kent County Council (KCC)	0	1											1
Brochure request	0	0											0
Meetings / visitors	0	0											0
Payments	0	0											0
Post / deliveries	0	0											0
Directions for Kings Hill	0	0											0
Other	4	3											7
Visitor Total	77	36	0	0	0	0	0	0	0	0	0	0	113

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

20 June 2019

Report of the Chief Executive

Part 1- Public

Matters for Information

1 SCRUTINY REVIEW PROGRAMME 2019/20

1.1 The Review Programme

1.1.1 The programme of Scrutiny Reviews for 2019/20 was agreed by this Committee at the meeting held on 22 January 2019. For the benefit of newly elected Council Members, this list is set out below. The aim with each Scrutiny Review is to explore opportunities to improve service provision that directly affects our local communities both those delivered by the Borough Council and, when necessary, by our partner organisations. Some of these reviews may be preceded by an initial scoping report to set out the background for the review, whilst others will be reported direct to the Committee.

20 June 2019	Review of Concessions at Tonbridge Castle
	Review of Customer Service Surgeries
29 August 2019	Review of Community Safety including CCTV provision and the role of the Community Safety Unit
10 October 2019	Review of Disabled Facilities Grants
	Review of the Council's Public Health function
21 January 2020	Review of local Domestic Abuse Services and associated budgets
12 March 2020	Review of the Council's Corporate Strategy
	Review of Council Marketing

1.1.2 The above list takes into account the timing/workload issues for relevant services and will provide a meaningful programme of reviews. Members of the Committee will of course have an opportunity to suggest other reviews for consideration if new issues arise or there are specific topics that Members feel would be relevant for consideration by this Committee.

1.2 Statutory Guidance

- 1.2.1 In May 2019 the Ministry of Housing, Communities and Local Government produced “Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities”. For information, this guidance is attached as Annex 1. As stated within the document, local authorities “must have regard” to this guidance, but this does not mean that all sections have to be followed in every detail.
- 1.2.2 The guidance does not aim to prescribe, but does offer ideas and a framework for scrutiny functions. It encourages a commitment to ensure that Scrutiny is effective and challenging with commitment embedded across the organisation. The Borough Council’s approach to the overview and scrutiny function is guided by the procedure rules which are set out in the Council’s Constitution. These arrangements along with the Statutory Guidance, will continue to help shape the work of this Committee.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive



Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.



A handwritten signature in blue ink, appearing to read 'Rishi Sunak'.

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.¹

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

Expiry or review date

This guidance will be kept under review and updated as necessary.

¹ A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers² to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

² Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
 - rights of access to documents by the press, public and councillors;
 - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
 - delegated decisions by the Mayor;
 - whistleblowing protections for both staff and councillors; and
 - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,³ someone whose role is to:
 - promote the role of the authority's scrutiny committee;
 - provide support to the scrutiny committee and its members; and
 - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

³ Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- Committee – officers are drawn from specific policy or service areas;
- Integrated – officers are drawn from the corporate centre and also service the executive; and
- Specialist – officers are dedicated to scrutiny.

21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,⁴ the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny⁵.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.⁶ Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.⁷ This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

⁴ See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

⁵ See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

⁶ Section 9FA(3) of the Local Government Act 2000.

⁷ 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives⁸. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person⁹.

32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair¹⁰.

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

⁸ A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

⁹ See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

¹⁰ Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation¹¹. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

¹¹ Section 9FA(4) Local Government Act 2000

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information¹². In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision¹³. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

¹² Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹³ Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member¹⁴. When agreeing to such requests, authorities should:

- consider whether seeking clarification from the information requester could help better target the request; and
- Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions¹⁵. It is the duty of members and officers to comply with such requests.¹⁶

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

¹⁴ Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹⁵ Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

¹⁶ Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

Following ‘the Council Pound’

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
 - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
 - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
 - Voluntary sector partners;
 - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
 - In parished areas, town, community and parish councils;
 - Neighbouring principal councils (both in two-tier and unitary areas);
 - Cross-authority bodies and organisations, such as Local Enterprise Partnerships¹⁷; and
 - Others with a stake and interest in the local area – large local employers, for example.
- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

¹⁷ Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.

66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
- ii. the development of those findings, which will set out some areas on which recommendations might be made; and
- iii. the drafting of the full report.

67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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Agenda Item 9

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 10

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 11

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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