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# Proposed New Model for Scrutiny – Supporting Information

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## 1. Introduction/Background

- 1.1 As part of the feedback on the Council's LGA Peer Review undertaken over the period 1 to 4 July 2014 scrutiny was identified as in need of improvement. At its meeting on 19 May 2016 the Council agreed to introduce three new Select Committees to support the Overview and Scrutiny Management Commission (OSMC). The Three new Select Committees were:
- (i) Resources Select Committee
  - (ii) Environment Select Committee
  - (iii) Communities Select Committee
- 1.2 In introducing the three new Select Committees it was acknowledged that there were no additional officer resources available to support these and, as such, each Select Committee would only meet twice a year. The total number of available meeting dates would equate to the same number of meetings previously allocated to the OSMC, namely, 9 meetings a year. It was agreed that a review of the new structures would be undertaken within 12 months.
- 1.3 This new model has performed indifferently across the three Select Committees primarily because of a lack of resources but also because of existing governance arrangements which are in place. The Scrutiny Chairmen have also expressed concerns with the difficulty in formulating a work programme of activity and getting this supported.

## 2. Supporting Information

- 2.1 The Local Government Act 2000 places a duty on the Council to establish a model of scrutiny which both holds the Executive (Call-in) to account but also which provides opportunities for backbenchers to involve themselves in policy development activities too.
- 2.2 Whilst there are call-in provisions as part of the Council's Constitution it is acknowledged that holding the Executive to account is difficult to achieve at the current time given the current proportionality of the Council.
- 2.3 The Council has a current governance framework which supports a number of policy development activities. These are not looked upon as scrutiny activities and, as such, scrutiny has, on occasions, has looked for other work to engage backbenchers.
- 2.4 Given that the Council's resources are being significantly reduced it is now proposed that the Council looks to adopt a "smarter" model of scrutiny which is based on policy development work which is already ongoing within the Council.

The Council already operates many Task Groups such as the Planning Advisory Group and Strategy Board both of which have a role in developing policy.

- 2.5 The Council has also established a corporate programme of projects most of which will see decisions being made by the Executive once they have been appropriately developed. There are a number of themes associated with this programme.
- 2.6 It is acknowledged that all of the existing programme groups currently meet during the day and that if a new model of scrutiny is to be adopted some of these will need to meet in the evenings to enable those Members who work to play an active part in some of the key projects. However, the programme would also enable those Members who don't work or are retired to involve themselves in the work of Project Boards which they have an interest in and which meet during the day. This would provide a balance to the programme and offer something for all "scrutineers".
- 2.7 It is proposed that the Overview and Scrutiny Management Commission be retained and be responsible for managing any call-in requests. It is proposed that the Commission meets quarterly and as such review issues such as the performance reports.
- 2.8 The Select Committees would be disbanded as part of this proposal.
- 2.8 In suggesting this new model of scrutiny the "Proportionality Rules" would need to apply.

### **3. Proposals**

- 3.1 It is therefore proposed that Council adopt a model of scrutiny which has a focus on policy development activities linked to the Corporate Programme. It should also be recognised that other Task Groups that have a policy development role should also be considered to be scrutiny orientated.
- 3.2 This proposal recognises the Council's reducing resources but also the positive role that backbench Members can play in the development of Corporate Projects and programmes.
- 3.3 It is proposed that Council appoints a pool of 12 "scrutineers" and 4 substitutes which will both sit on the Overview and Scrutiny Management Commission (OSMC) but also play a positive role in relation to the development of corporate projects. The OSMC would be able to set up Task and Finish Groups notwithstanding the limited resources to support these.

### **4. Conclusion**

- 4.1 The proposal to introduce a new model of scrutiny is based on the need to engage backbench Members more in order to harness the wealth of experience which is available to the Council.

### **5. Consultation and Engagement**

- 5.1 The three Select Committee Chairs have been consulted about this proposal.

**Subject to Call-In:**

Yes:  No:

- The item is due to be referred to Council for final approval
- Delays in implementation could have serious financial implications for the Council
- Delays in implementation could compromise the Council's position
- Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months
- Item is Urgent Key Decision
- Report is to note only

**Strategic Aims and Priorities Supported:**

The proposals will help achieve the following Council Strategy aim:

**MEC – Become an even more effective Council**

The proposals contained in this report will help to achieve the following Council Strategy priority:

**MEC1 – Become an even more effective Council**

**Officer details:**

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## Appendix B

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:**
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;**
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:**
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;**
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;**
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.**
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.**
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”**

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking Council to make:</b>	To approve a proposed new model for scrutiny.
<b>Summary of relevant legislation:</b>	Local Government Act 2000
<b>Does the proposed decision conflict with any of the Council’s key strategy priorities?</b>	No
<b>Name of assessor:</b>	Andy Day
<b>Date of assessment:</b>	11 April 2017

Is this a:		Is this:	
Policy	No	New or proposed	Yes
Strategy	No	Already exists and is being reviewed	Yes
Function	Yes	Is changing	Yes
Service	No		

1. What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?	
<b>Aims:</b>	To move to a new model of scrutiny which is based on work which is already ongoing.
<b>Objectives:</b>	To add value to the Council’s Corporate Programme of work.
<b>Outcomes:</b>	To enhance the role Members can play in the development of Corporate Projects and programmes.
<b>Benefits:</b>	As above.

2. Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
Group Affected	What might be the effect?	Information to support this
Age		
Disability		
Gender		

Reassignment		
Marriage and Civil Partnership		
Pregnancy and Maternity		
Race		
Religion or Belief		
Sex		
Sexual Orientation		
<b>Further Comments relating to the item:</b>		

<b>3. Result</b>	
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b>	
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>	<b>No</b>
<b>Please provide an explanation for your answer:</b>	

If your answers to question 2 have identified potential adverse impacts and you have answered ‘yes’ to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4. Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Andy Day

Date: 11 April 2017

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.