

MIDDLESBROUGH COUNCIL
OVERVIEW AND SCRUTINY BOARD

13 OCTOBER 2015

**REFERRING REPORTS FROM OVERVIEW AND
SCRUTINY BOARD TO THE EXECUTIVE**

PURPOSE OF THE REPORT

1. The purpose is two-fold:-
 - to bring a number of suggestions to the Overview and Scrutiny Board (OSB) to amend the process for the submission of Scrutiny Reports to Executive; and
 - to seek the views of OSB on whether it would wish to have the option of also referring reports to Individual Executive meetings.

RECOMMENDATIONS

2. OSB is asked to:-
 - note the report; and
 - consider if it wishes to have the option of referring Scrutiny Reports to Individual Executive Meetings and, if so, to approve the suggested criteria in paragraph 8.

BACKGROUND

Changes to Improve the Process

3. There is a Council constitutional requirement that reports referred from OSB should be considered by the Executive within 8 weeks. This relates to the final reports of OSB and individual Scrutiny Panels on topics that they have considered.
4. There have been occasions when this timescale has not been met. The following changes are being introduced to improve the process and help ensure that the timescales are met:-

- When the final report of the Scrutiny Panel is sent by the Scrutiny Officer to the relevant Assistant Director, prior to consideration by OSB, they will be advised, at that time, of the date that their response is scheduled to go to Leadership Management Team (LMT);
- Once the report has been approved by OSB, the Executive Officer will send the final report within two days to the Lead Officer, with the service response template – stipulating that the service has two weeks to respond. The Executive Officer will also confirm the dates on which the matter is scheduled to be considered by LMT and the Executive;
- If LMT make amendments to the service response, it is the responsibility of the appropriate Assistant Director to make those changes, with no referral back to LMT;
- The appropriate Executive Member should “sign off” the service response prior to its submission to the Executive; and
- No limit on the number of Scrutiny Panel reports to be considered by the Executive.

Referring Reports to Individual Executive Members

5. A further potential option for OSB could be for it to consider referring reports to an Individual Executive Meeting, rather than full Executive. This, however, would be entirely at the discretion of OSB. If OSB were to decide to take this option, it would require a change to the Constitution.
6. This suggestion has been raised previously and some non-Executive Members felt that final reports should be taken to Executive in order to ensure that the Executive was party to the findings of scrutiny and that, sending reports to Individual Executive Meetings could, potentially, diminish their importance/value. However, given that we are at the start of a new Municipal Year, it is appropriate to seek the formal views of OSB on whether it wishes to consider such an option.
7. There are advantages and disadvantages to this approach, as set out below:-

Advantages	Disadvantages
Consideration at Individual Executive Meetings could allow more in-depth consideration of the report.	The Executive, as the main decision making body of the Council, might not be party to the findings of scrutiny.
Would enable reports specific to a particular service area to be considered by the relevant Executive Member.	Individual Executive Meetings might not have the same “profile” as full Executive meetings.
Could be more flexible in terms of timescales.	Will there be the same level of debate?

8. Should OSB decide to have the option of referring reports to Individual Executive Members, it may be helpful to identify criteria to assist it in this process. Accordingly, proposed criteria could include:-

- Is the report primarily for information?
- Does the report merely endorse the work that is currently being undertaken by the Local Authority?
- Does the report relate to service specific Inspection updates (e.g. OFSTED, School Improvement Plans)?
- Is it very portfolio specific?

9. It is suggested that, if adopted, the criteria would only provide a guide and that it would always remain a matter for OSB as to where it might wish to refer reports on to.

RECOMMENDATION

10. OSB is asked to:-

- a) note the report; and
- b) consider if it wishes to have the option of referring Scrutiny Reports to Individual Executive Meetings and, if so, to approve the suggested criteria in paragraph 8.

BACKGROUND PAPERS

There were no background papers used in the preparation of this report.

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