

**REVIEW OF**

**OVERVIEW AND SCRUTINY**

**IN THE**

**LONDON BOROUGH OF**

**RICHMOND UPON THAMES**

**Professor Steve Leach – February 2008**

# **REVIEW OF OVERVIEW AND SCRUTINY IN THE LONDON BOROUGH OF RICHMOND UPON THAMES**

## **Section 1**

### Introduction

- 1.1 In November 2007, I was commissioned by the London Borough of Richmond upon Thames to carry out a review of the council's overview and scrutiny function. The specification for the consultancy is attached as Appendix 1. During the month of January 2008, I observed meetings of all five overview and scrutiny committees and interviewed a wide range of members, officers and other interested parties either individually, in small groups or in a few cases by telephone. I also studied a range of documentary evidence including minutes, agendas, task group reports and annual reports etc.
- 1.2 I am grateful to all the members and officers of the London Borough of Richmond upon Thames, co-optees and officers of external agencies who spent time with me discussing their experience of overview and scrutiny, invariably with a degree of openness and frankness, which is hugely beneficial if an outsider such as myself is to gain the requisite degree of understanding of the way things really work. I am particularly grateful to Christian Scade, the Senior Scrutiny Officer, for organising my programme of visits and interviews in London Borough of Richmond upon Thames so ably.

1.3 The structure of the report is as follows. In Section 2, the strengths and weaknesses of the current structures, processes and ways of working of overview and scrutiny in the London Borough of Richmond upon Thames are assessed using (inter alia) the five criteria outlined in the project brief. In Section 3, the main provision of the Local Government and Public Involvement in Health Act 2007 (LG Act 2007) which are concerned with or have implications for overview and scrutiny are identified and their significance assessed. In Section 4 a series of recommendations for change are set out with explanations and justifications in each case, including alternative structural options. These recommendations are summarised in Section 5.

1.4 In developing these recommendations I have drawn on my experience of what has been effective in other authorities which I have worked in or know about. But I have done so in the knowledge that every local authority is different, and that what works in Kingston upon Thames (for example) may not be appropriate in Richmond upon Thames. There are no blueprints or templates for effective overview and scrutiny. Recommendations always have to be tailored to the traditions and political/organisational culture of the authority concerned. That is what I have tried to do in this report.

## Section 2

### 2.1 Strengths and Weaknesses of Overview and Scrutiny

Overview and scrutiny in the London Borough of Richmond upon Thames has a number of positive features, but also some weaknesses which require attention. Fortunately there is currently a positive attitude to overview and scrutiny which provides an encouraging climate for improvement. If resources can be used in a more effective way, then it should be possible to raise the profile of overview and scrutiny in the London Borough of Richmond upon Thames, and develop a quality in this function which bears comparison with the better London boroughs.

### 2.2 The positive qualities are as follows:

- ❖ the value of ‘task groups’ is now widely recognised, and there is a commitment to further develop this way of working. The quality of reports produced as a result of the work of ‘task groups’ is in many cases impressive, both in terms of content and presentation.
- ❖ the executive in the London Borough of Richmond upon Thames recognises the positive contribution that overview and scrutiny can make, and has proved responsive to many of its reports and recommendations. There is a procedure which ensures a speedy and detailed response by the executive to task group recommendations.
- ❖ there is a recognition of the value of co-opted members in the work of overview and scrutiny, and an imaginative approach to their recruitment and involvement.

- ❖ party politics in the points scoring/conflictual sense is largely absent from the way overview and scrutiny committees operate.
- ❖ there is an enthusiasm and commitment to overview and scrutiny amongst the leading members involved in it, and also amongst some (although not all) of the members of overview and scrutiny committees who are not chairs or vice chairs.

2.3 In all these ways overview and scrutiny in the London Borough of Richmond upon Thames compares favourably with other authorities I have worked in or researched.

2.4 Although there are a number of problems to be overcome (see below) the current climate in which overview and scrutiny operates in the London Borough of Richmond upon Thames provides a good basis for tackling these problems and introducing the requisite changes. Members – both at executive and overview and scrutiny level – recognise that change is needed. The importance of strengthening dedicated support for overview and scrutiny has been recognised. There is a recognition that provisions of the 2007 Local Government Act mean that certain aspects of overview and scrutiny require a review. It is a good time to undertake an appraisal of the type that has been commissioned, and to make overview and scrutiny in the London Borough of Richmond upon Thames ‘fit for purpose’.

2.5 The problems which require attention are mainly centred around the operation of the five overview and scrutiny committees. Seven years after the introduction of executive government, the overview and scrutiny committees in the London

Borough of Richmond upon Thames are still operating in a similar fashion to the traditional 'service committees' which they replaced. Agendas, settings and (in some respects) functions are similar, in a way which is inappropriate, given the fundamentally different role of overview and scrutiny committees. There are also problematical aspects of the range of activities undertaken by overview and scrutiny committees (especially the lack of 'constructive/critical challenge' in the way they operate, and the low key approach to performance review) and the way in which topics for in depth 'task group' scrutiny are selected. These 'problem areas' are discussed in turn.

## 2.6 The operation of the Overview and Scrutiny Committees

The main problem with the current structure is that the responsibilities of each overview and scrutiny committee (Health excepted) are too closely linked to the structure of directorates in the London Borough of Richmond upon Thames. The strength of this linkage provides an opportunity – exploited more in some cases than in others – for the overview and scrutiny committee to operate primarily as a **reference point** for the directorate concerned, an opportunity, inter alia, to inform, consult and involve the committee in ways which may make more sense to the directorate concerned than they are conducive to effective overview and scrutiny.

## 2.7 The argument is not that such linkages are intrinsically undesirable; rather that they may in certain circumstances influence the priorities and agendas of overview and scrutiny committees in a way which limits their capacity to operate as the 'prime movers' regarding their own priorities and agenda.

2.8 The problem is compounded when there is an executive member whose responsibilities wholly or mainly match those of the overview and scrutiny committee concerned, and he or she is from the same party as the committee chair. This situation can result in a close working relationship between the two individuals, so that the overview and scrutiny committee may become a de facto advisory committee to the executive member concerned. Again, the argument is not that such close working relations are undesirable; rather that there needs to be a balance between challenge and co-operation, which is not always realised in the current arrangements.

2.9 The other main danger with an overview and scrutiny structure which matches departmental responsibilities is that overview and scrutiny activities tend to become focused predominantly on the statutory responsibilities of the council, at the expense of wider issues of community concern which do not fit conveniently into the span of responsibilities of the overview and scrutiny committees (again Health is clearly an exception). This could be remedied if the overview and scrutiny Overview and Scrutiny Co-ordinating Group played a more proactive role in this respect, or by other means (see Section 4).

2.10 The strength of the link between directorate and overview and scrutiny committee is manifested in the following ways

- ❖ typically, a dominant role for the directorate in the formulation of the agenda.....

- ❖ ....resulting in a large number of items which consist of reports which are to be noted (such reports invariably have a useful informational function, for those committee members interested, but rarely result in members ‘adding value’ beyond a smattering of ‘ad hoc’ comments)
- ❖ the director (or one of his/her staff) typically (though not always) sitting alongside the chair and acting as an advisor\*
- ❖ long reports, written by directorate staff (in many cases reports which have gone or will go to executive) with little or no interpretative commentary for overview and scrutiny which would help them to constructively challenge them.

2.11 In extremis, these manifestations give rise to a situation where the main functions of the committee becomes in effect that of an ‘advisory sub-committee’ to the executive (via the executive member(s) concerned) and a convenient device for the directorates concerned to inform and update the committee about the services involved, and obtaining a member view (however superficial) on a draft policy documents or specific initiatives.

2.12 The value of the educational/consultative role of these committees should not be dismissed. If members understand more about schools, adult care or environmental services, that is clearly of benefit. But there are alternative

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\* In the Environment and Sustainability Overview and Scrutiny Committee which I attended, it was significant that one of the assistant directors present moved his seating position from ‘alongside the cabinet member’ to ‘alongside the overview and scrutiny chair’ from time to time.



mechanisms for achieving this end, and currently agendas are being clogged up by such items.\* \*

2.13 The desire to be briefed about the services involved is both understandable and desirable, and indeed some of the items for noting are there as a result of members' requests. But this function gets in the way of effective overview and scrutiny, which requires a more **selective** approach if it is to 'make a difference'.

2.14 It is not difficult to understand how this situation has come about. The OFSTED report on Education Services in 2006 strongly recommended that the Education and Children's Services overview and scrutiny committee be used as a vehicle for generating member involvement in a range of policy initiatives. Other directors too have a clear view that they are expected by their central government counterparts to operate in a similar fashion. There is a formal requirement in the case of health services that the Health Scrutiny Committee be consulted on certain matters. But it is important to distinguish between 'expectations' and 'requirements' in this connection; and there are alternative mechanisms available for dealing with both, which can avoid clogging up committee agendas (see 4.23 for a response to this problem).

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\*+ The Environment and Sustainability overview and scrutiny I observed had an agenda of 278 pages: Recent examples from the Adult Social Care and Housing and Education and Children Services Committees, have approached this length.

2.15 The way in which the overview and scrutiny committees so often operate in a similar fashion to the service committees which they replaced (but whose decision making powers they lack) is by far the most formidable barrier to the enhancement of the overview and scrutiny functions in Richmond upon Thames, and the goal of ensuring that it becomes ‘fit for purpose’. It can be addressed both by structural change and change in processes (see Section 3).

#### 2.16 The role of the Overview and Scrutiny Co-ordinating Group

The role of the Overview and Scrutiny Co-ordinating Group is specified in the Constitution (Article 6). The reality is that the current interpretation by this group of its responsibilities has resulted in relatively brief meetings (typically 30-45 minutes). Its main role has been to decide the programme of task group topics for the year. Otherwise there is a degree of perceived uncertainty about what the group should be doing. In principle, there is no doubt that it is important for councils to have some form of co-ordinating mechanism. In the London Borough of Richmond upon Thames, the challenge is to give it a stronger role, more rewarding to its members, than at present. In Section 3 a range of proposals are set out as to how this aim could be achieved.

#### 2.17 The functions of the Overview and Scrutiny Committees

There is a major problem too related to the functions of the overview and scrutiny committees – how they allocate their time amongst the various potentially beneficial activities they could carry out. Set out below is a list of such activities, which correlates broadly with the criteria set out in the brief (see Appendix 1)

- ❖ policy development (i.e. where no policy currently exists) including the budget
- ❖ policy review (of an extant policy)
- ❖ performance monitoring and review
- ❖ effective ‘critical friend’ challenge to executive decisions or decision intentions
- ❖ external scrutiny (i.e. scrutiny of topics for which the council does not hold the primary responsibility)
- ❖ contributing to budget formulation

Under all these headings, although there have been achievements (often reflecting the work of ‘task groups), there is a good deal of scope for improvement.

#### 2.18 Policy development and review

Looking through the list of titles of task group reports, there has over the past 3-4 years been little in the way of policy development (Climate Change providing a notable exception). There have been a number of policy reviews (e.g. Affordable Housing, Waste Disposal, Secondary School Performance) the outcomes of which have elicited varied responses (from ‘extremely valuable’ to much less so).

#### 2.19 Involvement in the budget

Currently there is little effective involvement of overview and scrutiny in the budget process in the London Borough of Richmond upon Thames, either at Finance and Strategy (apart from a degree of political sparring) or the other

four committees (beyond a smattering of detailed questions).<sup>\*</sup> It appears that in the London Borough of Richmond upon Thames it is customary to reserve challenges to the budget to the council meeting, which debates the budget in March. If this is the case, there is little point in recommending mechanisms for enhancing the involvement of overview and scrutiny in the budget. It may be better if any such involvement operates through the Overview and Scrutiny Co-ordinating Group or a replacement committee (on which all the committees are of course represented).

## 2.20 Performing monitoring and review

Performance monitoring and review has not (yet) caught the imagination of overview and scrutiny committees, although the Adult Social Care and Housing Committee has made more progress here than other committees partly because it has been provided with qualitative data (e.g. analysis of complaints) as well as quantitative data. The 2007 CPA report drew attention to the lack of member involvement in performance monitoring and review. One of the problems as far as overview and scrutiny is concerned is the lack of interest of majority of members on this topic, or at least in the way the performance material is presented. In the overview and scrutiny meetings I witnessed, there were a number of opportunities for members to review comparative performance data for Richmond and all the other London Boroughs. Little or no advantage was taken of these opportunities. There is

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<sup>\*</sup> Unlike some other authorities, where overview and scrutiny committees play an influential role in assessing and making recommendations on a range of draft proposals for cuts and increases in expenditure.

also an unresolved issue of what the most appropriate division of labour between the executive and overview and scrutiny should be in respect of performance review.

## 2.21 Critical friend challenge

‘Critical friend’ challenge has not been a particularly noticeable feature of the behaviour of overview and scrutiny committees. There have been very few call-ins (none of which have reached the stage of being referred to the executive). There has been more critical challenge in the Finance and Strategy Overview and Scrutiny Committee, not all of it particularly ‘friendly’, and some of it perceived (rightly or wrongly) as party political in nature. The Environment and Sustainability Overview and Scrutiny Committee did generate a good example of challenge in the meeting I observed (see Box below). But in other cases, the cosy atmosphere of the committees has not proved conducive to much in the way of ‘critical friend’ challenge.

### Recycling in the London Borough of Richmond upon Thames

The new recycling scheme in the London Borough of Richmond upon Thames has been in operation since November. The Committee had asked for a progress review. The report tabled claimed that progress had been made but acknowledged problems. The ensuing discussions reflected a series of local member concerns about the inability of the contractor concerned to implement the scheme effectively. (‘I have numerous complaints from my constituents – what are you going to do about it?’) Most of the questions were dealt with by the executive member concerned – some by

the head of waste services, some by his deputy. Questions were civil, but challenging – the executive member (+ officers) responded non-defensively. It was a good example of ‘challenging scrutiny’ reflecting on public concern about a service.

2.22 The Health Overview and Scrutiny Committee has, at times, provided challenges to the PCT (for example over its reconfiguration proposals for mental health). Its ability to play this role has been aided by the nature of the dedicated support it has received and the knowledge of some of its co-optees.

2.23 External scrutiny

Effective external scrutiny has taken place (as one would expect) in the Health Overview and Scrutiny Committee (Alcohol Abuse; Continuing Care), but to a much lesser extent in the other committees (‘Anti-Social Behaviour’ and ‘Flooding’ provide two notable exceptions). The strong links between overview and scrutiny committee responsibilities and those of directorates have tended to focus the committees’ attentions on the service responsibilities of the London Borough of Richmond upon Thames rather than on other issues of local concern which do not fall within the remits of directorates.

2.24 Public involvement

Public engagement in overview and scrutiny in the London Borough of Richmond upon Thames is encouraged in certain ways – the positive approach to the selection and involvement of co-optees, the opportunities for members of the public to submit suggestions of topics for detailed investigation, and the

opportunity extended to members of the public to address overview and scrutiny committees (which has been taken up intermittently, but to the greatest extent in the Environment and Sustainability Committee). There have been a few occasions when there has been a large attendance (most recently, in relation to the differential change for residents' car parking permits). However, there does not appear to be a particularly systematic approach to public engagement. When it happens it is not unwelcome, but little attempt has been made to direct it into productive channels.

2.25 The Brief for the Review (see Appendix 1) specified that the following criteria should be used in assessing the current strength and weaknesses of overview and scrutiny in the London Borough of Richmond upon Thames.

- ❖ Is scrutiny operating effectively in terms of providing 'critical friend' challenge to the executive and other bodies?
- ❖ Is scrutiny contributing to the development and review of policy (including the budget and authority's corporate priorities)?
- ❖ Is scrutiny contributing to improved service delivery (primarily through its performance monitoring role)?
- ❖ Is scrutiny engaging with external agencies and addressing issues of public concern in its work programme?
- ❖ Is scrutiny engaging the public (including stakeholders) in its work?

2.26 In relation to each of these criteria the assessment is similar. There have been achievements, but the achievements have been patchy and there is significant scope for improvement under each heading. Scrutiny has been more effective

at providing ‘critical friend’ challenge to external bodies than it has to the executive. It has carried some valuable policy reviews, but little in the way of policy development (‘Climate Change’ excepted). It has made some improvements to service delivery, but more through the medium of task groups, rather than through its performance monitoring role, which has not in general been effective. The work programme has focused on the London Borough of Richmond upon Thames’ own responsibilities with only limited engagement with external agencies (Local health bodies excepted) and (with one or two exceptions) issues of public concern. Finally scrutiny has engaged the public in some ways (use of co-optees, facilitation of public questions) but not in a particular systematic way. In relation to all these criteria, recommendations are made in Section 4 for improving the effectiveness of overview and scrutiny in the London Borough of Richmond upon Thames.

2.27 The key challenges for overview and scrutiny in London Borough of Richmond upon Thames, therefore, are to be clearer about which activities it wishes to give priority to, and having so decided, to develop mechanisms for carrying out these activities more effectively. Whatever choice of priorities is made, the ability to put them into operation will be greatly facilitated by the major review of committee agendas, which, it has been argued is long overdue (see 2.14)

## 2.28 The operation of task groups

The response to these challenges will have significant repercussions for the work of ‘task groups’ in Richmond upon Thames which is viewed much more positively than the work of the overview and scrutiny committees, by committee



members, executive members and (with more reservations) by directors. There is no doubt that a lot of good work has been undertaken by task groups and that in many cases their reports and recommendations have been influential. However there are some unresolved issues around the way topics are identified and the way the task groups have operated.

2.29 Task groups involve a big investment of time by the members who sit on them and the officers who contribute to them. It is of course essential that time is used productively to the benefit (in one way or another) of the borough council. This attribute is facilitated if there exist clear and appropriate guidelines governing the choice of 'task group' topics, and if these guidelines are applied systematically in making such choices.

2.30 Guidelines of this nature do exist and are not untypical of other examples in their content. They reflect current CfPS advice as to what constitutes good practice. What is less apparent is that these guidelines have been systematically applied. This disparity needs to be overcome.

2.31 There will sometimes be differences of opinion between overview and scrutiny committees and directorates regarding the appropriateness of topics for in-depth study, via task groups. Studies of topics of high political salience may be viewed by directorates in certain circumstances as potentially damaging to staff morale. Topics viewed as significant by directors may be seen as of limited interest by politicians. There have been a few recent examples of such disagreements. That is not a problem, so long as appropriate mechanisms for

resolving the disagreements are available. Such mechanisms need to be clarified and strengthened.

2.32 There are other issues around the definition and working of task groups which need to be resolved. Currently it is the Overview and Scrutiny Co-ordinating Group which decides the annual programme of task group topics, with no scope for individual committees to make their own choices. This practice is unusual (it may reflect the limited scope for task group support, until recently) and merits reconsideration. Secondly the practice of ‘member review groups’ operating without officer support (which is also an unusual practice) has proved controversial with a number of reservations expressed about their viability. Thirdly there is an unresolved issue about how far the recommendations from a task group should have regard to the financial impact (and, by implication, modify its’ recommendations, if the cost impact is ‘excessive’).

2.33 Section 4 sets out and justifies a number of recommendations which seek to give more clarity and coherence to the arrangements for task groups.

## Section 3

### 3.1 The impact of the 2007 Local Government Act

There are several provisions in the LG and PIH Act 2007 which are aimed at strengthening the role of overview and scrutiny in local government. They can be summarised as follows:

- (i) a requirement that each local authority instigates arrangements to enable it to scrutinise the work of crime and disorder partnerships (parallel to the role of health scrutiny)
- (ii) the introduction of a 'Councillor Call for Action' whereby members of the public can request local councillors to raise issues of concern at an overview and scrutiny committee
- (iii) a requirement placed on 20+ public sector agencies to co-operate with overview and scrutiny reviews which are examining their policies or decisions (so long as such policies/decisions are made within the framework of local partnership arrangements, including Local Area Agreements)
- (iv) an encouragement to local authorities to pay more attention to scrutinising the performance of partnership programmes (reflecting the move from a local authority based CPA assessment to a **locality** based CAA (Comprehensive Area Assessment))
- (v) an encouragement to local authorities to carry out more scrutiny at a **neighbourhood** (or sub-authority) level (this appeared in the 2006 White Paper but has not been followed up in the 2007 Act itself. However it remains in line with government neighbourhood priorities).

- 3.2 In summary the legislation encourages (and in some cases requires) a new emphasis on the scrutiny of partnership working (including Crime and Disorder partnerships) and the operation of scrutiny at a local (sub-authority) level, including a provision for a greater level of public involvement in identifying issues of concern.
- 3.3 How will these provisions affect the structures and processes for overview and scrutiny in the London Borough of Richmond upon Thames? The first point to emphasise is that there is little in the way of **requirements** in the 2007 Act, beyond the establishment of some kind of machinery for scrutinising crime and disorder issues and for dealing with Community Calls for Action. The extent to which the council wishes to respond to this part of the Government's agenda, which is really little more than exhortation or encouragement, is a matter for it to decide.
- 3.4 The Community Call for Action strengthens the capacity of members of the public to raise issues for consideration by overview and scrutiny committees, but only if they can persuade a councillor to raise the issue on their behalf. There are parallels with the call-in process, which has so far not played much of a role in the work of the council's overview and scrutiny committees.
- 3.5 There is a similar capacity for a majority of the committee concerned to decide that it does not wish to raise the 'Community Call for Action' with the executive, just as they may decide to take a call in no further.

- 3.6 The opportunity to develop scrutiny at the neighbourhood level is greater where there already exists some kind of consultative or decision-making structure at neighbourhood (or sub-authority) level. The system of area consultative committees in Richmond does provide a base of this nature, although a strengthening and formalisation of their operations would be required if they were to tackle scrutiny issues, and this would only make sense in the context of a wider review of their role and function.
- 3.7 The Government's desire to see overview and scrutiny play a stronger role in relation to partnership working and LAAs, particularly in relation to performance in relation to agreed targets, may not be viewed as a particularly high priority within Richmond, given the low profile such partnerships have amongst councillors who do not participate in them **and** the difficulties experienced in developing much enthusiasm within overview and scrutiny to performance monitoring in general.
- 3.8 However it is important that serious consideration is given to this topic, and to the Government's concern to see it addressed by overview and scrutiny. Like it or not (and many councillors do not particularly like it!) councils are finding that an increasing range of their activities are becoming linked to partnership working, and that in external inspection and assessment, the emphasis is changing from the authority's own performance in delivering its service responsibilities, to the performance of a group of partners, in delivering performance targets on 'cross-cutting' priorities to which they all contribute.

This change of emphasis is epitomised by the change from CPA (Comprehensive Performance Assessment) to CAA (Comprehensive Area Assessment) as the main vehicle for the assessment of local performance.

3.9 There is an added complication that the local council has been characterised by the government as the **lead authority** in relation to partnership working and its various specific manifestations (Local Strategic Partnerships (LSPs), Local Area Agreements (LAAs). Although this view of local authorities as ‘first amongst equals’ has generally been welcomed, it is likely that in dealing with poor performance, the government will identify the local authority as in some sense ‘responsible’ and ‘accountable’ even though the reason for the problem may lie with other partners.

3.10 In these circumstances, it is important that local authorities take seriously the government’s expectations that they will review the performance of partnerships, particularly in relation to the achievement of LAA targets (this expectation is confirmed by the fact that the government has placed a requirement for co-operation with overview and scrutiny investigations on over 20 partners).

3.11 In Section 4, recommendations are set out and justified about how this new challenge might best be addressed. There is an important role for a strengthened Overview and Scrutiny Co-ordinating Group, operating in harness with the topic-special overview and scrutiny committees.

3.12 In general, it is important that overview and scrutiny in the London Borough of Richmond upon Thames, in responding to these various opportunities and exhortations, does so in light of a clear set of its own priorities. There is so much that overview and scrutiny can usefully do. Short of legal requirements (e.g. to scrutinise Crime and Disorder), it would be unfortunate if government expectations were to crowd out other scrutiny activities to which members actually attached greater importance.

## **Section 4**

### **The way forward. Recommendations for Change**

#### **Structural Changes**

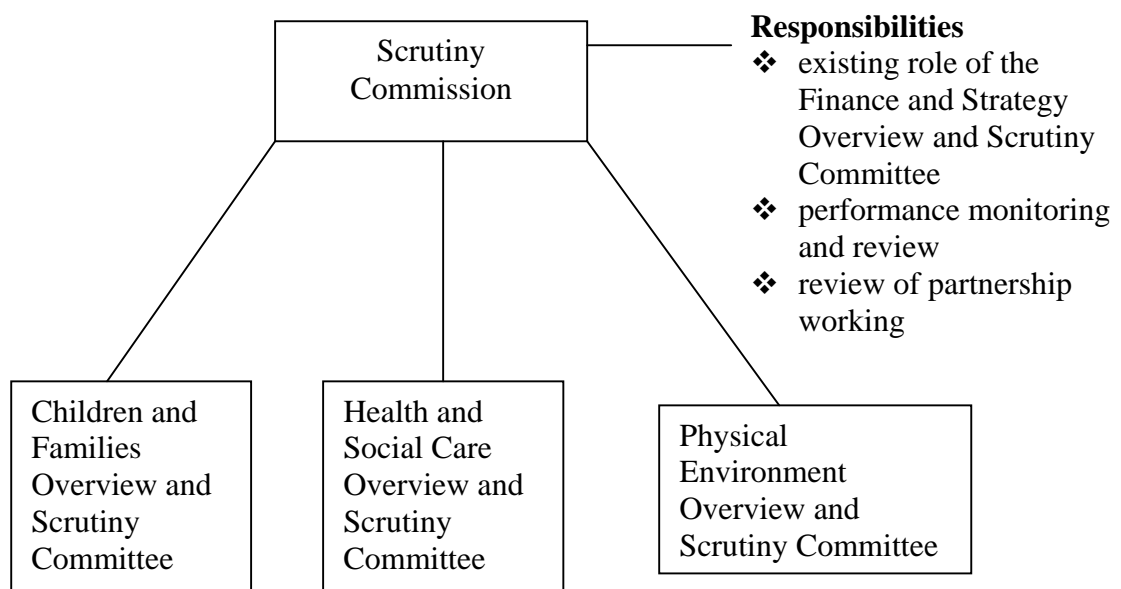
- 4.1 Structural change is not the panacea which its proponents sometimes claim. In the transformation of overview and scrutiny in Richmond, it is much more important that the key processes – e.g. agenda management, task group topic identification – are transformed and that the role and functions of overview and scrutiny prioritised, whatever structure is introduced (or retained).
- 4.2 Nevertheless, given the problems associated with the directorate/committee link (see 2.5 – 2.10) there is merit in a serious consideration of alternative overview and scrutiny structures in the London Borough of Richmond upon Thames, to seek a closer alignment with what overview and scrutiny is seeking to achieve. As alternatives to the status quo, three structural modifications are identified and discussed below. They are all based on the observation that the structural arrangements in the London Borough of Richmond upon Thames are relatively elaborate compared with many other authorities. Elsewhere there is a noticeable trend towards more streamlined structures, with fewer committees.
- 4.3 Some authorities have introduced a single Scrutiny Commission as the main focus for overview and scrutiny work (e.g. Camden (until July 2006), Kingston) and have reported in positive terms about the impact of the change. Option 3 sets out the Kingston version of the Single Scrutiny Commission, which was



4.4 Options (1) and (2) would seek to simplify the structural arrangements in the London Borough of Richmond upon Thames in a less radical way. Option (1) starts from the base of the existing structure, but modifies it in a way which strengthens the role of Overview and Scrutiny Co-ordinating Group and weakens to some extent the directorate/committee link. Option (2) aligns the responsibilities of committees to priorities set out in the Community Plan.

#### 4.5 Option 1 : Modified status-quo

**Diagram 4.1 : Modified Status Quo**



- ❖ The role of the Overview and Scrutiny Co-ordinating Group (re-titled the Scrutiny Commission) would be strengthened. It would encompass the current functions of the Finance and Strategy Overview and Scrutiny Committee. It would have lead responsibility for performance review, (including the performance of partnerships working, such as LAAs) a more explicit link with the executive, a strengthened capacity to commission external scrutiny reviews, and a more explicit responsibility to ensure that overview and scrutiny in the London Borough of Richmond upon Thames operates consistently and effectively.
- ❖ The strengthened Co-ordinating Group would work with three committees with more specific briefs, viz
  - ❖ Children and Families
  - ❖ Health and Social Care
  - ❖ The Physical Environment
- ❖ The **Children and Families** Overview and Scrutiny Committee would cover all the services in the London Borough of Richmond upon Thames which are delivered and experienced personally – e.g. education, child protection, social housing, action on homelessness - but which do not involve physical health or the need for social care.
- ❖ The **Health and Social Care** Overview and Scrutiny Committee would in effect merge the roles of Health and Adult Social Care and Housing Committees but switch responsibility for housing\* to the Children and families Overview and Scrutiny Committee. This merger would be

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\* With the exemption of 'sheltered housing'.

congruent with the increasing trend toward a joint approach to Health/Adult Care Services.

- ❖ The **Physical Environment** Overview and Scrutiny Committee would have similar responsibilities to the Environment and Sustainability Committee, but would have a strengthened profile in relation to Crime and Disorder issues, in the light of the provisions of the 2007 Local Government Act.

4.6 The way the new arrangements would work in relation to performance review, task-group working, relationship with the executive, and agenda management are set out in the sections below which deal with these issues.

4.7 It is recommended that the Scrutiny Commission is comprised of the Chairs and Vice Chairs of each of the three overview and scrutiny committees, but that its Chair and Vice Chair should not hold other chairing responsibilities. There should be two additional members to ensure that the current political balance is maintained, one of whom could have lead responsibility for performance review (internal) and the other a lead responsibility for the performance of partnerships. The lead responsibility for performance review should be allocated to an opposition member.

#### 4.8 Option 2 : Community Plan Priorities

This proposal would involve a similar set of responsibilities for the proposed Scrutiny Commission, but would align the other overview and scrutiny committee with Community Plan Priorities. Various combinations of the different priorities are possible, for example:

Committee A : Tackling disadvantage/improving access and participation

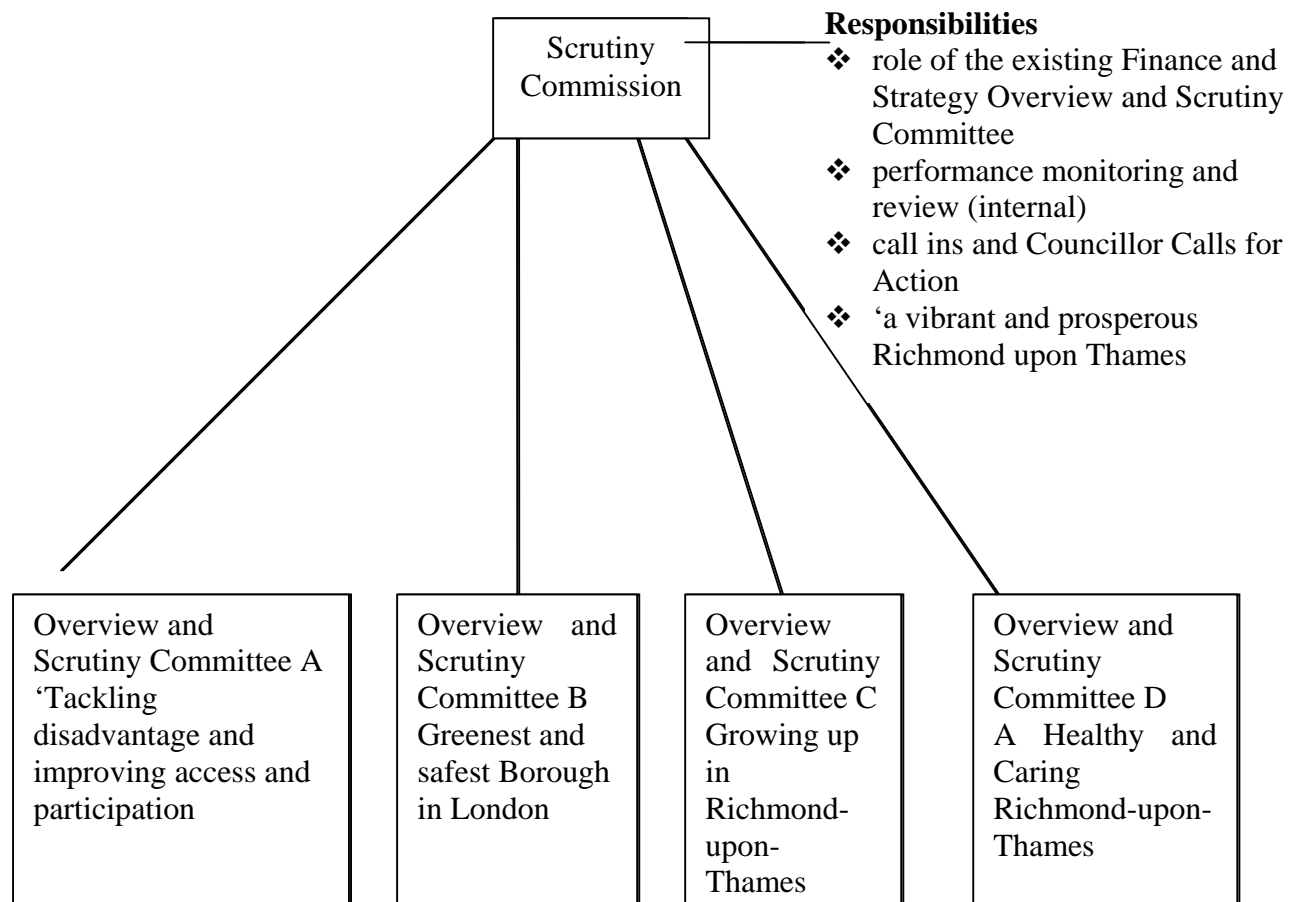
Committee B : Greenest and safest borough in London

Committee C : Growing up in the London Borough of Richmond upon Thames

Committee D : A Healthy and Caring London Borough of Richmond upon Thames

with lead responsibility for ‘a vibrant and prosperous London Borough of Richmond upon Thames falling within the remit of the Scrutiny Commission.

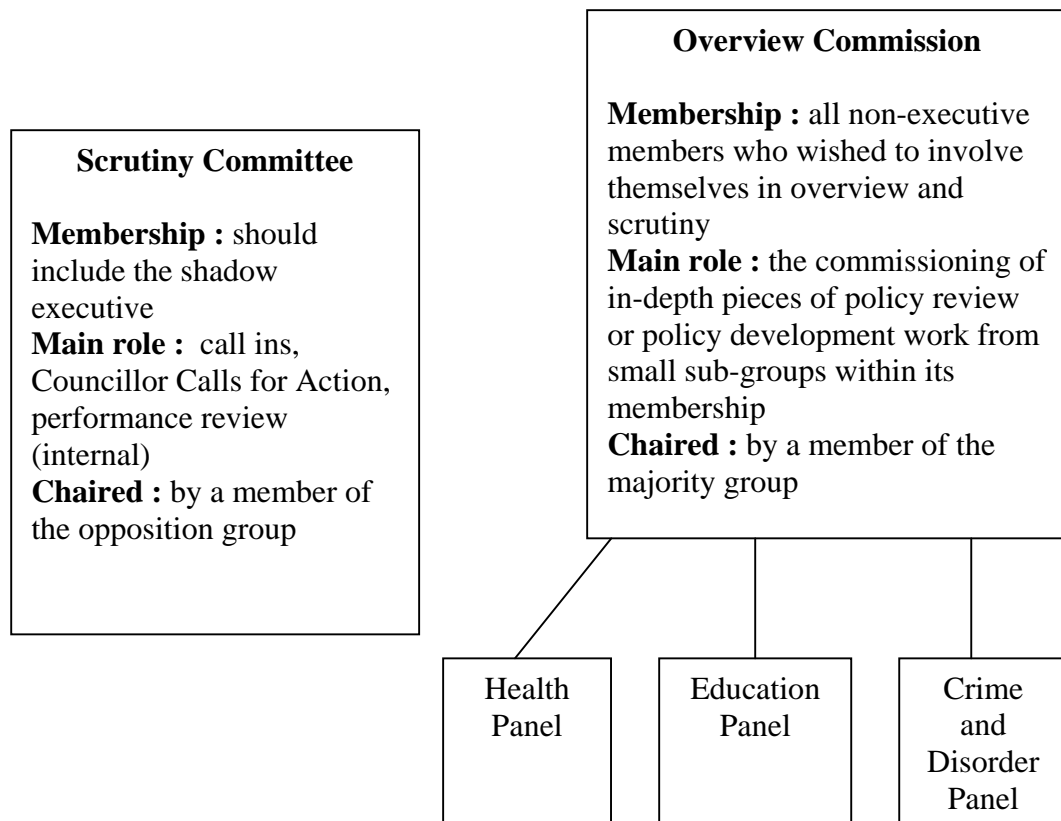
**Diagram 4.2 : Community Plan Priorities**



4.9 On this model, partnership working and performance would be a priority for all the committees, and the lead 'partnership' role in the Scrutiny Commission might beneficially be replaced by a lead role for call ins/councillor calls for action. (As with option one, the Chair and Vice Chair of the Commission should not hold other chairing responsibilities.)

#### 4.10 Option 3: The Single Scrutiny Commission

**Diagram 4.3: Single Scrutiny Commission**



To fulfil statutory requirements

**Different variants of this model are possible.**

4.11 It is recommended that the London Borough of moves away from the existing 5 committee system (plus OSCG) to Options 1, 2, or 3 or some variant therein (but if it chooses not to, it should ensure that the recommendations for changes in process are applied to all the existing committees).

4.12 Option 1 involves the least disruption and may have attractions for this (and other) reasons. Option 3 may be seen as a viable longer-term goal.

## **Changes in Processes**

### **4.13 Agenda management**

Whatever choices are made regarding structure, the big challenge in London Borough of Richmond upon Thames is to transform the way in which the Committees operate. The primary responsibility for setting agendas must switch from directors and directorates to Democratic Services, operating in conjunction with chairs and vice-chairs. This switch of responsibility will be facilitated if the link between directorate and committee responsibilities is weakened – but it is equally appropriate if it is not.

4.14 The guidelines for setting agendas and conducting meetings should incorporate the following principles

- (a) A focus at each meeting on a limited number of substantive items, which reflect priorities for the members concerned. The criteria suggested for ‘task group’ topics (see 4.18) are in principle equally appropriate here; is there evidence that a current policy is having adverse consequences? (e.g. the new recycling arrangements); are there impending executive decisions which overview and scrutiny wish to influence?; is a task group ready to share its report with the Committee to which it relates?
- Ideally there should be no more than 3 such substantive items on the agenda.**

- (b) Items for noting or comments should either be directed elsewhere (see 4.23 below) or should be considered later in the meeting, when the priority items have been discussed.
- (c) Each report submitted to the Committee (from whatever source) should have a 1-2 page commentary drafted by Democratic Services, identifying those areas in which the Committee is in a position to 'add value'.
- (d) Where a key witness has been summoned ('internal' or 'external') whose responsibilities or experience is central to a concern which the committee has, then a pre-meeting should be convened at which committee members can develop an agreed approach to the sequence of questions to be raised.
- (e) The representative from Democratic Services should sit adjacent to the chair, and provide advice and guidance (formally or informally) where appropriate.
- (f) Cabinet members should be requested to attend in relation to specific agenda items where the committee wishes to direct questions at them. Otherwise their attendance is at their discretion, but should be on an 'observer' basis.

#### 4.15 Broadening the scope of task groups and 'in depth' studies

The scope for 'in depth' studies is currently limited by the constraints on the number of 'task group' projects to which councillors feel they can contribute, and the capacity of Democratic Services to facilitate and service such task groups. It is these constraints which have influenced members to establish



‘member review groups’ to deal with priority issues, which could not be accommodated in the ‘task group’ work programme.

4.16 There is no reason why the potential value of ‘in-depth’ studies cannot be extended by introducing a more flexible approach to their definition and operation. Overview and scrutiny can ‘add value’ not just through ‘in depth’ studies which involve a six month time period and 5-6 meetings of the task group concerned. There will also be opportunities for shorter more focused exercises, which involve at most 2-3 meetings (and sometimes less). Indeed there is no reason why exercises should not take place (in part or in whole) at the scheduled committee meetings. An initial investigation of an incidence of poor or declining service performance would be one possible example (although such an investigation might generate the need for a more extended study). A consideration of a call-in item, incorporating evidence not just from the cabinet member concerned, but from a wider range of ‘experts’ would be another. Democratic Services should be in a position to advise on the most appropriate format. In this way, a greater range of ‘in-depth’ work could be carried out, in a way which was potentially much more helpful than a random set of comments on a long report.

4.17 There is the question of who should have the authority to define task group topics of either a ‘major’ or ‘limited’ nature. Currently this task is the responsibility of the Overview and Scrutiny Co-ordinating Group. It is right that this group should retain some control over the task group topic agenda, so that topics which fall outside the remit of a specific overview and scrutiny

committee can be identified and dealt with. But it is also appropriate that individual overview and scrutiny should be able to identify and set in motion topics without the need to seek approval from the Overview and Scrutiny Co-ordinating Group. One option would be that each Overview and Scrutiny Committee should have the power to undertake one major (six month) study at any point in time (i.e. once one study is concluded, another can be commenced). The Overview and Scrutiny Co-ordinating Group should have the power to initiate up to 3 major studies on topics which transcend the responsibilities of any one individual committee (or, if the matter is urgent, on a committee-specific topic if the relevant committee is already in the middle of a major study). All committees (including the (strengthened) Overview and Scrutiny Co-ordinating Group) should have the power to initiate ‘short-term’ in depth studies as they feel appropriate.

4.18 All in-depth studies – whether major or more limited-should have regard to the agreed criteria for topic selection. Although all the criteria in the existing guidelines are important, there are four which in relation to their capacity to benefit the borough as a whole, should be regarded as priorities; viz

- ❖ relevance to the corporate priorities of LBRT, as set out in the Corporate and Community Plans
- ❖ responding to an identified area of poor/declining performance for which there are no obvious explanations
- ❖ responding to an issue of (relatively) widespread public concern, assuming that the council is in a position to influence a response (either directly or indirectly)

- ❖ issues where directors/executive members are uncertain of the best way forward, and would genuinely welcome a ‘political steer’

#### 4.19 Influencing policy development

It is clear that the executive would welcome a greater involvement of overview and scrutiny in policy development. There is a real advantage, to the executive in the involvement of elected members in this process, on appropriate topics. The alternative approach is that the executive relies exclusively on input from officers, unleavened by the political insights of a range of (non executive) councillors. Given the receptiveness of the executive to influence from overview and scrutiny, the conditions are conducive to the involvement of overview and scrutiny in policy development (typically through the medium of task groups).

- 4.20 For this reason, there would be benefits in an informal joint meeting, twice a year, between the executive and the Overview and Scrutiny Co-ordinating Group, at which the former would have the opportunity to suggest topics where it would welcome an in-depth politically-led study from overview and scrutiny. There should of course, be no obligation on overview and scrutiny to undertake such studies – to do so would compromise its independence. However given the predisposition of the executive to welcome their findings and recommendations, overview and scrutiny would be likely, all other things being equal, to give the suggestion serious consideration. There would also be the opportunity at these meetings for overview and scrutiny members to hear the executive’s views on

their proposed work programme, and in certain circumstances to express a view as to why a proposed study was likely to be counterproductive or untimely.

4.21 Once a major in-depth overview and scrutiny report has been produced and presented at the appropriate committee by a task group, it is under the current arrangements referred to the executive, where the general view is that it does receive serious consideration (indeed since 2006, the recommendations from such reports have often been accepted in whole or in part). However there remains a perception amongst those involved in task groups that reports do not reach a wider audience of councillors. This concern could be met if **before** a task group report went to the executive, it was presented (by the task group leader) at full council, where an opportunity was provided for debate. The report could then be submitted to the executive, with the added benefit of a wider range of responses.

#### 4.22 Dealing with performance review

Given the limited contribution of the overview and scrutiny committees to performance review, it may be a better option if this role becomes a key task of the (strengthened) Overview and Scrutiny Co-ordinating Group. Experience in other authorities suggests that 'exception reporting' makes it easier for an overview and scrutiny committee to become involved in the process. The recommendation would be the Overview and Scrutiny Co-ordinating Group deals with performance review in the following way;

- (a) Performance reports are tabled every quarter, covering the full range of performance measures.

- (b) The committee considers only 'exceptions' i.e. measures which, on the face of it, give some cause for concern (e.g. declining performance; poor performance compared with other London boroughs).
- (c) That a 2/3 page commentary is provided to each report, drafted by Democratic Services and the Corporate Performance Officer drawing the Committee's attention to issues where there is no apparent explanation or justification for poor or declining performance.
- (d) That in these circumstances, the Committee may wish to summon the executive member concerned (and, if appropriate the director or lead officer) and question him or her about the reasons for poor performance.
- (e) If the Committee is not satisfied with the explanation it receives, it may wish to establish a task group, either on a major or more limited basis (probably, in most cases, the latter) to investigate the problems further and to make recommendations.

#### 4.23 Dealing with policy reports

Many of the agenda items which have been presented to overview and scrutiny committees over the past year have been 'policy documents' of one kind or another (e.g. the Long-Medium Term Financial Strategy, Housing and Homelessness Strategy etc) **or** major reports by external organisations (e.g. the CPA assessment). Directors typically argued that they were expected (or, in some cases required) to present these reports to a wider group of councillors (rather than just the executive member concerned). Whatever the formal position (and there are many authorities which don't feel obliged to channel reports of this nature to overview and scrutiny committees) there are other

mechanisms for dealing with them. For example, for any report that is a policy document, or which is a high-profile external review of the council's performance (or of a major service area) the logical place to submit them is the council meeting itself. To do so would provide opportunities for all council members to comment. If they choose not to do so, or generated a limited ad hoc set of questions, that would be little different from the experience of placing such documents before overview and scrutiny committees, and presumably the external agencies who wish to be assured of wider councillor involvement would be content with a document going to full council.

#### 4.24 The use of the 'call-in' mechanism

The most explicit opportunity for challenge is in relation to call-in. There have been no call-ins (as far as I am aware) in the London Borough of Richmond upon Thames over the past two years that have changed the original decision. This outcome is not surprising. In politicised authorities such as the London Borough of Richmond upon Thames, members of the majority party tend to prefer to deal with internal disagreements through the medium of the party group, whilst opposition parties tend to anticipate (with some justification) that any call-in initiated by their members are unlikely to be supported by a majority party-dominated committee.

4.25 However call-ins should not be seen as a 'failure' of the system. On the contrary, if used responsibly they are an expression of the democratic robustness of the executive/overview and scrutiny arrangements. There is advantage to opposition members in initiating a call-in, in so far as it gives them the

opportunity to question and challenge the cabinet member(s) concerned, which is arguably a democratic gain.

4.26 During the period I was working in the London Borough of Richmond upon Thames, it appeared likely that there would be a cross-party call-in at the Environment and Sustainability Overview and Scrutiny Committee, regarding a car parking/bus lane issue. It is in relation to issues of this nature, which are more concerned with the implementation of a policy than a challenge to the policy itself, where there is a greater probability of the executive (or executive member) feeling that they could change a decision without losing face. In general there is no reason not to encourage the use of call-in, provided it is used selectively and responsibly.

4.27 Improving public participation in overview and scrutiny

The current approach to (and treatment of) co-optees in the London Borough of Richmond upon Thames is good, and they talk positively about their experience. There are opportunities to develop this approach further. First it is important that the co-optees are treated as ‘equals’. In general they are treated as equals with a small number of exceptions which need to be dealt with.

- ❖ Co-optees shall be circulated with all the information germane to the business of the committee on which they sit which is circulated to councillors
- ❖ Co-optees should be involved in any pre-meeting briefing or discussion sessions to which councillor members of the committee are invited.

- ❖ Training opportunities should be made available on an equal basis to councillors and co-optees alike.

4.28 There would be advantage in extending the involvement of co-optees in the London Borough of Richmond upon Thames, but in a rather different way to the current approach. Co-optees can be particularly valuable in contributing to the work of the task groups, but in many cases, their experience and interests would not necessarily extend to the broader scope of activities which are covered by the Committee which established the task group. There is a very active voluntary and community sector in Richmond, whose existence provides an opportunity to establish a large **pool of co-optees**, not to sit on overview and scrutiny committees, but rather to contribute to task groups whenever their expertise can add value. This initiative would also enable the council to draw on a more representative range of interests than is possible in a scheme of (necessarily limited) co-option to committees.

4.29 In relation to public involvement in the wider sense, whilst there exists no ‘good practice’ blueprint, there are various lessons which can be learned from the experience of other authorities which are summarised below (Diagram 4.3) and which could usefully be applied in strengthening the approach to public engagement in overview and scrutiny in the London Borough of Richmond upon Thames.

4.30 In any developing dialogue with the public (stakeholders or general public) it is essential that there is a recognition of what overview and scrutiny can and can’t



do. Participants need to be aware that overview and scrutiny committees are **not** decision-making bodies, but rather potential channels of **influence**. It would be unfortunate particularly in relation to contentious issues, members of the public were operating with a unrealistic view of the powers of overview and scrutiny committees.

3.31 There is a further point about voting rights of co-opted members. Statutory education co-optees have legally-sanctioned voting rights. There are good reasons (especially in relation to equal status) why such rights should be extended to all co-opted members and little (in my view) in the way of arguments against. After all, votes on overview and scrutiny committees are relatively rare and never involves ‘decisions’ in the traditional service committee sense. In particular it would be unfortunate if co-optees whose involvement and expertise have already been valuable were discouraged from continuing their involvement by the lack of voting rights.

#### **Diagram 4.3**

##### Guidelines for improving public involvement in overview and scrutiny

- ❖ The public (or sections of the public) are much more likely to become involved if overview and scrutiny is dealing with issues that affect them directly and/or are of real concern to them.
- ❖ It follows that part of the work programme of overview and scrutiny committees and task groups should reflect issues of public concern.
- ❖ The settings of meetings and the ways in which the views of the public are sought do not always provide an appropriate ‘comfort zone’ for the public.

Informal settings in local venues can be helpful in this connection. So can ‘charters for scrutiny witnesses’.

- ❖ The representativeness of members of public taking part in scrutiny reviews should be assessed, and attempts made to ensure that ‘participation gaps’ are filled.
- ❖ Proper scoping of scrutiny reviews, and in particular, a clear statement of the purpose of the review and the role of the public within it helps contribute to public understanding and motivation.
- ❖ Authorities should be imaginative in the way they manage the involvement of the public in the work of scrutiny committees. Appropriate briefings, settings and styles of questioning can all contribute to making the best use of input from the public.
- ❖ Feedback should always be provided to members of the public who have contributed to a scrutiny review concerned the recommendations which emerged and the executive’s response to them.
- ❖ Opportunities should be taken to stimulate public interest (and potential involvement in the work of overview and scrutiny committees by briefing the local media and publicising the results and impact of scrutiny reviews’

#### 4.32 Strengthening scrutiny support

The need to strengthen the direct (dedicated) support for overview and scrutiny has been recognised. Once current vacancies have been filled Democratic Services will have 2.5 FTE supporting overview and scrutiny. These changes are to be welcomed but in my view a scrutiny support establishment of 3 FTE should be regarded as a minimum provision. If it is felt that the budget

constraints cannot permit further new appointments at this time, then the possibility of 'freeing up' an additional half post within the Democratic Services establishment and allocating it directly to scrutiny support (policy advice, rather than committee support) should be considered. Given the current limited nature of scrutiny support resource, it is of course essential that it be used to best advantage.

- 4.33 The existence of an adequately-resourced dedicated scrutiny support unit is a necessary condition for effective scrutiny. But it is not a sufficient condition. There are other important ways in which scrutiny should be supported. A system of 'link officers' at 'middle manager' level should be identified in each of the main service dimensions within the London Borough of Richmond upon Thames, to operate (as part of their job specification) as a support mechanism for Democratic Services in providing information, advising on policy options and providing whatever other support is required. This mechanism would help raise the profile of overview and scrutiny within the directorate and provide valuable experience for the officers concerned, especially if they had a long term aim of moving towards the corporate centre.

4.34 Officer attendance at overview and scrutiny committees

Concern was expressed by some officers interviewed about the fact that on occasions they had attended the whole of a long (up to 3 hours) evening meeting, and then to find that the item which they were presenting received only the briefest of discussions. This is clearly not a good use of officer time. It could be overcome by better agenda planning, including an inductive timetable

which even if it could not be adhered to precisely, would limit the amount of 'waiting time' which officers experienced. There would also be value, if it was felt at an agenda planning meeting that a particular item was unlikely to generate much discussion, for an officer who had to be present anyway to introduce it and respond to it (with an appropriate pre-meeting briefing from the reports author).

#### 4.35 Member champions

There has already been a 'member champion' appointed in the London Borough of Richmond upon Thames - the 'carers champion'. There would be value in extending this concept more widely, in a way which would make good use of members' time and interest. If, for example, there was a member with a particular interest in art and cultural activities (and given that this is a relatively small part of the overall brief of the relevant executive member) then the identification of an 'arts and culture' champion would lead to a more informal debate about such issues at overview and scrutiny and in full council. The councillor concerned would also be the obvious person to lead a task group which was reviewing some aspect of arts and culture. To have a range of such member champions would be likely to prove rewarding to the councillors with particular interests and would certainly have the effect of enriching and informing political debate. Member champions, if the idea is taken forward, should be from either political party. Enthusiasm, interest and expertise are the requisite qualities, rather than party alignment.

#### 4.36 Training and development

The Overview and Scrutiny Survey 2006/07 indicated that over half the respondents would welcome more scrutiny training, which is an encouraging finding given the level of indifference to training to be found in some other authorities!

4.37 The topics identified – ‘Performance Management’, ‘the impact of new legislation’ and ‘scrutinising partnerships’ are all topics which I would see as being valuable in enhancing the effectiveness of overview and scrutiny in the London Borough of Richmond upon Thames.

4.38 There is a further training opportunity, reflecting comments made to me by active scrutiny councillors who had been first elected in 2006. They made the point that valuable though the introductory sessions (e.g. ‘How Scrutiny Works in the London Borough of Richmond upon Thames’) had been, they were provided before the councillors had any significant experience of the function, and necessarily focused on ‘what to expect’ issues. Having had two years experience of overview and scrutiny, there was a view that it would be valuable to share that experience, revisit some of their expectations and contribute some ideas as to how scrutiny could be improved. This seems to me to be an interesting and particularly beneficial idea which should certainly be taken forward. This report – or a briefer version of it – could be used as a further stimulus to discussion.

#### 4.39 Publicity

The 2006/2007 Overview and Scrutiny Survey also indicated a concern that ‘the relationship between scrutiny and the press/media was not fully understood’. The Communications Officer’s view was that he was happy to issue press releases about the work of overview and scrutiny so long as it was clear that there was a newsworthy story involved. He also emphasised that he recognised the distinctiveness of the overview and scrutiny function (as the press releases which I saw indicated) and that press releases emphasised the fact that overview and scrutiny reports did not ‘speak for the council’, as it were.

4.40 The only way forward I can suggest is that one of the roles of Democratic Services should be to produce, when appropriate, summaries of task group reports (and other overview and scrutiny outputs) in a way which emphasises their newsworthiness and pass them on to the press office. Otherwise the council newspaper should continue to feature items on the role of scrutiny, its achievements and the scope for public involvement.

## **Section 5 : Recommendations**

- (1) The London Borough of Richmond upon Thames should move away from the existing 5-committee system for overview and scrutiny to one of the three options set out in Section 4 viz**
  - ❖ Modified status-quo**
  - ❖ Community Plan Priorities**
  - ❖ Single Scrutiny Commission**
- (2) Whether or not it chooses to adopt one of the proposed options it should ensure that the recommendations for changes to processes are applied to all committees existing or modified.**
- (3) The guidelines for setting agendas and conducting meetings should incorporate the following principles.**
  - ❖ A focus at each meeting on a limited number of substantive items, which reflect priorities for the members concerned.**
  - ❖ Items for ‘noting’ or ‘comments’ should either be directed elsewhere or consider later in the meeting when the priority items have been discussed**
  - ❖ A focus at each meeting on a limited number of substantive items, which reflect priorities for the members concerned. The criteria suggested for ‘task group’ topics are in principle equally appropriate here; is their evidence that a current policy is having adverse consequences? (e.g. the new recycling arrangements); are there impending executive decisions where overview and scrutiny wishes to influence?; is a task group ready to share its report with**

the Committee to which it relates? Ideally there should be no more than 3 such substantive items on the agenda.

- ❖ Each report submitted to the Committee (from whatever source) should have a 1-2 page commentary drafted by Democratic Services, identifying those areas in which the Committee is in a position to 'add value'.
  - ❖ Where a key witness has been summoned ('internal' or 'external') whose responsibilities or experience is central to a concern which the committee has, then a pre-meeting should be convened at which committee members can develop an agreed approach to the sequence of questions to be raised.
  - ❖ The democratic services representative should sit adjacent to the chair, and provide advice and guidance (formally or informally) where appropriate.
  - ❖ Cabinet members should be requested to attend in relation to specific agenda items where the committee wishes to direct questions at them. Otherwise their attendance is at their discretion, but should be on an 'observer' basis.
- (4) The potential value of 'in-depth' studies should be extended by introducing a more flexible approach to their definition and operation. As well as in-depth studies by task groups lasting for up to six months, the opportunity for shorter more focused scrutiny exercises should be introduced, involving at most 2-3 meetings (and sometimes less).
- (5) Each Overview and Scrutiny Committee should have the power to undertake one major (six month) study at any point in time (i.e. once one



study is concluded, another can be commenced). The Overview and Scrutiny Co-ordinating Group should have the power to initiate up to 3 major studies on topics which transcend the responsibilities of any one individual committee (or, if the matter is urgent, on a committee-specific topic if the relevant committee is already in the middle of a major study). All committees (including the (strengthened) Overview and Scrutiny Co-ordinating Group should have the power to initiate ‘short-term’ in depth studies as they feel appropriate.

- (6) Of the existing criteria for in-depth studies, the following should be regarded as priorities.

- ❖ relevance to the corporate priorities of LBRT, as set out in the Corporate and Community Plans
- ❖ responding to an identified area of poor/declining performance for which there are no obvious explanations
- ❖ responding to an issue of (relatively) widespread public concern, assuming that the council is in a position to influence a response (either directly or indirectly)
- ❖ issues where directors/executive members are uncertain of the best way forward, and would genuinely welcome a ‘political steer’.

- (7) There should be established an informal joint meeting twice a year, between the executive and the Overview and Scrutiny Co-ordinating Group, at which the former would have the opportunity to suggest topics where it would welcome an in-depth politically-led study from overview and scrutiny. There would also be the opportunity at these meetings for overview and scrutiny members to hear the executive’s views on their

proposed work programme, and in certain circumstances to express a view as to why a proposed study was likely to be counterproductive or untimely.

- (8) Before a task group report is submitted to the executive, it should be presented at a council meeting with the opportunity for a full debate. The report should then be submitted to the executive with a commentary on the points raised in the debate.
- (9) The responsibility for performance review in overview and scrutiny should be switched to the Overview and Scrutiny Co-ordinating Group, who should deal with the responsibility in the following way.
  - (a) Performance reports are tabled every quarter, covering the full range of performance measures.
  - (b) The committee considers only 'exceptions' i.e. measures which, on the face of it, give some cause for concern (e.g. declining performance; poor performance compared with other London boroughs).
  - (c) That a 2/3 page commentary is provided to each report, drafted by Democratic Services and the Corporate Performance Officer drawing the Committee's attention to issues where there is no apparent explanation or justification for poor or declining performance.
  - (d) That in these circumstances, the Committee may wish to summon the executive member concerned (and, if appropriate the director or lead officer) and question him or her about the reasons for poor performance.

- (e) If the Committee is not satisfied with the explanation it receives, it may wish to establish a task force, either on a major or more limited basis (probably, in most cases, the latter) to investigate the problems further and to make recommendations.
- (10) Policy documents on major reports by external bodies (e.g. the Audit Commission) in which directors or the executive want a view from a wider group of councillors should be submitted to council meetings for comment and (where appropriate) debate.
- (11) Call in should not be seen as a failure in the system. There are advantages to opposition members in using call-in as an opportunity to question and challenge cabinet members, so long as the facility is used responsibly, and for all non-executive members in relation to issues of policy implementation.
- (12) The role of co-optees on the Overview and Scrutiny Committees in the London Borough of Richmond upon Thames should be strengthened in the following ways:
- ❖ Co-optees shall be circulated with all the information germane to the business of the committee on which they sit which is circulated to councillors
  - ❖ Co-optees should be involved in any pre-meeting briefing or discussion sessions to which councillor members of the committee are invited.
  - ❖ Training opportunities should be made available on an equal basis to councillors and co-optees alike.

- (13) The existence of an active voluntary and community sector in Richmond upon Thames should be utilised by establishing a larger pool of co-optees, to contribute to task groups as and when appropriate.**
- (14) The council should develop an approach to strengthening public involvement in overview and scrutiny, based on the guidelines set out in Diagram 4.3.**
- (15) A scrutiny support unit of 3 FTE should be regarded as minimum provision to facilitate the effective operation of overview and scrutiny.**
- (16) A system of ‘link officers’ at ‘middle manager’ level should be identified in each of the main service dimensions within the London Borough of Richmond upon Thames, to operate (as part of their job specification) as a support mechanism for Democratic Services in providing information, advising on policy options and providing whatever other support is required.**
- (17) For each overview and scrutiny committee meeting, an initiative timetable should be prepared so that the amount of ‘waiting time’ for officers deported to present reports can be minimised.**
- (18) The idea of ‘member champions’ should be extended as far as feasible to reflect the particular interests of non-executive members, in a way which maximises the use of their interest and developing expertise and overview and scrutiny committees and task groups.**
- (19) The topics identified by members as priorities for training in the 2006-07 Scrutiny Survey should be followed-up and programmed. The programme should also include an opportunity for overview and scrutiny members to**

**review their experience of the function and to develop ideas for improving to effectiveness.**

- (20) Where appropriate, summaries of the content of task group reports should be prepared by Democratic Services in a way which emphasises their newsworthy qualities, and channelled through the Communications Unit to the local media.**

## APPENDIX 1

### SPECIFICATION

**Background:**

In June 2006 the Overview and Scrutiny Co-ordinating Group agreed 'to commission an external review of the council's scrutiny function in....preparation for CPA and as part of the requirement regularly to review council governance'. This wasn't carried out. However, in September 2007 the Overview and Scrutiny Co-ordinating Group agreed that it would still be a good idea to carry out a review facilitated by an external expert.

The skills of a consultant are needed to ensure independence and will allow the authority to draw on the expertise of someone who has considerable experience in this area of local government.

**Project Brief:**

To carry out an independent assessment of the overview and scrutiny function in the London Borough of Richmond upon Thames to establish what is working well, what isn't working and to identify areas where improvements can be made.

The consultant will be asked to use the following criteria (which relate to the RuT scrutiny mission statement)

- Is scrutiny operating effectively in terms of providing 'critical friend' challenge to the executive and other bodies?
- Is scrutiny contributing to the development and review of policy (including the budget and authority's corporate priorities)?
- Is scrutiny contributing to improved service delivery (primarily through its performance monitoring role)?
- Is scrutiny engaging with external agencies and addressing issues of public concern in its work programme?
- Is scrutiny engaging the public (including stakeholders) in its work?

The consultant will also be asked to focus on some more specific issues, including:

- The infrastructure for overview and scrutiny
  - the structures, processes and systems currently in place
- The relationship scrutiny has with the executive and senior officers
- The impact of new legislation
  - Local Government and Public Involvement in Health Act
- Resources and support
- Potential barriers to improvement.

Before the review begins an introductory discussion will be needed to clarify and scope the investigation more precisely.

**Terms of Reference:**

The consultant will report to the Head of Democratic Services and the Overview and Scrutiny Co-ordinating Group.

**Evidence gathering:**

- Documentary evidence – relevant parts of the Council constitution, scrutiny reports, annual reports, agendas and minutes of OSCs, CPA reports etc)
- Observation of meetings
- Interviews (face to face or telephone) with key players (chairs and vice-chairs of committees / task groups, other members (including Cabinet members, the Leader and Leader of the Opposition), scrutiny support staff, heads of service, Assistant Directors, Executive Board, co-optees and other key witnesses such as the PCT).

In order to meet the objectives of the review the consultant will need to carry out desk based research and spend time on site.

**Expected Deliverables**

The consultant will be expected to produce a final report and give a presentation to the Overview and Scrutiny Co-ordinating Group in January 2008. The date is still to be confirmed.

Once completed, the independent review will provide a clear picture of how Overview and Scrutiny operates within the Council. This can then be used to :-

- Make appropriate improvements
- Encourage involvement in the process of those being scrutinised
- Assess whether there are areas of officer or member development to be considered
- Ensure officers and Cabinet members fully understand the concept of scrutiny and recognise the values that scrutiny can bring to their role and responsibilities

**Timescale**

The scrutiny team would like to be in a position to make structural changes (subject to Member agreement) in time for the 2008/09 municipal year. This would mean that the consultant would need to report and present their findings to the Overview and Scrutiny Co-ordinating Group in January 2008.

A number of local authorities, including other London Boroughs, have carried out similar reviews. Typically such reviews have taken between 6 – 10 days. Therefore, the consultant would need to start work ASAP (i.e. before the end of November 2007)

## **APPENDIX 2 Methodology**

The methodology for this review comprised the following elements:

- ❖ documentary analysis
- ❖ observation of meetings
- ❖ interviews and discussion groups

### Documentary analysis

The following documents were analysed

- ❖ Minutes and agendas of the Overview and Scrutiny Co-ordinating Group and the five Committees from January 2007 to the present time
- ❖ Task group reports from 2001 to the present time
- ❖ Scrutiny in Richmond-Upon-Thames Annual Reports 2005-06 and 2006-07
- ❖ Relevant corporate and constitutional documents, including The Community Plan 2007-2017, The Corporate Plan 2007-2017, relevant articles of the Constitution, Overview and Scrutiny Procedural Rules etc
- ❖ Scrutiny Newsletters Issues 1 and 2
- ❖ Overview and Scrutiny Survey Report 2006-07
- ❖ Various other reports and documents relating to the overview and scrutiny function

### Meetings observed

|                 |  |
|-----------------|--|
| 15 January 2008 | Health Overview and Scrutiny Committee               |
|                 | Finance and Strategy Overview and Scrutiny Committee |



|                 |   |
|-----------------|---|
| 17 January 2008 | Education and Children's Services Overview and Scrutiny Committee |
| 23 January 2008 | Environment and Sustainability Overview and Scrutiny Committee    |
| 28 January 2008 | Adult Social Care and Housing Overview and Scrutiny Committee     |

### Interviews and Discussion Groups

#### One-to-one Interviews

Councillors Sue Jones, Geoffrey Samuel, Serge Lourie, Pat Parsons, Malcolm Eady, Gillian Norton, Mark Maidment, Anji Phillips, Christian Scade, Jeanette Phillips, Peter Edwards, Wyn Williams, Gill Ford.

#### Phone Interviews

Jeff Jerome, Cormac Smith, Paul Mitchell (Director of Strategy and Commissioning, Richmond PCT).

#### Discussion Groups

- ❖ Chairs and vice-chairs of overview and scrutiny committees (3 separate meetings).
- ❖ Active Scrutiny Members
- ❖ Cabinet Members (2 separate meetings)
- ❖ Groups of officers who have a major involvement in overview and scrutiny (2 separate meetings)
- ❖ Co-opted members

❖ Scrutiny support/Democratic Services Officers

A total of 19 members, 3 co-optees and 23 officers (including a PCT representative) were involved in interviews or discussion groups.