

MIDDLESBROUGH COUNCIL

Report of:	Director of Legal and Governance Services
Relevant Executive Member:	Not Applicable
Submitted to:	Overview and Scrutiny Board
Date:	19 March 2025
Title:	Scrutiny Structures 2024/2025 – Evaluation
Report for:	Decision
Status:	Public
Council Plan priority:	Delivering Best Value
Key decision:	No
Why:	Not applicable
Subject to call in?:	No
Why:	Non-Executive decision.

Executive summary

On 7 May 2024, the Overview and Scrutiny Board agreed to implement a new scrutiny model. In accordance with what was agreed by the Board, this report provides an evaluation of the new scrutiny arrangements for the 2024-25 Municipal Year.

Following consideration of the new arrangements and feedback from Members, the Overview and Scrutiny Board is asked to note the findings and consider approving one of the proposed recommendations for implementation for the 2025-26 Municipal Year.

It is considered that the proposed recommendations are realistic alternatives to the current scrutiny structure that will enable the continued delivery of an effective scrutiny function.

1. Purpose

- 1.1 To seek the Overview and Scrutiny Board's approval of one of the proposed recommendations in respect of the scrutiny arrangements for the 2025-26 Municipal Year.

2. Recommendations

- 2.1 That the Overview and Scrutiny Board approves one of the following options for implementation for the 2025-26 Municipal Year:-

1. No Change to the current structure:

- Overview and Scrutiny Board.
- Place Scrutiny Panel (covering Environment and Regeneration).
- People Scrutiny Panel (covering Adult Social Care, Children's Services and Health).

2. Establish an additional Scrutiny Panel with the following configuration:

- Overview and Scrutiny Board.
- Place Scrutiny Panel (covering Environment and Regeneration).
- People Scrutiny Panel (covering Adult Social Care and Children's Services).
- Health Scrutiny Panel.

3. Establish an additional Scrutiny Panel with the following configuration:

- Overview and Scrutiny Board.
- Place Scrutiny Panel (covering Environment and Regeneration).
- Adult Social Care and Health Scrutiny Panel.
- Children's Services Scrutiny Panel.

- 2.2. The Overview and Scrutiny Board could reject the above recommendations and propose its own scrutiny structure having had due regard to the recommendations above.

3. Rationale for the recommended decision(s)

- 3.1 In accordance with the Overview and Scrutiny Board's Terms of Reference, the Board has delegated power to appoint and disband Scrutiny Panels as it sees fit.
- 3.2 Overview and Scrutiny Board agreed that an evaluation of the new scrutiny arrangements for the 2024-25 municipal year would be undertaken and presented to the Board by April 2025.

4. Background and relevant information

- 4.1 On 7 May 2024, a report setting out proposals for a new scrutiny model was presented to the Overview and Scrutiny Board. The report set out the rationale for the proposed changes which included the need to ensure the scrutiny function continued to deliver

an effective service for Middlesbrough’s residents, despite challenging operational considerations.

- 4.2 The Overview and Scrutiny Board agreed a revised scrutiny structure, reducing its thematic scrutiny panels from five to two. A result of reducing the panels in this way provided an enhancement of existing scrutiny support. A secondary, but interlinked benefit of this reconfiguration was an easing on pressure for reporting Officers and improved resilience within the Democratic Services Team.
- 4.3 The previous scrutiny model in Middlesbrough consisted of an Overview and Scrutiny Board and five thematic scrutiny panels (Adult Social Care and Services, Children’s Services, Environment, Health, Regeneration). Due to the nature of the thematic panels, there were several areas of overlap including demands on reporting officers’ time and resources to support the panels as effectively as possible.
- 4.4 The new model, implemented in May 2024, consists of an Overview and Scrutiny Board and two thematic scrutiny panels – People and Place. Whilst it is acknowledged that the remit of both panels is broad and varied, each is supported by two Democratic Services Officers (DSOs) with the aim of providing improved, and consistent, support to the panels without a reduction in the frequency of panel meetings.
- 4.5 To compensate for the reduction in panels, the number of places available on each panel was increased to ensure non-Executive Members continued to have the opportunity to be involved in scrutiny.
- 4.6 The Board subsequently agreed the following:-
- a) That the proposed scrutiny structure and model be implemented in the 2024-25 municipal year.
 - b) That, in April 2025, an evaluation be undertaken to review the scrutiny arrangements to evidence the impact of the new structure and model, identify tangible results, diagnose any problems and prescribe any solutions.
 - c) That the findings of the full evaluation be reported to the Overview and Scrutiny Board for consideration.
- 4.7 The table below sets out the current structure in terms of membership places and support from Democratic Services.

Panel Name	Number of Places	Democratic Services Support
Overview & Scrutiny Board	15 places (currently one vacancy)	1.5 DSO support
Place Scrutiny Panel	13 places (currently one vacancy)	2 DSO support
People Scrutiny Panel	13 places (currently one vacancy)	2 DSO support

- 4.8 As part of the new arrangements, it was agreed that an evaluation of the first year be undertaken and reported to OSB by April 2025.

- 4.9 During 2023-2024 two final reports were submitted to OSB compared to five final reports in 2022-2023. However, there had been changes to the panels, with the two previous Children's Services Panels (Social Care and Learning) amalgamating into a single Panel and the Culture and Communities Panel disbanding with other panels picking up its remit.
- 4.10 To put this into context, in 2022, there was one full time DSO working exclusively on Health Scrutiny and this post was deleted in December of that year. One full time DSO from the existing team then took on this role, with other DSOs in the team absorbing the non-scrutiny elements of this post in addition to their existing workloads.
- 4.11 During the current year, one final report has been submitted to OSB and three are currently in draft form and it is anticipated that they will be submitted by the end of the current Municipal Year.
- 4.12 Development – Whilst scrutiny specific training has not been delivered this year, there have been development opportunities for Members that are applicable to scrutiny, such as training on questioning and listening skills. Members were also offered the opportunity to complete a Personal Development Plan and Skills Audit to identify any specific training needs. The new scrutiny arrangements have provided an opportunity for Task and Finish groups to be established, and this has highlighted an additional training need that will be addressed in the forthcoming year.
- 4.13 Where additional scrutiny training is required, this will need to be considered as part of the Member Development Programme going forward.

Analysis

- 4.14 To analyse the current scrutiny arrangements, a comparator between the Municipal Years 2023/24 (five panels) and 2024/2025 (two panels) has been carried out. The analysis has focused on reviews, updates and task and finish groups taking place within scrutiny panels. As timings for final scrutiny reports considered by Executive can be affected by outside factors, these have not been considered as they do not accurately reflect scrutiny activity.
- 4.15 There are some general observations, and tangible results, when comparing scrutiny activity between 2023/24 and 2024/2025. These include: -
- All statutory updates, required to be submitted to the relevant scrutiny panels, have been achieved - with a total of six statutory updates being submitted, compared with five the previous year.
 - In total, three full scrutiny reviews have taken place with each topic currently having a draft final report in development, and two further scrutiny topic investigations having commenced. A further final report was finalised by the Place Scrutiny Panel at the start of the year, carried over from the former Environment Scrutiny Panel, and was approved by OSB in October 2024. This compares with a total of two final reports being submitted to OSB and Executive the previous year. Therefore, the number of completed reviews and final reports has increased from the previous year.

- No meetings have been cancelled this year, compared with a total of five cancelled meetings in the year 2023/24.
- There has been an increase in the pre-decision element of scrutiny. It is noted by Democratic Services that a protocol for pre-decision scrutiny is required and this is in development.
- The establishment of three Task and Finish Groups has also increased productivity of scrutiny, however, it is recognised that some form of formal guidance and training needs to be drawn up for implementation in the new Municipal Year.
- Having two DSOs to support each panel has increased resilience within the team and ensured continuity of support for the panels.
- Work Programming has not been affected, other than Overview and Scrutiny Board having oversight of a single work programme for all panels.
- Scrutiny Panel meetings have largely continued as on a 'single issue' or topic basis.
- Concurrent reviews have been undertaken in the Place Panel which has been possible due to support provided by two DSOs. It is also worth noting that such arrangements are at the discretion of the Chair and Members of that Panel as to how it wishes to operate.
- A new initiative in 2024-25 has been quarterly meetings between the Democratic Services Team and the Chairs and Vice Chairs of the three Scrutiny Panels. These meetings provide an opportunity for discussion on strategic scrutiny matters, including an evaluation against the statutory scrutiny guidance (as provided by the CfGS) and resolving any emerging scrutiny issues.
- Since the beginning of the 2024-25 Municipal Year, the three-weekly Democratic Services' Team Meetings include scrutiny as a standing item on every agenda for any discussion that may be required.

4.16 In terms of scrutiny outcomes, the following scrutiny activity has taken place within the respective panels:-

4.17 Place Scrutiny Panel

Reviews – The Panel has undertaken two scrutiny investigations concurrently - 'Empty Properties' and 'Home to School Transport'. Final reports are currently being drafted in respect of each topic and it is hoped that they will be submitted to the Overview and Scrutiny Board for approval by the Municipal Year end.

Task and Finish Groups – The Panel established two separate Task and Finish Groups to assist with the above reviews. Each Group was made up of four Members of the Scrutiny Panel and undertook additional work outside of the formal panel meetings to carry out research and gather relevant evidence, which was fed back at formal panel meetings.

By the end of February 2025, all statutory updates had been provided to the Place Scrutiny Panel:-

- Community Safety Partnership.
- Prevent and Channel.
- Flood Risk Management.
- Regulation of Investigatory Powers Act (RIPA).

The Panel is due to commence its third scrutiny review of the year in March 2025.

4.24 People Scrutiny Panel

Reviews – The Panel is in the process of drafting a final report in relation to its scrutiny investigation on ‘Children Missing from Education’ and has commenced a review of ‘Homelessness’.

Task and Finish Groups – The Panel did not establish any task and finish groups.

The Scrutiny Panel also considered the Quality Account 2023/24 for South Tees NHS Foundation Trust and the Quality Account 2023/24 for Tees Esk and Wear Valley NHS Foundation Trust and the Tees Suicide Prevention Strategic Plan 2024-2029.

By the end of December 2024 all statutory updates had been provided to the Panel:-

- South Tees Safeguarding Children Partnership Annual Report 2023/24.
- Teeswide Safeguarding Adults Board Annual Report 2023/24.

4.25 Overview and Scrutiny Board

Reviews – At the start of the year, the Board agreed not to undertake any topical reviews, unless there were any emerging or urgent issues that the Board wished to scrutinise.

A schedule of Executive Member attendance at the Board was drawn up at the start of the year and an Executive Member has attended each meeting to provide the Board with an overview of their portfolio, aspirations, priorities and challenges. These sessions have prompted robust discussion and questions, with additional requests for information which were followed up and subsequently distributed to Members via Democratic Services.

Task and Finish Groups – The Board established a Task and Finish Group to investigate ‘Community Cohesion’. The Group, made up of three Board Members, has gathered information from relevant officers and met with a local MP and Police and Crime Commissioner. The Task and Finish Group is currently drafting a report for consideration by the Board.

Pre-decision scrutiny – Whilst the Executive Forward Work Programme has always been a regular item on the OSB agenda, as part of emphasising the pre-decision scrutiny process, there has been greater focus on the content of the Work Programme at each meeting and Members were encouraged to request further information as they felt appropriate.

During the course of the year, the Board requested further information in relation to the following items:-

- Management and Maintenance of Development Land/Nutrient Neutrality Mitigation.
- Community Safety Enforcement Powers – Withdrawal of Neighbourhood Warden Police Accreditation Powers.

- Municipal Buildings Roof Repairs.
- Cemetery provision.

Detailed information was obtained from the relevant officers, and provided to the Board, via Democratic Services.

The Board has also made requests for additional information prompted by the Executive Member presentations.

Generally, DSOs have noted an increase in requests for information from Members which they have responded to.

The Board also received updates in relation to:-

- Consultation on the Review of Electoral Arrangements in Middlesbrough - Local Government Boundary Commission for England (LGBCE).
- Corporate Performance Quarter One.
- Revenue and Capital Budget Projected Outturn Quarter One 2024/25.
- Overview from Middlesbrough Voluntary Development Agency (MVDA).
- Corporate Performance Quarter Two.
- Revenue and Capital Budget Monitoring and Forecast Outturn Quarter Two 2024/25.
- 2025/26 Draft Budget and Medium-Term Financial Plan 2025-26 to 2028-29.
- Levick Court

The Board also held a Call-In meeting in relation to Disposal of Land at Nunthorpe Grange.

Workshops and written feedback

- 4.18 Two workshops were held inviting all Members and Leadership Team to provide feedback on the new arrangements. Members who were unable to attend were invited to provide written/verbal feedback to the team.
- 4.19 Seven Members attended the workshop on 27 February 2025 and eight Members attended on 4 March 2025, in addition to the Mayor and senior officers.
- 4.20 Written feedback was received from four Members, two of whom also attended the workshops.
- 4.21 A summary of the feedback received can be found in Appendix A. The general headings related to the following areas:-
- Number of panels.
 - Size and remit of panels.
 - Aligning scrutiny panels with the Council Plan priorities.
 - Recognition of the importance of the scrutiny function with appropriate resourcing.
 - The workload of Democratic Services could limit scrutiny and further resources were required.
 - Update on progress against the work programme.

- Suggested greater involvement from Panel Members in agenda setting for the next/future meetings, guided by the terms of reference for the current topic.
- The role of the Chair in encouraging and involving Members in the work of the panel.
- Members identified a training need around involvement in Task and Finish Groups and increased administrative support.
- Suggestion of site visits.
- Meeting days and timings.
- Evening meetings.
- Need to ensure that each scrutiny panel was held on a different day of the week.
- Pre-decision scrutiny.
- Focus for Executive Member attendance at Overview and Scrutiny Board.
- The role of scrutiny in policy development.
- A mechanism to undertake 'ad-hoc' scrutiny investigations on certain issues.
- Communication between Executive and Scrutiny.
- Councillor time commitments to Scrutiny.

4.22 Some Members have expressed concern regarding days/times of meetings as a barrier to attendance. Whilst this has been noted by Democratic Services, it is ultimately for Members to decide their preference. Traditionally, meetings are set following the Council's Annual General Meeting, in consultation with appointed Chairs.

4.23 Potential alternatives to this could be considered by Members, if they so wished. For example, specific dates and times for each scrutiny panel could be determined prior to nominations for the Annual General Meeting, or holding a 'scrutiny week', as operated in some local authorities, in which all the panel meetings are held in one week of the month, with each panel meeting on a different day.

4.24 Having considered the findings of the evaluation of the first year of the new scrutiny arrangements, both quantitative and qualitative data suggests that the People Panel's remit is too large (as it covers two directorates and external health care providers) and that not all themes within its remit have been covered sufficiently.

4.25 In recognition that the remit of the People Scrutiny Panel is too large, it is proposed that this is split to create two separate Panels – either by grouping Adult Social Care and Children's Services together and having a separate Health Scrutiny Panel or splitting the Panel to group Adult Social Care with Health (to be more reflective of the Service Directorates) and a separate Children's Services Scrutiny Panel. This will help to ensure that each area receives sufficient focus when determining the work programme.

4.26 In terms of place allocations; both Recommendations two and three above propose that Overview and Scrutiny Board remains a 15-place panel, with each of the three thematic scrutiny panels having nine places each. The rationale for this is that the current People and Place Scrutiny Panels have a total of 26 places available and a reduction to nine places across three panels is the closest equivalent - offering a total of 27 places. This will provide sufficient opportunity for any Non-Executive Member wishing to join a scrutiny panel.

5. Other potential alternative(s) and why these have not been recommended

- 5.1 A possible alternative to the proposals set out in the recommendations would be to establish more thematic scrutiny panels than those recommended. While there are numerous potential options this has not been recommended. A greater increase in the number of panels than recommended above, may have a detrimental impact on the level of support that can currently be provided by Democratic Services.
- 5.2 A further suggestion was to align scrutiny panels with the Council Plan priorities. This has not been proposed as a possible recommendation as the Council Plan will be refreshed in 2027 when there will be a potential for the priorities to change, in turn requiring further changes to the scrutiny panels. However, it is recognised that more thought should be given as to how the Council Plan priorities are addressed during development of the Work Programme, with a greater focus on how each investigation links to the priorities.

6. Impact(s) of the recommended decision(s)

Topic	Impact
Financial (including procurement and Social Value)	Any increases in the numbers of Scrutiny Panels will entitle Chairs of those new panels to a Special Responsibility Allowance at a rate of £5,595 each. Any identified training for Scrutiny Members will be considered as part of the Member Development Programme budget.
Legal	The recommended scrutiny model is inclusive of the statutory Scrutiny Panels therefore there are no legal implications.
Risk	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, Public Sector Equality Duty and Community Cohesion	There are no issues relating to Human Rights, Public Sector Equality Duty and Community Cohesion.
Climate Change / Environmental	There are no issues relating to Climate Change or the Environment.
Children and Young People Cared for by the Authority and Care Leavers	There are no issues relating to Children and Young People Cared for by the Authority and Care Leavers.
Data Protection	There are no Data Protection issues

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

Action	Responsible Officer	Deadline
Once the model is approved by Overview and Scrutiny Board, the new panels will be constituted	Ann-Marie Wilson Head of Legal Services	21 May 2025

by Council at the Annual Meeting 2025.		
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Appendices

1	Member Comments from Scrutiny Workshops
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3	

Background papers

Body	Report title	Date

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