

FALKIRK COUNCIL

Subject: FEEDBACK FROM SCRUTINY WORKSHOP
Meeting: SCRUTINY COMMITTEE
Date: 13 JUNE 2013
Author: CHIEF GOVERNANCE OFFICER

1. INTRODUCTION

- 1.1 At its inaugural meeting on 16 May 2013, this Committee agreed that a workshop should be organised to allow all members the opportunity to discuss areas for future scrutiny and the manner in which scrutiny would be undertaken. The workshop took place on 31 May, 2013 and was attended by 10 members drawn from all of the political groups represented on the Council. This report provides feedback from the workshop to the Committee and, in particular, addresses some of the suggestions made by members during the course of the workshop.

2. ISSUES ADDRESSED AT THE WORKSHOP

- 2.1 The discussion at the workshop covered four areas:-
1. the place of the Scrutiny Committee within the broader decision-making structure;
 2. the future role or replacement for the Best Value Forum;
 3. the potential subject areas for scrutiny; and
 4. the manner in which scrutiny would be carried out.

3. THE PLACE OF THE SCRUTINY COMMITTEE WITHIN THE DECISION-MAKING STRUCTURE

- 3.1 The effect of the Council's decisions on structures is to give the Scrutiny Committee three main roles. The first is to develop and implement the Council's annual Scrutiny Plan. The second is to receive reports on the effectiveness of financial support to external organisations provided under the Following the Public Pound arrangements, to receive performance reports from Police Scotland and the Scottish Fire and Rescue Service and to receive performance reports from the Community Trust. The third role was to scrutinise any matter referred to the Committee by the Executive.

- 3.2 Members expressed some concern at the lack of flexibility in the remit of the Committee as described above. In particular, the question was raised of how an issue which came to light during the course of the year could be addressed by the Committee. A suggestion was made that there would be benefit in the Council leaving some flexibility within the Scrutiny Plan to allow the Committee itself the opportunity to determine at least one of the subject areas for detailed scrutiny. The question was also raised of the scope for flexibility to allow the Committee the opportunity to consider issues outwith the scope of the Scrutiny Plan.
- 3.3 The Scheme of Delegation agreed by Council already gives some scope for flexibility. It would be open for Council to take up the suggestion that the Scrutiny Committee is empowered to choose part of the content of the Scrutiny Plan. The issue of raising matters outwith the scope of the Plan is more problematic in the context of the current Scheme. Some degree of flexibility may be available where the Committee wished to consider an issue during the course of the year with a view to considering whether it would be a suitable subject for recommendation to Council for the following year's Plan.

4. THE BEST VALUE FORUM

- 4.1 There was general agreement among Members that there were many positive aspects of the Best Value Forum which should be retained in any replacement. The positive aspects of the Forum identified by Members centred on two areas. The first of these was that it was open to all Members of the Council to contribute to. The second was that the fact that it did not take place in public allowed for a more free and open exchange of views between Members and for more open responses from Officers to points raised by Members.
- 4.2 It was noted that at the last meeting of Council a suggestion had been made in the Chief Executive's report that to avoid potential overlap and duplication between the Best Value Forum and the Scrutiny Committee, that there would be some benefit in considering a standing Scrutiny Panel to monitor service performance. Some concern was expressed at this suggestion in that it may exclude the wider membership of the Council from consideration of matters currently considered by the Best Value Forum.
- 4.3 There is scope for a replacement for the Best Value Forum to be established which reports to the Scrutiny Committee and which meets many of the requirements set out by Members at the workshop. A Standing Panel on performance could receive the same form of information on performance reporting currently considered by the Forum. As Council has already agreed that the Scrutiny Panels are not formally constituted as Sub-Committees, the Standing Panel could continue to meet in private allowing for the full and frank discussion valued by Members. The Scheme of Delegation to Committee agreed by Council limits the membership of a Scrutiny Panel to five. It would be possible, however, to form a "core" membership of five but to allow any Member to attend.

5. SUBJECTS FOR SCRUTINY

- 5.1 A short list of subjects for scrutiny was prepared by officers in advance of the workshop, purely as suggestions. The list is appended to this report. It is fair to say that the contents were not met with a spontaneous burst of enthusiasm. Additional suggestions brought forward by Members as potential scrutiny areas included:-
1. the process of procurement and contract monitoring;
 2. the adequacy of consultation with the public and community engagement more generally;
 3. schools capacities; and
 4. the role of Community Councils.
- 5.2 All of the areas suggested would appear to offer good scope for scrutiny. The example of consultation with the public is a useful one. The Council adopted a Community Participation Strategy in 2011. A Scrutiny Panel examining the implementation of the Strategy would allow for the assessment of whether the expected outcomes had been achieved. It was acknowledged by Members at the workshop that a focus on outcomes within the work of the Scrutiny Panels would be important.

6. SCRUTINY GUIDELINES

- 6.1 The discussion at the workshop highlighted the difference between the scrutiny currently undertaken at scrutiny committees and the more detailed process which would require to be adopted by Scrutiny Panels under the new system. It was acknowledged that the length of each Scrutiny Panel was likely to vary depending on the subject being considered but it was recognised that each Panel would be likely to meet over a number of meetings. There was discussion on the balance in such meetings between public and private sessions and it was recognised that there was room for both. For instance, the meeting of the Panel at which the work of the Panel was scoped and planned might be private whereas sessions where evidence was sought could be open to the public. The Panel would be reporting to the Scrutiny Committee and it would need to be clear from its report what the reasons were for it making its recommendations. Members agreed that the value of a report from a Panel would depend on the recommendations being evidence based.
- 6.2 Further discussion took place on the best way to develop the plan and the guidelines on undertaking a scrutiny process. There was general agreement that there would be benefit in recommending to Council that a pilot scrutiny process was undertaken over the summer period on a subject to be recommended by the Committee to Council. This would assist in assessing the time and resources required to conduct a successful Scrutiny Panel. This in turn could help to inform the recommendations made to Council on the content of the draft Scrutiny Plan. As far as timescale was concerned, the aim would be to recommend the Scrutiny Plan to the Council by the September meeting in order to allow the Scrutiny Panels to start their work over the following Council session.

- 6.3 If the Committee is minded to suggest a pilot scrutiny topic to be dealt with over the recess, there would be benefit in considering also at this stage the make up of the Panel that would carry out that particular scrutiny process and the timescale within which the Panel would be expected to complete its work. This would enable work to start immediately following the Council decision and for a progress report to be submitted to the next meeting of the Committee on 8 August 2013.

7. RECOMMENDATIONS

It is recommended that the Committee agrees:-

- (a) to recommend to Council that a pilot Scrutiny Panel is formed in advance of the Scrutiny Plan being agreed; and**
- (b) to determine and thereafter recommend the subject area for the Panel and the membership thereof.**

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CHIEF GOVERNANCE OFFICER

Date: 4 June, 2013

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LIST OF BACKGROUND PAPERS

Nil

Appendix 1

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