

# TONBRIDGE & MALLING BOROUGH COUNCIL

## OVERVIEW AND SCRUTINY COMMITTEE

23 January 2018

### Report of the Chief Executive

#### Part 1- Public

#### Executive Non Key Decisions

#### 1 SELECT COMMITTEE REVIEW OF THE EFFECTIVENESS OF LOCAL AUTHORITY OVERVIEW AND SCRUTINY COMMITTEES

To report on the above review and to consider the recommendations.

#### 1.1 The Select Committee Review

1.1.1 A Select Committee review of local authority overview and scrutiny committees has recently been published. A summary of the review is attached as Appendix 1 to this report. The key issues identified via the review include the following:

- The overall 'culture' the local authority and whether this embraces a positive approach to its overview and scrutiny function;
- The role of Council Members from both the administration and opposition, and senior officers in setting the right tone which welcomes constructive challenge;
- The need to achieve parity between the executive and scrutiny functions;
- The key, positive role of the Scrutiny Committee Chairman in promoting and championing the scrutiny process;
- Having sufficient officer staffing support for the function;
- The scope to undertake reviews of wider public services in an Authority's area and not just of Council-run services.

#### 1.2 Review Recommendations

1.2.1 The Select Committee agreed the following recommendations:

- (1) Overview and Scrutiny Committees should report to the Full Council meeting rather than the Executive;

- (2) Members of Scrutiny Committees should be clearly separate with executive councillors only attending meetings as formal witnesses;
- (3) Scrutiny Committees should have open access to the financial and performance data held by the Authority and access to the expertise of senior officers;
- (4) Scrutiny Committees should be supported by Officers that are able to operate with independence and offer impartial advice;
- (5) Members of the public and service users should be able to participate in the scrutiny process.

### 1.3 The Overview and Scrutiny Function at Tonbridge and Malling

- 1.3.1 It is clear from the Select Committee report that some Councils operate their overview and scrutiny functions very differently from that operated at Tonbridge and Malling. The recommendations therefore, although largely presented as appropriate to all local councils, has potentially focused more on dealing with those authorities whose overview and scrutiny role is more confrontational, suffers from marginalisation and perhaps lacks constructive challenge.
- 1.3.2 The Tonbridge and Malling approach on overview and scrutiny has, since, its inception in 2002, not suffered from these failings. Our approach has been to ensure that whilst the overview and scrutiny function has been clearly made separate from the Council's executive function, there is a positive and collaborative approach to formulating recommendations for change via the reviews which have been undertaken. Rarely have recommendations from a scrutiny-led review, following their thorough consideration by the Overview and Scrutiny Committee, not been accepted by the Cabinet.
- 1.3.3 Of the five recommendations arising from the Select Committee review, nos (2), (3) and (4) as set out above are already implemented fully at this Council and it is suggested that no further action is therefore required.
- 1.3.4 Recommendation (1) suggests that overview and scrutiny matters should always be reported to Full Council rather than to the Cabinet. Presumably this is to ensure that, for some Councils, such recommendations are not then summarily dismissed by the Executive without full debate. Whilst this is clearly not the case at Tonbridge and Malling, we could introduce a referral process whereby the Chairman of the Overview and Scrutiny Committee has the right to require any recommendation which is not accepted by the Cabinet to be referred to Full Council for wider debate. **Members views on this are invited.**
- 1.3.5 Recommendation (5) suggests that service users and the public should be more involved in the scrutiny process. The Borough Council has sought such involvement when undertaking a number of reviews in the past, particularly where these reviews have focused on services provided by external partners rather than

those operated by the Council. At the current time, the reviews undertaken have largely focused on council services. However, there is potential in the future to look again at key services provided by external agencies. This would then provide greater opportunity to widen the range of participants and formal witnesses to ensure a full assessment of the issues being addressed is included as part of those reviews.

#### **1.4 Recommendations**

1.4.1 That the recommendations of the Select Committee regarding the effectiveness of Overview and Scrutiny Committees **BE NOTED**;

1.4.2 That further consideration **BE GIVEN** to

(1) the introduction of a process whereby recommendations of the Overview and Scrutiny Committee which are not accepted by Cabinet can then be referred to Full Council;

(2) that, where appropriate to the review being undertaken, opportunities to engage service users and the public are explored to assist with that review.

Background papers:

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Nil

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