

**SCRUTINY PANEL REVIEW PANEL 1
'GOVERNANCE'**

MINUTES

Tuesday, 9th July, 2013

PRESENT: Councillors: Anthony Young (Chair), Tej Bagha, Theresa Byrne, Ann Chapman, Tejinder Singh Dhani, Susan Emmet, John Gallagher, Yoel Gordon (Vice-Chair), Rajinder Mann, *Andrew Steed* (Substitute for Harvey Rose) and Jason Stacey.

Also Present

Harjeet Bains	- Scrutiny Review Officer, LBE.
Keith Fraser	- Head of Scrutiny and Committees, LBE.
Ed Hammond	- Research and Information Manager, Centre for Public Scrutiny.
Helen Harris	- Director of Legal and Democratic Services, LBE.
Lee Teasdale	- Committee Administrator, LBE.

1. Apologies for Absence
(Agenda Item 1)

Apologies were received for Councillor Gurmit Kaur Mann.

2. Urgent Matters
(Agenda Item 2)

There were none.

3. Matters to be considered in Private
(Agenda Item 3)

There were none.

4. Declarations of Interest
(Agenda Item 4)

There were none.

5. Panel Operations in 2013/2014
(Agenda Item 5)

The Panel gave consideration to a report from the Scrutiny Review Officer advising them of the proposed terms of reference, work programme and co-option and external engagement arrangements for 2013/2014.

It was agreed that the Committee was considered large enough to approach the subject without need for further co-option though relevant organisations and groups would be invited to make presentations at Panel Meetings as required.

The Chair advised Panel members that together with the Vice-Chair and the Scrutiny Review Officer, he had already started on the process of interviewing key Councillors and staff to gather their opinions on the future direction of governance within the Authority.

The Chair requested that all Panel members make arrangements to visit ward forum meetings outside of their own wards to aid in providing a fuller picture in preparation for the meeting of 28 November which would consider neighbourhood governance. The Panel were provided with the meetings timetable for all ward forum meetings.

It was agreed that further areas of interest to consider for recommendations would be deliberated at the end of the meeting following the other agenda items, which would help in providing further contextual information.

6. Current Governance Arrangements at Ealing Council (Agenda Item 6)

The Panel gave consideration to a report by the Director of Legal and Democratic Services which provided background information on the current governance arrangements at Ealing Council.

Helen Harris, the Director of Legal and Democratic Services, attended the meeting and presented the report to the Panel.

The report advised that following the implementation of the Local Government Act 2000, Ealing Council had adopted a new governance structure, moving away from decisions being taken by cross party committees and introducing an executive with a wide ranging leadership role – with a scrutiny function required to be in place to ensure transparency.

The Local Government and Public Involvement in Health Act 2007 introduced amendments to the Local Government Act 2000 related to local authorities' executive arrangements. This amendment required the adoption of either:

- A Leader and Cabinet executive; or
- A directly elected Mayor and Cabinet executive model.

Prior to the adoption of a model the Council was required to 'take reasonable steps to consult electors and other interested persons'. A consultation was undertaken between 20 July and 30 September 2009. 52 responses were received, with 73% in favour of the Leader and Cabinet model and 27% in favour of the elected Mayor and Cabinet model. On 25 December 2009, Full Council formally adopted the Leader and Cabinet model.

It was advised that section 1.6 of the report was slightly incorrect in advising that any changes to the governance arrangements would require a referendum under the Localism Act 2011. Instead, under the Act, a Council could return to Committee-Style governance if so wished, pending the passing of a resolution at Full Council which following requisite legal and public notices, would take effect from the following May. Only if the Council then wished to change governance arrangements again within 5

years of the decision, would the Council then have to hold a public referendum on the decision.

The Chair thanked the Director of Legal and Democratic Services for her report, and invited Members to comment and ask questions.

The Chair commented on the large number of Committees and backbenchers at the Council. He was advised that there are legal options to consider reductions in the numbers of Councillors, should the Council wish to take that route.

Councillor Byrne commented on the public perception of the Council's governance. She considered that the Council needed to make its actions more transparent to allow for fuller public understanding of the decision making process.

Councillor Stacey questioned the role and usefulness of the Scrutiny function within the governance arrangements, considering that the recommendations arising out of the meetings are often ignored by the Executive.

Due to the presence of an outside speaker, the Chair agreed to take Agenda item 8 as the next item of business.

7. Governance Arrangements in Local Authorities – An External Perspective (Agenda Item 8)

Ed Hammond, the Research and Information Manager for the Centre for Public Scrutiny (CfPS) provided a report and PowerPoint presentation to the Panel, which provided statistical information on governance and scrutiny arrangements in other councils throughout the country.

He advised that there were no arbitrary pros and cons to any particular governance structure, and that no one structure could be considered as 'better' than any other. Instead the correct structure for a Council is established around culture, relationships, attitudes and values.

The CfPS had carried out an annual survey, the findings from which were detailed to the Panel. Resourcing and support for scrutiny was on a downward trend, whilst the impact and effectiveness of the function was managing to bear up, though there were indications that many authorities were unaware of the overall effectiveness of the function.

In light of the funding issues that were affecting councils throughout the country, the amount of FTE officers in scrutiny roles had seen a year on year decrease for the previous four years. The average per authority now sat at 2.09 FTE officers. There was also an increasing trend to integrate officers within the democratic services function rather than having scrutiny as a specialist standalone section.

It had been found that those Councils which had a monitoring system in place to judge the effectiveness of scrutiny were 28.4% more likely than those that do not, to perceive the work they do as having a positive impact on local people.

It was found that the average committee size made no difference to scrutiny's effectiveness, though it was found that councils with fewer committees did tend to be more effective. It has also become apparent that councils were increasingly opting for a streamlined committee structure, and timescales for task and finish groups were becoming shorter, most were now much shorter than a year, with some even taking place within a series of clustered meetings in a few weeks with a quick turnaround of reports to Cabinet.

The recommendations that CfPS highlighted included:

- Thinking about the 'big trends' locally and nationally, and acting on them. These included welfare reform, commissioning, partnership working and resource constraints.
- Tightening up internal systems and prioritising work more effectively.
- Working on developing a culture of openness and honesty, internally and with partners.
- Focusing on outcomes and impact.

The Chair thanked Mr Hammond for his presentation and invited Members to comment and ask questions.

Discussion took place regarding councils who had chosen to return to a committee based system. Mr Hammond advised that in his experience, the councils who had made the change had found it to be a cost neutral exercise, and he expressed surprise that some London boroughs had chosen to return to the committee system, when it was considered that it would be a more natural fit for a rural district council.

Councillor Byrne asked whether he felt that Scrutiny had failings in certain areas. Mr Hammond advised that he had been made aware of varying levels of success; he had seen some councils whose scrutiny committees had influenced significant changes to decisions on key areas such as council tax levels.

He considered that even without the scrutiny committees recommendations being implemented, it would always be a forum for constructive debate, rather than the more politically minded arguments that could mar debate at full council level. It was emphasised that where councils chose to return to a committee system, they needed to find a way to build full council into a proper decision making system.

Discussion took place regarding possible officer 'interference' from those who are looking to shape their reports in a certain way, and view the scrutiny process as a hindrance rather than making use of its constructive function as a 'critical friend'. It was agreed that this could create a challenging environment and a full understanding of the scrutiny function from senior management level downwards was needed to help counteract such issues. It was considered that the issue of officers being 'cagey' with the release of their reports, was an issue that had been highlighted through many of the Council's Committees, Planning and Cabinet being two that were specifically mentioned.

The Chair asked for Mr Hammond's opinion on the call-in process. He provided examples of councils where call-ins were considered a regular part of the process

and counterexamples where the constitution made it difficult for a call-in to ever take place within an authority. He felt that the call-in process very rarely proved a successful route for implementing changes and that better communication with all councillors earlier in the reporting process, including the scrutiny function, would lead to less councillors feeling they need to resort to making a call-in.

With that, the presentation was concluded. The Chair thanked Mr Hammond on behalf of the Panel for what they considered to be an interesting and thought provoking exercise for going forwards.

8. Scrutiny in Ealing (Agenda Item 7)

The Panel gave consideration to a report by the Head of Scrutiny and Committees which provided an overview of the current scrutiny function at Ealing Council.

Keith Fraser, the Head of Scrutiny and Committees, attended the meeting and presented the report to the Panel.

A background history was provided, emphasising how the Scrutiny process at the Authority had adapted and evolved since its inception following the implementation of the Local Government Act 2000.

Scrutiny within the authority was considered to work best when the party political element was kept limited. The Council ensured that all three political groups are represented on all Scrutiny bodies. There had also been maintained, a principle of a member of the opposition chairing a Panel and vice-chairs being of an opposing party and involved in all aspects of the work. This was considered a positive reflection of the mature political culture at Ealing Council.

Other key elements to the success of the scrutiny function were considered as the co-operation of the Executive, process avoidance so that Members can focus on areas of interest and maintaining public and partner involvement.

It was noted that over the years, statistically, the majority of recommendations made by the Scrutiny Panel had been accepted by the Executive and implemented.

The Chair thanked the Head of Scrutiny and Committees for his report.

9. Panel Operations in 2013/2014 (Agenda Item 5 continued)

The Panel then returned to analysing areas for consideration as part of the Panel's work programme.

Discussion took place around the Forward Plan. The Chair raised the question of whether it would be considered feasible to have the Forward Plan contain more information. It was felt that the amount of background and contextual information provided on forthcoming Forward Plan items did not always allow for Councillors to understand the full implications of forthcoming items. The Panel concurred with this

opinion. They also sought a longer run-in period than the current 28 days, the Panel felt that a period of 3 months could be suggested. The Director of Legal and Democratic Services advised that the Forward Plan is regularly scrutinised by the Corporate Board, but positive recommendations as to its future development would be welcomed.

The discussion then moved on to the effectiveness of the call-in process. Councillor Chapman felt that the general consensus was that the Council had too many call-ins and that if reports were better initially with more room given to discussion, then the Council would see a considerable drop in the amount of them. Councillor Gordon concurred, he purported that a lot of recent call-ins had just been information seeking exercises that could have been resolved at an earlier stage or even by email exchange. It was considered that officers needed to recognise at which stage full engagement would be advisable. Councillor Emmet stated that Cabinet Members had a responsibility to ensure that any reports going out under their portfolio were sufficiently clear in their prose and detailed enough to allow for Councillors to understand the reasoning behind the decisions being taken.

The Chair then asked the Panel whether they felt scrutiny panels and health scrutiny within the authority were proving to be effective. Councillor Emmet considered that scrutiny panels can prove very useful, but there was a need to make them interesting to allow Councillors to feel fully engaged in the topic being considered. She considered site visits and public engagement as important parts of this process.

In discussing Health Scrutiny it was acknowledged that Ealing Hospital and the 'Shaping a Healthier Future' programme had dominated the agenda for the previous few years. Now that the Ealing Clinical Commissioning Group (ECCG) was established, Officers were looking to build a strong relationship with them, in which Ealing Health Scrutiny would form an integral part of their decision making processes. Panel Members agreed that a strong relationship with the ECCG was imperative, and that Officers would need to ensure that Scrutiny had a say as early in the process as they could.

All Panel Members agreed that encouraging the public to engage more with the scrutiny process could help foster positive perceptions towards its importance within the Councils decision making processes.

Discussion also took place concerning co-option onto Panels. There was consensus that whilst it was not appropriate to all Panels, co-optees in many cases had made an insightful and knowledgeable addition to the process. Alan Cook on the Health Scrutiny Panel was highlighted as one recent example where a Co-optee had proven a high quality addition to a Panel.

The Chair thanked all present for their input, and considered that some useful ideas were forming for recommendations going forward. He drew Panel Members attentions to the ward forum timetables they had been provided with and reminded that they should all attend at least one ward forum outside of their own ward before the meeting on 28 November.

Councillor Anthony Young, Chair.

The meeting ended at 8.55pm.