

## OVERVIEW AND SCRUTINY BOARD

<b>Date:</b> Tuesday 18th April, 2023
<b>Time:</b> 10.00 am
<b>Venue:</b> Mandela Room

## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes - Overview and Scrutiny Board - 28 March 2023  
To follow.
4. Future Scrutiny Panel Structure 3 - 14
5. Any other urgent items which, in the opinion of the Chair, may be considered.

Charlotte Benjamin  
Director of Legal and Governance Services

Town Hall  
Middlesbrough  
Thursday 6 April 2023

### MEMBERSHIP

Councillors M Saunders (Chair), T Mawston (Vice-Chair), R Arundale, C Cooke, D Davison, C Hobson, B Hubbard, D Jones, D McCabe, C McIntyre, J Platt, M Storey and J Thompson

### **Assistance in accessing information**

**Should you have any queries on accessing the Agenda and associated information please contact Scott Bonner, 01642 729708, [scott\\_bonner@middlesbrough.gov.uk](mailto:scott_bonner@middlesbrough.gov.uk)**

This page is intentionally left blank

<b>MIDDLESBROUGH COUNCIL</b>	
------------------------------	--

<b>Report of:</b>	Chair of OSB Director of Legal and Governance Services
-------------------	---

<b>Submitted to:</b>	Overview and Scrutiny Board
----------------------	-----------------------------

<b>Date:</b>	18 April 2023
--------------	---------------

<b>Title:</b>	Proposed Structure of Scrutiny Panels
---------------	---------------------------------------

<b>Report for:</b>	Decision
--------------------	----------

<b>Status:</b>	Public
----------------	--------

<b>Strategic priority:</b>	Quality of service
----------------------------	--------------------

<b>Key decision:</b>	No
----------------------	----

<b>Why:</b>	Not applicable
-------------	----------------

<b>Urgent:</b>	No
----------------	----

<b>Why:</b>	Not applicable
-------------	----------------

<b>Executive summary</b>
<p>This report sets out the findings and recommendations from the Governance Improvement workshop sub-group around the current scrutiny arrangements, in particular:</p> <ul style="list-style-type: none"> <li>a) What does good scrutiny look like?</li> <li>b) What is the recommended model for the scrutiny panels that best meets the council's requirements?</li> </ul> <p>As part of this process the sub-group have spoken to both members and officers to get their views as to how the current scrutiny arrangements can be remodelled. The views are set out within the body of the report.</p> <p>The report is seeking a decision about how Scrutiny Panels should be structured to ensure they deliver the best Scrutiny service to the Council and the public.</p>

## **Purpose**

1. To seek Overview and Scrutiny Board approval for future Scrutiny Panel structure following the recommendations of the CiPFA Governance Improvement Working Group around the current scrutiny arrangements.

## **Background and relevant information**

2. In accordance with the Terms of Reference of the Overview and Scrutiny Board, the Board has delegated power to appoint and disband scrutiny panels as it sees fit.
3. As part of the Governance Improvement Work groups, a sub-group of Members and officers were tasked with reviewing the current scrutiny structure to determine if it best meets the needs of members, officers and the public, and also to look at best practice and 'what does a good scrutiny panel look like'.
4. To consider what is working well, and what was not working so well, the members of the working group had a number of discussions, including with the Chair of Overview and Scrutiny Board, Directors and the Democratic Services Officer who was part of the Working Group.
5. Taking on board the comments made, a guide was produced as to 'what does good scrutiny look like' which can be found at **Appendix A**.
6. Some examples of the findings are as follows:

### For Members:

- Clear Terms of Reference that are reviewed regularly including during topic selection to ensure appropriateness of topic and outcomes aims.
- Scrutiny chairs selected – or elected, by other councillors - on the basis of ability to lead committees in an impartial way and supported with coaching and mentoring to build confidence and experience.
- Focussed topic selection - This could include selection criteria to identify appropriate topics for the work programme.

### For Officers:

- Proactive approaches being taken by the leadership to draw scrutiny into discussions on the development of policy.
- Being flexible with scrutiny work programming and understanding that it is developed on an ongoing basis.
- Support for the scrutiny function and a recognition of the value it can add to overall council governance.

For Middlesbrough:

- Clear outcomes and recommendations that make a positive impact.
  - Visibility of the work being carried out by scrutiny and seeing the importance of independent challenge.
  - Having an input into topic selection.
7. The current scrutiny structure in Middlesbrough has eight scrutiny panels and is organised around the following themes:

## Scrutiny Structure in Middlesbrough

The scrutiny structure in Middlesbrough is currently organised around the following themes:

<b>Overview and Scrutiny Board</b> (the overarching body that receives information on finance, performance and topical issues)	<b>Ad Hoc</b>
	<b>Adult Social Care and Services</b>
	<b>Children and Young People’s Learning</b>
	<b>Children and Young People’s Social Care</b>
	<b>Culture and Communities</b>
	<b>Economic Development, Environment and Infrastructure</b>
	<b>Health</b>



8. The working group completed an options appraisal of various alternative scrutiny models taking into account the findings listed at Appendix A. This options appraisal is attached at Appendix B.
9. Further to the appraisal, it is recommended that the proposed model would align scrutiny panels to the four service directorates, plus the statutory panels, which would be organised as follows:
- Overview and Scrutiny Board (including Ad Hoc);
  - Health;
  - Adults;
  - Children’s;
  - Regeneration; and
  - Environment
10. There are a number of potential benefits of this model, particularly around topic selection. With the directorate panels the topics would align more with the Council’s strategic aims, meaning the work would become more focussed and outcome based.

11. This model would also build more cohesive relationships between members and directorates, which contributes to collaborative working and the changes in culture that the Council is trying to achieve.
12. It is felt the proposed model provides a more sustainable solution operationally, although there remains some concern as to the resource implications for Democratic Services.

### **What decision(s) are being recommended?**

13. That Overview and Scrutiny Board:

- Approves the structure of Scrutiny Panels, as detailed in Paragraph 8.

### **Rationale for the recommended decision(s)**

14. Restructuring the Council's Scrutiny Panel's will allow scrutiny to more closely align with the strategic objectives of the Council.

### **Other potential decision(s) and why these have not been recommended**

15. The CiPFA sub-group considered other options and completed an options appraisal, as set out in full at Appendix B.

16. The options considered in brief were as follows:

- i. **Do nothing/maintain the current model** – the number of panels means that there is some overlap between them, as a result of which the topics chosen are too wide, not focussed and do not always meet the criteria of strategic or policy development. It is also increasingly difficult to effectively support the current number of panels due to available resources.
- ii. **Align Scrutiny with the Council's three strategic aims – People, Place, Business.** This approach would align topics with the Council's strategic aims more directly. However, having such broad remit panels would result in topic overlap between directorates. Another disadvantage is that strategic aims can change depending on the political climate. Having panels generally align with Council directorates affords some degree of "future proofing" for the panels.

### **Impact(s) of the recommended decision(s)**

#### ***Legal***

The recommended scrutiny model still includes the statutory scrutiny panels therefore there are no legal implications.

#### ***Strategic priorities and risks***

17. The suggested remodelling of the scrutiny panels will ensure that communities are at the heart of what we do and that we continue to deliver value for money and enhance the reputation of Middlesbrough.

### **Human Rights, Equality and Data Protection**

18. There are no Human Rights, Equality or Data Protection issues.

### **Financial**

19. There are no financial implications.

### **Actions to be taken to implement the recommended decision(s)**

Action	Responsible Officer	Deadline
Once the model is approved by Overview and Scrutiny Board, it will be submitted to Council for information		

### **Appendices**

1	What does good scrutiny look like? – <b>APPENDIX A</b>
2	Options Appraisal carried out by the sub working group – <b>APPENDIX B</b>

### **Background papers**

Body	Report title	Date
Local Government	Overview and Scrutiny: statutory guidance for councils and combined authorities.	May 2019

**Contact:** Ann-Marie Wilson  
Head of Legal Services (People)

**Email:** [anmarie\\_wilson@middlesbrough.gov.uk](mailto:anmarie_wilson@middlesbrough.gov.uk)

This page is intentionally left blank



## What does good scrutiny look like?

For Officers	For Members	For Middlesbrough
<ul style="list-style-type: none"> <li>• Clarity on the role and purpose of scrutiny within the council’s overall governance framework, and how it aligns with council decision-making.</li> <li>• Proactive approaches being taken by the leadership to draw scrutiny into discussions on the development of policy.</li> <li>• An understanding that scrutiny’s sense of what’s important may diverge from the executive’s.</li> <li>• Support for the scrutiny function and a recognition of the value it can add to overall council governance</li> <li>• Developing greater expertise and insight, i.e. on the more technical aspects of finance, commercial activities and transformation.</li> <li>• Changing the way that information is provided to members for oversight,</li> </ul>	<ul style="list-style-type: none"> <li>• Clear terms of reference that are reviewed regularly including during topic selection to ensure appropriateness of topic and outcomes aims</li> <li>• Scrutiny chairs selected – or elected, by other councillors - on the basis of ability to lead committees in an impartial way, and supported with coaching and mentoring to build confidence and experience.</li> <li>• A role description prepared for the chairing and committee member roles to provide clarity around expectations and responsibilities.</li> <li>• Focussed topic selection - This could include selection criteria to identify appropriate topics for the work programme.</li> <li>• An emphasis on finding strong recommendations from questioning to present to executive members (or partners).</li> </ul>	<ul style="list-style-type: none"> <li>• Clear outcomes and recommendations that make a positive impact</li> <li>• Visibility of the work being carried out by scrutiny and seeing the importance of independent challenge</li> <li>• Having an input into topic selection</li> <li>• Publishing an annual scrutiny report, shared at full council, to outline scrutiny’s focus and impact over the past year.</li> <li>•</li> </ul>

[Type here]

<p>cutting back on the number of items coming to scrutiny solely for information.</p> <ul style="list-style-type: none"><li>• An annual process for developing work programmes for each scrutiny committee, engaging members, officers, partners and the public to prioritise the topics for review.</li><li>• Being flexible with work programming and understanding that it is developed on an ongoing basis.</li></ul>	<ul style="list-style-type: none"><li>• Have outcomes-focused meetings through preparation.</li><li>• Clear recommendations and outcomes that are measurable</li><li>• The use of task and finish sub groups to carry out specific pieces of work where appropriate</li><li>• Publishing an annual scrutiny report, shared at full council, to outline scrutiny’s focus and impact over the past year.</li><li>• Scrutiny and the executive working collaboratively – recognising the importance of independent challenge</li><li>• Upholding respectful behaviour between members and between members and officers even in the context of robust challenge, having regard to Codes of Conduct and the Seven Principles of Public Life.</li><li>• Scrutiny development and training for all committee members to develop a common understanding of what “good” scrutiny practice looks like.</li></ul>	
---	--	--

## Scrutiny panels - possible delivery options

### 1. Current Model – maintain the current model

Potential Benefits	Potential Risks
<ul style="list-style-type: none"> <li>• All services provided by the Council are covered and it is clear which Directorate(s) the Scrutiny Panel works with</li> <li>• Any issue which affects Middlesbrough Residents can be examined and it is clear which Scrutiny Panel would be most suited to deal with it</li> <li>• All Elected Members can have a seat on a Scrutiny Panel (excluding Executive Members) and have the opportunity to influence the direction of the Council if they wish to do so</li> </ul>	<ul style="list-style-type: none"> <li>• Officer resource available to support statutory functions, including Committee support</li> <li>• Not maximising effectiveness of panels</li> <li>• Topics chosen are too wide, not focused and don't always meet the criteria of strategic or policy development.</li> <li>• There is some overlap with the two Children's related Panels</li> <li>• The Children's Services Directorate has to support and often senior staff have to attend, both panels.</li> </ul>

### 2. Reduce number of panels – including merging some panels together

Potential Benefits	Potential Risks
<ul style="list-style-type: none"> <li>• Merging the two Children's Panels would reduce any overlap with those two panels and be less onerous on the Director in terms of attendance at meetings</li> <li>• Reduction in overall number of meetings – less attendance and preparation time for Officers and members</li> <li>• More effective use of time available to resource the Panel</li> </ul>	<ul style="list-style-type: none"> <li>• Officer resource available to support statutory functions, including Committee support</li> <li>• Not all topics could be covered in larger directorates such as Children's Services is a large Directorate</li> </ul>

**3. Align scrutiny to the four service directorates – Reduces panels by two but would include OSB and Health**

Potential Benefits	Potential Risks
<ul style="list-style-type: none"> <li>• Selected topics align with directorate aims</li> <li>• More outcome focused</li> <li>• Gives clear role and focus as to which topics may be included</li> <li>• Build more cohesive relationships between members and directorates</li> </ul>	<ul style="list-style-type: none"> <li>• Officer resource available to support statutory functions, including Committee support</li> </ul>

**4. Align Scrutiny with the Council’s three strategic aims – People, Place, Business**

Potential Benefits	Potential Risks
<ul style="list-style-type: none"> <li>• Selected topics can align into strategic aims more directly</li> <li>• More outcome focused</li> <li>• Gives clear role and focus</li> </ul>	<ul style="list-style-type: none"> <li>• Officer resource available to support statutory functions, including Committee support</li> <li>• Depending on topic selection, could become less focused and more difficult to cover emerging issues due to larger remits</li> <li>• Depending on the size of the scrutiny panels – would all Elected Members be able to have a place?</li> <li>• Some topics could overlap across Directorates</li> </ul>

**5. One Overview & Scrutiny Board – Create sub-groups after topics are selected (stat sub group of Health)**

Potential Benefits	Potential Risks
<ul style="list-style-type: none"> <li>• Gives flexibility around selection of topics</li> <li>• More outcome focused</li> <li>• Greater use of task and finish style groups. This can allow improved cross-party working and detailed investigation of a single issue focused on producing substantive recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>• May lack focus</li> <li>• Possible review of level of support to statutory functions, including Committee support</li> <li>• Statutory topics including Health, RIPA and Flood Risk Management still need to be scrutinized.</li> <li>• Would more task and finish style groups and less formal meetings lower the profile of scrutiny within the Council?</li> <li>• Depending on the size of the scrutiny panels – would all Elected Members be able to have a place?</li> </ul>

This page is intentionally left blank