

Committee/Date:	Council, 14 December 2023
Report Title:	Scrutiny Improvement Review
Directorate:	Resources
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Wards affected:	None specifically
Public Access	Open
Appendices	Appendix 1 – Proposed Scrutiny Structure Appendix 2 – Action Plan Appendix 3 – CFGS Scrutiny Improvement Review

1. SUMMARY

- 1.1 This report proposes changes to the Council’s scrutiny arrangements based on recommendations of the Centre for Governance and Scrutiny’s review of the Council’s scrutiny arrangements in early 2023.
- 1.2 Following that review, a cross party advisory group of members has been established to agree the action plan and timetable for implementation of the recommendations and to undertake the work required.

2. RECOMMENDATION

- 1.3 The Audit and Governance Committee recommend that Council:
- 2.1.1. Note the Scrutiny Advisory Group Action Plan at Appendix 2,
- And, to take effect following the annual meeting in 2024:
- 2.1.2. Agree the proposed scrutiny structure and remits at appendix 1 to be appended to the general terms of reference for scrutiny committees,
- 2.1.3. Agree the creation of a Joint Health Scrutiny Lead Member with an SRA equivalent to that of a scrutiny Chair and note that a role profile will be developed for approval by the Council.
- 2.1.4. Agree the removal of the SRA for the Chair of the Public Transport Liaison Group and creation of a new Scrutiny Coordinating Committee Chair’s SRA of £15,989.
- 2.1.5. Note that pending Council’s decision to agree a new scrutiny committee structure, necessary amendments to the Scrutiny

Procedure Rules will be considered by the Constitution Working Group for agreement by Council in early 2024.

3. BACKGROUND

- 3.1. The Centre for Governance and Scrutiny (CfGS) were commissioned by the Council to conduct a review of current scrutiny arrangements to ensure that scrutiny is effective in delivering accountability, improving policy and decision making, and makes a quality contribution in the delivery of Council plans and overall improvement at the Council.
- 3.2. In conducting their review, CFGS observed a number of scrutiny committee meetings and conducted interviews with a variety of members including both group leaders, cabinet members and scrutiny chairs. Interviews were also conducted with senior officers and the scrutiny team. A survey of all members was also carried out, which 38 out of 60 elected members responded to.
- 3.3. CfGS were asked to make recommendations in relation to:
 - a) Organisational commitment and clarity of purpose.
 - b) Members leading and fostering good relationships.
 - c) Prioritising work and using evidence well.
 - d) Having an impact.
 - e) Facilitating crosscutting work across scrutiny areas
 - f) Ensuring a balance between one-off and longer-term matters (focus on future and past)
 - g) Building equality diversity and inclusion into Scrutiny
 - h) Taking scrutiny outside of the town hall and into the community
- 1.2. CFGS delivered their report in April 2023 and made 11 recommendations that the advisory group have accepted and are taking forward. These are set out below and in further detail at appendix 3:

Recommendation 1: That the Council clarifies its scrutiny arrangements through revised remits in the constitution.

Recommendation 2: That the Council establishes a coordinating committee to lead on the function of scrutiny and to commission cross-cutting work.

Recommendation 3: That scrutiny committees are aligned with the Council's strategy.

Recommendation 4: That scrutiny committees reflect Waltham Forest's priorities.

Recommendation 5: That the Council considers the number of scrutiny committees and their membership to enable greater capacity from members and officers.

Recommendation 6: That greater priority is given to the monitoring of responses to scrutiny recommendations and outcomes.

Recommendation 7: That follow-up of recommendations is more systematic with key outcomes of scrutiny reported to council by the coordinating committee.

Recommendation 8: That there is a refreshed approach to the annual report focussing on the impact of scrutiny.

Recommendation 9: That the Council builds on the approach to work programming with greater involvement of committee members, Cabinet members, key stakeholders and partners.

Recommendation 10: That a prioritisation tool is developed to create a balanced work programme with a focus on impact for residents.

Recommendation 11: That a training and development programme is developed.

- 1.3. A cross-party advisory group has been established and has overseen the development of the action plan to address each recommendation. Their action plan is set out at appendix 2.
- 1.4. The advisory group considered recommendation 11 (training and development) in July 2023 and have agreed priorities for development of the scrutiny training programme and a mentoring scheme for scrutiny members.
- 1.5. Recommendations 1 to 5 were considered in early September and form the proposal and recommendations of this report.
- 1.6. The advisory group will continue to meet to develop proposals for the remaining recommendations and will report back to Council in 2024.

4. PROPOSAL

Establishing a Scrutiny Coordinating Committee

- 4.1. CfGS recommend that the coordinating committee be responsible for:
 - a) Oversight of scrutiny committee work plans (although committees will continue to set their own work plans)
 - b) Coordination of the scrutiny annual report to Council
 - c) Monitoring of the Cabinet forward plan and recommending scrutiny of up-coming decisions to individual committees (individual committees will also maintain oversight of the forward plan)
 - d) Establishing time-limited informal groups to undertake scrutiny of cross-cutting issues in a similar manner to themed reviews, and making recommendations to Cabinet.
- 4.2. Consideration has been given to other complimentary issues that will enable the coordinating committee to carry out the responsibilities set out above:
 - a) Corporate performance – to support oversight of workplans. Individual scrutiny committees will be responsible for scrutinising performance in their responsibility areas.
 - b) Central or ‘corporate’ services (customer strategy, ICT, HR, governance and law, etc.)
 - c) Equalities, diversity and inclusion.

- 4.3. The membership of the coordinating committee is proposed to comprise a chair appointed by Council, the chairs of other scrutiny committees, the Joint Health Scrutiny Lead Member, and as many opposition members as required to maintain political balance.
- 4.4. The coordinating committee will meet 6 times per annum aligned with Cabinet meetings.
- 4.5. The coordinating committee will take on the work of, and replace the existing, informal Scrutiny Chairs' group, which meets quarterly and is chaired by the Audit and Governance Committee Chair. This will increase transparency by including opposition members in discussion and by holding these meetings in public.

Individual Scrutiny Committees

- 4.6. The total number of individual scrutiny committees supporting the coordinating committee will be reduced from 8 to 6. The changes are set out in further detail below and remits in full detail within appendix 1.
- 4.7. The membership and meeting frequency are proposed to remain unchanged aside from where committees have been merged. In those cases, the committees will meet 6 times per year for the first 2 years.

Budget scrutiny committee

- 4.8. Budget scrutiny is a key priority for the authority which is reflected in the creation of the Finance and Resources Cabinet portfolio in May 2023.
- 4.9. It is proposed that the scrutiny of corporate performance is moved from the existing budget and performance scrutiny committee to the coordinating committee to support their oversight of scrutiny committee workplans.

Health and Adult Social Care Scrutiny Committee

- 4.10. This proposal combines the remits of the current Health and Adult Social Care scrutiny committees. This reflects the integration of health services and will benefit scrutiny by bringing together NHS colleagues alongside social care officers.
- 4.11. There is some overlap and duplication of issues reported to these committees, which are often combined in other authorities.
- 4.12. Members have raised concerns about the workload of the committee (which will have an additional meeting in the first two years), particularly in the case of the Adult Social Care inspection regime. This could be accommodated within a task and finish group to relieve pressure on the committee workplan.

Housing and Inclusive Economy Scrutiny Committee

- 4.13. This proposal combines the remits of the current Housing and Growth scrutiny committees. These committees currently meet jointly at least once per year to address overlapping responsibilities around housing delivery. Merging would better facilitate this activity.
- 4.14. The new arrangement would reflect the Cabinet portfolio and directorate structure.

- 4.15. In order to facilitate the transition, this committee will have an additional meeting for the first two years of operation.

Children and Families Scrutiny Committee

- 4.16. No changes are proposed for this committee.

Communities and Public Protection Scrutiny Committee

- 4.17. It is proposed that the existing communities scrutiny committee be renamed to reflect the breadth of responsibilities within their remit and raise the profile of their role in scrutinising the Community Safety Partnership.

Climate Scrutiny Committee

- 4.18. Minor changes are proposed for this committee to bring together leisure (formerly within the Health Scrutiny Committee) alongside parks to reflect management of these functions.

Joint Health Scrutiny Lead Member

- 4.19. The Council is currently a member of three Joint Health Overview and Scrutiny Committees (JHOSC) and provides the scrutiny and secretariat support for two of them. These committees are established with neighbouring boroughs for:

- a) Health scrutiny of the Whipps Cross Hospital rebuild
- b) Scrutiny of health partners in Inner North East London (INEL)
- c) Scrutiny of health partners in Outer North East London (ONEL)

- 4.20. Chairs are elected by each committee at their inaugural meeting each municipal year.

- 4.21. A member of Waltham Forest Council currently chairs the Whipps Cross and INEL JHOSCs. In practice the Chair of the INEL JHOSC moves with the host borough every 2 years. Waltham Forest are hosting the INEL JHOSC until 2025. The chair of the ONEL JHOSC rotates at each meeting depending on where the meeting is hosted.

- 4.22. The Whipps Cross JHOSC is a committee of increasing significance with the confirmation of the rebuilding of the hospital. It holds health partners to account and is responsible for supporting the development of the delivery models for services in the new hospital.

- 4.23. The INEL and ONEL JHOSCs are also significant in scrutinising the delivery of health services across the NEL area and of the new Integrated Care Board. These cannot be combined with the Whipps Cross JHOSC due to a slightly different catchment area for the hospital that extends into Essex.

- 4.24. Until now, a relationship between the JHOSCs and the Council's own Health Scrutiny committee has been informally arranged by ensuring that a member is appointed to sit on all 4 committees. In practice, that member has also chaired the Whipps Cross and INEL JHOSC.

- 4.25. It is suggested that this arrangement be formalised to recognise the substantial workload that this role entails and ensure that the Council continues to benefit from the arrangement. This would be established

through appointment of a Joint Health Lead Scrutiny Member, with the aim that that member will continue to Chair the Whipps Cross JHOSC and the INEL JHOSC during the host period.

- 4.26. It is also suggested that the Joint Health Lead Scrutiny Member be a member of the new coordinating scrutiny committee with a Special Responsibility Allowance equivalent to a scrutiny chair of £10,481.

Special Responsibility Allowances

- 4.27. The current arrangement of special responsibility allowances will remain largely unchanged although this review presents an opportunity to address the SRA of the Public Transport Consultative Group, the SRA for which is unique in London authorities.

- 4.28. It is proposed that the chair of the coordinating scrutiny committee receive an SRA of £15,989, that scrutiny chairs and the Joint Health Scrutiny Lead Member continue to receive an SRA of £10,481, and that the SRA for the chair of the Public Transport Consultative Group be removed. This proposal is cost neutral.

Consequential Changes to the Constitution

- 4.29. The proposed scrutiny structure, if adopted, will require minor consequential changes to the [Overview and Scrutiny Procedure Rules](#), which will be the subject of a further report in early 2024.

- 4.30. Specifically, changes will be required to Paragraph 4: Work Programme and Agenda, in order to delegate work programme approval to the Coordinating Scrutiny Committee from Council, and to remove the reference to the Scrutiny Chairs' Group meetings as set out in 4.5 above.

5. CONSULTATION

- 5.1 During the initial evidence gathering period, CfGS met with a variety of members including both group leaders, cabinet members and scrutiny chairs. Interviews were also conducted with senior officers and the scrutiny team. A survey of all members was also carried out, which 38 out of 60 elected members responded to.

- 5.2 During development of these proposals, consultation has taken place with the cross party scrutiny advisory group, the Leader of the Council, Cabinet members, and most recently the Constitution Working Group who have endorsed the proposal.

6. IMPLICATIONS

6.1 Finance, Value for Money and Risk

- 6.1.1 The proposed changes to the scrutiny structure, training plan and SRAs will be delivered from existing budgets. In the case of SRAs, the changes are cost-neutral.

6.2 Legal

- 6.2.1 Section 9F of the Local Government Act 2000 requires the Council to have at least one overview and scrutiny committee and that these committees must have the power:

- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
 - to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
 - to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
 - to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
 - to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area,
- 6.2.2 The same section provides for local authorities to enter into joint scrutiny arrangements should they wish to do so, as Waltham Forest has chosen to do with the INEL, ONEL, and Whipps Cross JHOSCs.
- 6.2.3 The further provisions of Section 9F as well as associated statutory guidance issued in 2019 by the then Ministry of Housing, Communities and Local Government, provide the wider legal context for the proposals set out in this report. The proposals set out in this report are consistent with these provisions and the statutory guidance.

6.3 Equalities and Diversity

- 6.3.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 6.3.2 The recommendations of this report do not have any direct equalities implications across protected characteristics since they represent changes to the Council's Constitution and terms of reference for committees.
- 6.3.3 There are however wider considerations of the benefits this new approach may bring to the Council's ability to critically assess the impact of decision making on different groups within our community through improvements in overall governance and transparency.
- 6.3.4 It is not possible to quantify these benefits but it is expected that, by revising the way in which scrutiny committees operate and focus their time, emerging policy proposals from the executive will benefit more from the input of Policy and Scrutiny committees at the formative stage, thus enabling more in depth consideration of impacts, including equalities, as well as constructive challenge on how policy objectives should be achieved.

6.3.5 The same principle applies to decisions which have already been implemented and which are subject to review by scrutiny to assess the impact they have had on communities. In this situation, a more, strategic, focused approach to review should enable more in-depth consideration of equalities impacts of decisions and thus the ability to change things for the better.

6.4 Sustainability (including climate change, health, crime and disorder

6.4.1 None specifically.

6.5 Council Infrastructure (e.g. human resources, accommodation or IT issues

6.5.1 None specifically.

BACKGROUND INFORMATION (as defined by Local Government (Access to Information) Act 1985)

None.