

The background of the slide features a large, light blue watermark of the Coat of Arms of the City of Edinburgh. The crest is a shield divided into four quarters. The top-left quarter shows a saltire (X-shaped cross) on a blue field. The top-right quarter shows a stag's head facing left on a red field. The bottom-left quarter shows a three-masted sailing ship on a blue field. The bottom-right quarter shows a crowned eagle with wings spread on a red field. Above the shield is a crown with four fleurs-de-lis. A scroll at the bottom contains the motto 'AENE FOR A' in Latin.

Agenda Item 6

Review of Scrutiny

Falkirk Council

Title: Review of Scrutiny
Meeting: Falkirk Council
Date: 6 March 2019
Submitted by: Chief Executive

1. Purpose of Report

- 1.1. The purpose of this report is to present the recommendations of a review of scrutiny arrangements together with proposed changes to Standing Orders should Council agree to the recommendations.

2. Recommendations

2.1 Council is invited to:-

- (1) agree the recommendations of the review of scrutiny arrangements, noting that officers will proceed to give effect to recommendations (2) and (3) as set out in section 4.5 of the report, and**
- (2) agree the revised Standing Orders as set out in appendix 1 to the report.**

3. Background

- 3.1. Council agreed on 5 December 2018 to review its scrutiny arrangements following consideration of the following motion:-

Council recognises that effective scrutiny is crucial to raising standards and ensuring that service deliver the right outcomes for the communities in which we serve.

Council notes that there are issues within the current system that are making effective, timely scrutiny difficult.

Council therefore asks the Chief Executive, Chief Governance Officer, Head of Policy and elected member from each group, to look at a review of the structure, governance and development of scrutiny within Falkirk Council. With a view to provide the resources and infrastructure, for councillors to carry out their scrutiny role effectively, and that the Chief Executive reports back to Council on the outcome of the group's consideration.

- 3.2. I met with Councillors Black, Meiklejohn and Munro together with the Chief Governance Officer and the Head of Policy, Technology and Improvement

on 18 January 2019 to consider the structure, governance and development of scrutiny with a view to provide the resources and infrastructure for Councillors to carry out their scrutiny role effectively.

4. Consideration

4.1. At the meeting, the discussion focussed on three main themes:-

- Structures
- Support and capacity
- Training and development

4.2 There was agreement that scrutiny is generally regarded by elected members and officers as of lesser importance than the policy making (Executive) arm. For the Council to function effectively there must of course be an effective scrutiny function to act as a counterbalance. In recognising that scrutiny has, over the recent period, come to be regarded as of lesser importance, the elected members each recalled particular instances of effective scrutiny and indicated a strong desire to reinvigorate the current scrutiny function with some modification.

4.3 The discussion crystallised around the following observations:-

- There is disconnect between the Performance Panel and the Scrutiny Committee in terms of business flowing from the Panel to the Committee.
- The amount of business for meetings of the Scrutiny Committees could be imbalanced and on occasion meetings had been cancelled.
- There is a lack of elected member involvement in the scrutiny of service performance at Performance Panel meetings.
- There is a limited pool of officers available to support Scrutiny Panels and Policy Development Panels.
- Lead officers on Panels have competing priorities.
- The roles of elected members on Panels and on Committees could be better developed and members' supported in developing their personal style of scrutinising.
- The roles of officers at in terms of understanding and supporting scrutiny and participating at meetings could be better supported through training and mentoring.

4.4 The key to reinvigorating the scrutiny function is to embed the benefits and value of effective scrutiny organisationally, to simplify the scrutiny arrangements and to provide support to Scrutiny Panels and Policy Development Panels and the Scrutiny Committees more generally.

Review Recommendations

4.5 There is no strong desire amongst the political groups to change the decision making structures of the Council. The motion, by Councillor Black which Council unanimously agreed, offered a timely opportunity to reset the Council's approach to scrutiny and inject some impetus and transform our scrutiny arrangements through the following actions:-

- (1) Remove the disconnect between the Performance Panel and the Scrutiny Committee by subsuming the work of the Panel in the workload of the Committee and disbanding the Panel. Should Council agree to this proposal a number of changes will be required to be made to Stranding Orders. Appendix 1 sets out the relevant sections. It is proposed that the business for meetings of the Scrutiny Committee will fall into two categories. The first will be that which is currently the preserve of the Performance Panel – Service performance reports. All members will be entitled, and encouraged, to participate in this element of scrutiny. Voting, should there be any, will be restricted to the Committee members. The second part of the agenda will be committee business such as the Scrutiny plan and items requested following consideration of Services' performance reports.
- (2) Reboot the organisational approach to scrutiny through training and development for elected members and officers. A review of training will be undertaken to ensure that elected members are provided with the information and training opportunities to undertake their scrutiny roles. Similarly training will be developed to support officers in their roles at the Committees and Panels.
- (3) Utilise the opportunity afforded by the Graduate and Intern Scheme recently agreed by the Executive on 15 January 2019, by engaging a Graduate Support Officer to provide support to Scrutiny Panels, Policy Development Panels and to the Scrutiny Committees generally. The post will be for a two year period with the successful appointee being located within the Governance Division of Corporate and Housing Services. The Graduate Support Officer will organise meetings, coordinate input from services, provide research support to the Panels, identify and coordinate training needs and develop support materials, and provide overarching consistency in the scrutiny process.

5. Consultation

5.1. There has been no consultation on this report.

6. Implications

Financial

- 6.1 The cost of the Graduate Support Officer will be in the region of £27k for each of the two years of the appointment. The costs will be met from the current budget.

Resources

- 6.2 A Graduate Support Officer will be appointed to support the scrutiny process.

Legal

- 6.3 There are no legal implications.

Risk

- 6.4 Having recognised that the scrutiny process could be improved there would be reputational damage to the Council in not addressing the concerns of elected members. Conversely by accepting the transformational change proposed, the Council could enhance its reputation.

Equalities

- 6.5 An equality and poverty impact assessment is not necessary.

Sustainability/Environmental Impact

- 6.6 A sustainability assessment is not necessary.

7. Conclusion

- 7.1 The review of scrutiny, undertaken by Councillors Black, Meiklejohn and Munro together with myself and the Chief Governance Officer and Head of Policy technology and Improvement has been timely and the recommendations will modify and reinvigorate the current scrutiny arrangements.

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Appendix

- 1) Revised Standing Orders

List of Background Papers:

Note of meeting of 18 January 2019.

50. SCRUTINY COMMITTEE

(a) The Scrutiny Committee

Composition of the Scrutiny Committee

- 50.1 The Scrutiny Committee will consist of eight members (subject to the proviso that no member of the Executives may be a member of the Scrutiny Committee). **Any member not appointed to the Scrutiny Committee may attend and speak when the committee is considering Service performance reports, but may not vote.**

Role of the Scrutiny Committee

- 50.2 The Scrutiny Committee will develop the annual Scrutiny Plan of the Council and will submit it to Council for agreement. The Scrutiny Committee will also be responsible for overseeing implementation of the plan. The scrutiny will identify the principal areas which require detailed scrutiny. In order to undertake that scrutiny, the Scrutiny Committee may establish one or more Scrutiny Panels. The Scrutiny Committee will have no decision-making power but will make such recommendations as it considers appropriate to the Executive and Education Executive.

Scrutiny Panels

- 50.3 A Scrutiny Panel will consist of up to five members of the Council as determined by the Scrutiny Committee. Any member of the Council other than a member of the Executive within whose remit the review topic falls may be appointed to a Scrutiny Panel. A Scrutiny Panel will consist of a member or members drawn from the Administration and a member or members not drawn from the Administration. The Scrutiny Panel will conduct its work in accordance with the remit fixed by the Scrutiny Committee and in accordance with guidance on scrutiny issued by the Scrutiny Committee from time to time. The Scrutiny Panel will have no decision-making power and will not be a sub-committee of the Scrutiny Committee.

Additional Roles

- 50.4 The Scrutiny Committee will:-
- (1) **consider Service performance reports;**
 - (2) consider overview reports by Audit Scotland;
 - (3) consider reports from school inspections; and
 - (4) consider any other matter referred to the committee for consideration by Council, the Executive or Education Executive.