

Information/Discussion Paper

Overview and Scrutiny Committee -

2 September 2013

Member Working Groups

1. Why has this come to scrutiny?

- 1.1 At the Council meeting on the 22 July, following the publishing of the Annual Scrutiny report, a debate was had about the differences between Scrutiny Task Groups and Cabinet Member Working Groups. It was suggested at Council, that the opportunities for 'Scrutiny' to carry out its overview role would be constrained if all the policy development work was carried out by Cabinet Member working groups.
- 1.2 The chair of O&S went so far as to suggest that all Cabinet Member Working Groups should become scrutiny task groups. However this might not be acceptable to Cabinet Members who want to be in position to influence policy development which they ultimately will take to Cabinet, particularly if there are associated targets or objectives in the Council's Corporate Plan for which they are accountable.
- 1.3 From the debate it was clear that there needs to be some clarity on the differences between these two groups and some arrangement needs to be sought to make sure they complement and are compatible with one another. The role of the Cabinet Member on scrutiny task groups also needs to be more clearly defined.
- 1.4 At the last O&S meeting it was noted that O&S received regular updates on all the scrutiny task groups but there was no similar update on all the other groups members were involved in. They requested a summary for their next meeting to help them understand the roles of the different groups and potentially identify any areas for follow up or scrutiny. This is attached as Appendix 2.
- 1.5 This report informs members on the various types of working groups operating in the council and suggests a way forward for setting these up and monitoring them in the future.

2. Definition of Overview and Scrutiny

- 2.1 It will be useful at this point to remind members of the differences between Overview and Scrutiny as this is very relevant to the issues raised.
- 2.2 In this report and in general parlance the term "overview and scrutiny" is frequently abbreviated to "scrutiny" and some explanation may be helpful as to the definitions of the two terms.
- 2.3 When overview and scrutiny was first introduced, **overview** was often referred to as policy review. It seeks to involve itself before a decision is made, to bring information

and ideas to the table to help improve decision making. It gave Members a role in policy and decision making far earlier than had previously been possible. It also involves monitoring of on-going actions to ensure they are delivering the intended and best outcomes. Similarly a definition of **scrutiny** was defined. The scrutiny of decisions takes place after decisions have been made. It is an opportunity to question why the course of action was taken, and if necessary propose an alternative. Decisions can be monitored over a longer period of time to ensure that the intended outcomes are realised. In its strongest form it can stop a decision being implemented until it has been scrutinised using a mechanism called “call-in”.

3. Types of members working groups operating within the council

Scrutiny task groups

- 3.1** At Cheltenham Borough Council we have an O&S committee which commissions scrutiny task groups to carry out detailed scrutiny work on a topic. A scrutiny task group is chaired by a scrutiny member and the Cabinet Member may attend by invitation. The outcome is a report from O&S in the name of the working group. In the past year there have been ten scrutiny task groups and a number of these have been involved in developing policy, the events Scrutiny task group being a good example. Others such as the ICT scrutiny task group carried out more of a scrutiny role, for example in examining the internal audit response to the ICT virus.

Involvement of the Cabinet Member in scrutiny task groups

- 3.2** Cabinet Member involvement in scrutiny task groups is seen as important as it means that when a task group makes any recommendations, the Cabinet Member is more likely to be supportive of the group’s findings if they have been involved in their development and understand the rationale behind the recommendations. Cabinet attendance at an initial meeting also means that they would be able to advise on any current work relevant to the task group. However, it is important that the scrutiny task group is led by scrutiny members and they are free to set their own agenda. They may wish to formally question the Cabinet Member and so there needs to be a clear distinction in roles and the Cabinet Member is only present at the task group meetings by invitation.
- 3.3** Involvement of Cabinet Members near the end of the review may also be helpful to ensure that there are no surprises when the task report comes to Cabinet for consideration of the recommendations. They should be given a copy of the draft report and invited to make comments before it is made public.
- 3.4** When the task group report is received by Cabinet, a practice has developed during this first year of the new scrutiny arrangements for the Cabinet Member to publish a supporting document setting out their response to the recommendations which is circulated with the scrutiny task group report. This can be considered by Cabinet when deciding whether or not to accept the recommendations from the task group and provides a vehicle for setting out the implications and risks of making that decision.

Cabinet Member working groups

- 3.5** There are a number of Cabinet Member working groups in operation. These are set up by Cabinet or a Cabinet member and they invite cross party members to join a

working group to help them develop policy or move forward on a particular issue related to their Cabinet portfolio. For example such a working group was set up to assist in the development of the new Housing Strategy. The Cabinet Member sets the agenda for these working groups. The outcome is not a report of the working group but the Cabinet Member listens to their views when finalising their own report to Cabinet. As such there is no particular requirement for them to feedback to O&S as scrutiny can summon the Cabinet Member to question them on policy issues at any time.

- 3.6 It has been recognised that there could be a potential conflict of interest if members on such a group are subsequently asked to scrutinise the policy that have helped to develop. Ideally it would be a different set of members wherever possible.
- 3.7 A waste working group was set up to support the Cabinet Member Sustainability in developing waste and recycling strategy. With the setting up of the Joint Waste Committee there is still a need to develop local policies but the Cabinet Member has suggested that the role of the waste working group should be reviewed once it is has completed its current work on plastics recycling and reported in the autumn. Task and finish groups may be more appropriate than an ongoing group.

Commissioning working groups

- 3.8 As part of the commissioning process, a working group of members has been set up for each of the commissioning projects. For example there is a Leisure and Culture commissioning working group and there is currently one looking at the various commissioning options for Green Environment. They have sometimes been called Cabinet Member Working groups which has perhaps caused some confusion as they are very different to the policy development groups described in the previous section. The commissioning working groups act as sounding boards for the duration of the project, facilitating consultation with members and seeking their views. They are nominally chaired by the Cabinet Member but the direction of the group is set by the needs and timescales of the project.
- 3.9 It is not appropriate for these groups to report to Cabinet or O&S in their own right. Appropriate reports from the project will be taken to Cabinet/Council at key project milestones. If scrutiny wishes to understand more about a commissioning project they should call the Cabinet Member and/or the Lead Officer to account at any stage.

Other member working groups

- 3.10 There are other member working groups such as the Climate Change working group. This is an ongoing group and is neither Cabinet nor scrutiny led but is made up of members who are interested in the issue of climate change and have built up some expertise through their ongoing involvement. The Cabinet Member or O&S could make a request to the group to look at a particular issue on their behalf and report back.
- 3.11 Other working groups may be set up to review bids for potential funding. Examples in 2012 were the Environmental Improvements Fund Group and the Promoting Cheltenham Fund groups set up to consider the bids for the funding made available from the New Homes Bonus and make recommendations to Cabinet.
- 3.12 Other committees may set up working groups. For example the Planning Committee set up a working group in January 2012 to examine the use of the gardens and to

make recommendations back to that committee. It reported back in January 2013 but Members requested that this group had an ongoing role so it is still in existence. It may be helpful to review its terms of reference.

- 3.13 It is questionable whether we need the title 'Cabinet Member working groups' as these are effectively member working groups with a Cabinet Member chair.
- 3.14 What is important for these working groups is that they have clear terms of reference and reporting lines.

Governance groups with member representation

- 3.15 These are not working groups but are included here for completeness as they do have member representation and may be of interest to scrutiny. They include the Joint Management Liaison Groups (JMLGS) which were established to monitor shared services. Their terms of reference are incorporated into the agreements between the shared service partners. Typically they meet quarterly. Their minutes are not published and consideration could be given to circulating them more widely to members so they can see they types of issues being discussed by these groups.
- 3.16 If scrutiny is to play its part in the scrutiny of shared services, it needs to be more aware of what these groups are doing.

Joint Airport Working Group

- 3.17 This is a long standing joint working group with Gloucester City set up in 2002 to scrutinise issues relating to the airport. It formerly reported to EBI/Environment O&S committee depending on the issue. Its reporting lines needs to be reviewed under the new scrutiny arrangements.

Membership of outside bodies

- 3.18 Elected Members are represented on a number of outside bodies and partnerships and details are available on the council's website. Scrutiny can ask for an update from the relevant member at any time.

4. Summary of evidence/information

- 4.1 The different types of working group are set out in the table in Appendix 1.
- 4.2 It is suggested that a protocol is introduced when setting up a new working group and a form similar to that in Appendix 3 is adopted. The protocol would require members to be informed of the new group and in particular for O&S to give its view on scrutiny's involvement.

5. Next Steps -

- 5.1 Members of O&S are requested to decide what actions they wish to take to address the issues set out in this report.
- 5.2 Recommended actions:
 - an informal meeting with members of the Cabinet has been scheduled for the Chair and Vice-Chair and they will give feedback at the meeting.
 - use the term commissioning working groups going forward

- review whether we need to distinguish Cabinet Member working groups from any other member working groups if their chairmanship and remit are clearly defined
- maintain a summary on the intranet of all the groups
- consider making minutes available to all members.

Appendices	<ol style="list-style-type: none"> 1. Types of working groups 2. Update from current groups in operation 3. Draft form for setting up a new working group
Background Papers	None
Contact Officer	Rosalind Reeves, Democratic Services Manager 01242 77 4937 Rosalind.Reeves@cheltenham.gov.uk ,
Accountability	Chair of O&S committee, Councillor Duncan Smith
Cabinet Member	Corporate Services, Councillor Jon Walklett