



**Governance and Audit
Committee**

Thursday, 15 January 2019

Subject: Scrutiny Review

Report by:

Executive Director of Resources

Contact Officer:

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Purpose / Summary:

To decide on the future direction of the
Challenge and Improvement committee.

RECOMMENDATION(S):

That Governance and Audit committee provide a steer as to the future of Challenge and Improvement committee, by choosing one of the below 3 options:

1. Make no changes to the Challenge and Improvement Committee;
2. Make limited changes to the functions of the committee and review the terms of reference, and include a change in the criteria for membership;
3. **To recommend to Full Council** the removal of Challenge and Improvement Committee from West Lindsey's structure but retain a call-in function through Full Council; the proposed revised call-in process would be subject to the support of 19 Members.

To note: options 1 and 2 would be dealt with under the Annual Constitution Review;

IMPLICATIONS

Legal:

Financial : FIN/177/19

The financial implications are marginal. The savings would be small and difficult to quantify as travel expenses are not always claimed. Given this we would not attach any financial savings to this.

If there were one less Chairman, it would mean the saving of one Special Responsibility Allowance.

Staffing :

None.

Equality and Diversity including Human Rights :

Risk Assessment :

Climate Related Risks and Opportunities :

None.

Title and Location of any Background Papers used in the preparation of this report:

None.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1 Introduction

- 1.1 The future of the Challenge and Improvement committee is to be discussed as part of the wider remit of the yearly Constitution review;
- 1.2 This was also raised as part of the annual review of the Constitution approved in May 2018;
- 1.3 Earlier in 2018, external auditors delivering scrutiny training to Members asked the Challenge and Improvement committee to 'prove its worth', and deliver more value;
- 1.4 The Annual Governance Statement (AGS) 2017/18 and Action Plan included a 'Review of the Challenge and Improvement Committee' as one of its 'issues to be addressed';
- 1.5 The AGS put forward four actions to be undertaken as part of the Challenge and Improvement Review:
 - Meet with Chair(s) to set the scope of the review which included 'call-in' process;
 - Undertake review, assess findings and identify areas to address, using KPMG training material as a reference point;
 - Report findings back and create and monitor project plan;
 - Track delivery of the plan and assess level of improvements.

2 Options

- 2.1 Three options for the future of the committee are listed, and expanded on below:

1. *Make no changes to the Challenge and Improvement Committee:*

Pros: This would require no further work and the committee terms of reference and make-up would remain the same.

Councillors are familiar with this way of working and it would require no changes from their point of view.

Cons: The opportunity to make any amendments to the terms of reference/membership ahead of the new electoral cycle in May 2019 would be missed.

Doing nothing does not address any concerns that have been raised over the course of 2018.

2. *Make limited changes to the functions of the committee and review the terms of reference, and include a change in the criteria for membership;*

Pros: It could be specified that Members who are on one of the two Policy Committees cannot sit on Challenge and

Improvement. This would prevent Councillors having to be 'dual-hatted' and make decisions on both a policy committee and the scrutiny committee. Arguably a change of this degree would go some way to addressing duplication issues and would allow Members to be more effective in their Scrutiny role as they would have had no previous involvement in decisions put before them.

This gives an opportunity to review the terms of reference for the committee.

Cons: Limited savings/efficiencies. Staff resourcing would remain the same for the committee.

3. *The removal of Challenge and Improvement Committee from West Lindsey's structure but retain a call-in function;*

Pros: Makes the decision system less convoluted whilst retaining the call-in function. This would address the duplication issues mentioned in section 1.

The amount of committee meetings needing servicing by Democratic Services would be reduced.

Would take 8 meetings out of the calendar. Could result in additional Council meetings whenever a call-in occurs.

Cons: Would require work on the Constitution to remove Challenge and Improvement committee. The call-in procedure would need to be amended. All of this work would need completing before the new electoral cycle.

The loss of a full scrutiny committee could be perceived as a negative as it is a check on the work of the other committees.

The political appetite for this option is unknown.

3 Other '4th option' Councils

3.1 There are a small number of Councils across the country that either retained a committee system, or reverted back to the system when they could. Listed below are a number of examples of how other Councils perform (or don't perform) scrutiny:

3.2 South Derbyshire Council (similar to option 1)

- The Overview and Scrutiny committee is politically balanced, and has eight members;
- It makes recommendations, and produces reports for Full Council, the policy committee and the area committees in connection with certain subjects;
- There appears to be 7 meetings in their municipal year;

- Three Councillors are required to call a decision in;

3.3 **Fylde Borough Council (similar to option 3)**

- When Fylde moved back to using a Committee system style of governance in 2015, the Overview and Scrutiny function was lost;
- Call-in was retained, and renamed as 'referral and recovery'. Referral and recovery has a six day period during which time it can be referred to Council if 10 Members request it (there are 51 Councillors in total);
- Neither recovery, nor referral has been used since 2015;
- Committees themselves have the ability to scrutinise anything within their remit; however this hasn't happened thus far;
- A number of working groups have been looking at specific issues since 2015 on an ad-hoc basis;
- The constitution at Fylde is currently being looked at by the Monitoring Officer to see if Scrutiny requires strengthening;

3.4 **Canterbury City Council (similar to option 3)**

- A version of call-in, called 'Decision Review Committee' was retained; as a committee, it has its own procedure rules set out in their Constitution;
- The Decision Review Committee has 11 Members;
- There is a higher threshold of 14 signatures (there are a total of 33 Councillors);
- There has been one call-in since 2015; none since August 2015;

3.5 **East Cambridgeshire District Council (similar to option 3)**

- Had two scrutiny committees up until 2013; these were abolished in May 2013 at the request of Members (under the Localism Act);
- There are now referral-up and call-in processes to Full Council under Council Procedure Rules in the Constitution;
- Referral-up has not been used thus far and there have been two call-ins to Council (October 2013 and April 2016);
- Committees have set up Working Groups similar to scrutiny task and finish groups if they want to examine something in-depth;
- There is also a Member Service Delivery Champion for each service area of the Council;

3.6 **Nottinghamshire County Council (similar to options 2 and 3)**

- Nottinghamshire is different to West Lindsey District Council in that it is a county council; however it does still use a Committee System style of governance;
- There is no Overview and Scrutiny Committee, just Health Scrutiny (this is a statutory function for this authority);
- Other residual scrutiny requirements are picked up by the Communities and Place Committee (this is flood risk and community safety)

3.7 **Runnymede Borough Council (similar to options 1 and 2)**

- Their Overview and Scrutiny Committee consists of 9 Members;
- Meetings take place five times a year;
- Call-in is similar to West Lindsey, although only requires two Members of the scrutiny committee to call in a decision;

4 Conclusions

- 4.1 Any changes arising from this report would either need to be taken as part of the Annual Constitutional Review (option 2), or taken forward to Full Council (option 3).