Thurrock - An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future

Corporate Overview and Scrutiny Committee

The meeting will be held at **7.00 pm** on **14 January 2020**

Committee Room 1, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Oliver Gerrish (Chair), Jack Duffin (Vice-Chair), Colin Churchman, Garry Hague, Andrew Jefferies and Gerard Rice

Substitutes:

Councillors Mike Fletcher, Sue MacPherson, Allen Mayes, Sara Muldowney and Elizabeth Rigby

Agenda

Open to Public and Press

To approve as a correct record the minutes of the Corporate Overview and Scrutiny Committee meeting held on 3 September 2019.

To receive additional items that the Chair is of the opinion should be considered as a matter of urgency, in accordance with Section 100B (4) (b) of the Local Government Act 1972.

Queries regarding this Agenda or notification of apologies:

Please contact Lucy Tricker, Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **6 January 2020**

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- Enter the password **Thurrock** to connect to/join the Wi-Fi network.

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**

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Does the business to be transacted at the meeting
- **relate to; or**
- **likely to affect**

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature

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You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- **Not participate or participate further in any discussion of the matter at a meeting;**
- **Not participate in any vote or further vote taken at the meeting; and**
- **leave the room while the item is being considered/voted upon**

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Our Vision and Priorities for Thurrock

An ambitious and collaborative community which is proud of its heritage and excited by its diverse opportunities and future.

1. **People** – a borough where people of all ages are proud to work and play, live and stay

    *   High quality, consistent and accessible public services which are right first time

    *   Build on our partnerships with statutory, community, voluntary and faith groups to work together to improve health and wellbeing

    *   Communities are empowered to make choices and be safer and stronger together

2. **Place** – a heritage-rich borough which is ambitious for its future

    *   Roads, houses and public spaces that connect people and places

    *   Clean environments that everyone has reason to take pride in

    *   Fewer public buildings with better services

3. **Prosperity** – a borough which enables everyone to achieve their aspirations

    *   Attractive opportunities for businesses and investors to enhance the local economy

    *   Vocational and academic education, skills and job opportunities for all

    *   Commercial, entrepreneurial and connected public services

Minutes of the Meeting of the Corporate Overview and Scrutiny Committee held on 3 September 2019 at 7.00 pm

Present:	Councillors Oliver Gerrish (Chair), Jack Duffin (Vice-Chair) and Andrew Jefferies
Apologies:	Councillors Colin Churchman, Garry Hague and Gerard Rice
In attendance:	Sean Clark, Director of Finance & IT
	Roger Harris, Corporate Director of Adults, Housing and Health/Interim Director of Children's Services
	Jackie Hinchliffe, Director of HR, OD & Transformation
	Andrew Millard, Interim Director of Place
	Mykela Pratt, Strategic Lead - HR, Resourcing, and Improvement
	Daren Spring, Assistant Director – Street Scene & Leisure
	Gary Staples, Strategic Lead - Transformation
	Vincent Waddams, Senior Project Manager
	Natalie Warren, Strategic Lead - Community Development and Equalities
	Sarah Welton, Strategy Manager
	Lucy Tricker, Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

6. **Minutes**

   The minutes of the Corporate Overview and Scrutiny Committee held on 11 June 2019 were approved as a correct record.

7. **Items of Urgent Business**

   There were no items of urgent business.

8. **Declaration of Interests**

   There were no interests declared.

9. **Apprenticeship Strategy Update Report**

   The Strategic Lead – HR, Resourcing & Improvement introduced the report and explained that it showed the progression of the apprenticeship strategy now it was entering its third year, and the impact it was having. She stated that the Key Performance Indicator (KPI) target had been exceeded in 2018/19 with 60 new apprenticeships, which had been an increase since

2017/18. She commented that the KPI target for 2019/20 was to have 59 new apprenticeships, and this figure had been based on 2.3% of the current workforce headcount. She commented that the good work of apprenticeships had been recognised at this year's Staff Awards. The Strategic Lead – HR, Resourcing and Improvement then detailed the introduction of the annual Apprenticeships Recruitment Day and described how in 2018, 15 new starters had been recruited through this, and in 2019, over 25 offers had been made. She also drew Members attention to Appendix 1 of the report, which was a breakdown of the 60 new starters in 2018/19, describing how 50% were up-skilling within the Council, and 50% were new apprentices. She felt that the apprenticeships being offered were diverse across subject and level. She summarised and stated that the council were committed to retention of apprenticeships, with 50% of the 2017/18 being retained, and 6 permanent roles offered for the 2018/19 cohort so far.

The Chair welcomed the report and felt it was positive. He asked if the retention rate for apprentices was aspirational enough, and if the council could create roles for apprentices when their apprenticeships ended. He also asked a question on the source of apprentices, as he felt it would be good to see more apprentices coming into the council from outside the current workforce. The Strategic Lead – HR, Resourcing and Improvement replied that 50% was a good retention rate, but those that did not stay at the council often took other roles within the borough. She added that the council wanted to see apprentices fulfil their career aspirations wherever they maybe, although the council offered a good support package and therefore had a good completion rate. She added that the council had embedded Directorate 'Apprentice Champions' to ensure apprenticeships were offered across the whole council, and described the success of the Apprentice Recruitment Day. She stated that the 50% of apprentices that were classed as up-skilling within the council also included those new-starters that had completed their first apprenticeships and were moving up a level.

The Chair drew the Committee's attention to page 16, point 3.7 and asked how the levy funding to small/medium enterprises (SMEs) would work. The Strategic Lead – HR, Resourcing and Improvement answered that this was a new priority, which was in the early phase of scoping. The Director HR, OD and Transformation added that this was a project that was being looked at regionally and nationally, although Thurrock Council was spending a good proportion of its levy, but would assist local SMEs if the opportunity arose. She stated that the council were identifying new apprenticeships to support the workforce challenges in the council, such as social workers.

Councillor Duffin felt that this report was very positive and included good detail on the direction apprenticeships were travelling. He felt that parents were currently more in favour of their children taking up apprenticeships than going to university. Councillor Jefferies added that he felt the report was also positive, but asked if the figure of 50% apprentices retained included people who had worked for the council before their apprenticeship started. The Strategic Lead – HR, Resourcing and Improvement replied that this was not the case, and the figure only included new starters that had been retained.

RESOLVED: That:

1. The Committee noted and commented upon the progress made in the areas detailed in this report.

2. The Committee noted and supported the priority areas identified as key to continued success in Year 3 as detailed in 3.17 of this report.

10. **Grays South Regeneration: Civic Offices Project Position Statement**

The Interim Director Place introduced the report and stated that it had been born out of a Full Council motion in July 2019, which had proposed the cancellation of the Civic Offices project, and a request from the Corporate Overview and Scrutiny Committee for additional information. He stated that the report set out the current status of the project and the rationale behind it, as well as why the project was the best value option, both financially and for the wider regeneration benefits. The Interim Director Place felt that the Civic Offices project would encourage other investment in Grays and would improve the customer experience. He drew the Committee's attention to 2.1 and 2.2 in the report that detailed how the project would meet the wider regeneration ambitions and improvements for Grays. He commented that £200million was being invested into Grays regeneration, which included the proposed investment from New Rivers in the town centre. He also highlighted point 2.3 that summarised development in Table A, and the financial benefits of the project compared to refurbishment of CO1. He then highlighted 2.9 in the report that stated a Preconstruction Services Agreement contract had been signed in April 2019, and the Planning Committee had deferred the item until its September meeting. He added that land availability negotiations had taken place, so Thurrock Council had now acquired the freehold for properties in New Road and the High Street. He stated that early investigations had found that the CO1 site could yield 80 residential units, but with investment from New Rivers, this figure could be more ambitious. He also highlighted 2.13 and the proposals for Thameside, which had been de-coupled from the Civic Offices project, and stated that a separate report on this would come before the Committee at a later date. He summarised and added that recommendation 1 would have to be changed as Cabinet had moved from 4 September to 11 September.

The Chair began the debate and felt that this topic was of much interest to people across the borough. He asked what the £9.78million cost covered, and how this figure had been predicted. The Senior Project Manager replied that the figure of £9.78million included all build costs and professional costs for the development of the CO2 site. He stated that the CO1 site would be self-funded and would give a separate return. The Chair then asked how the figure of £2.8million for the return on CO1 was predicted. The Director Finance and IT replied that the figure of £2.8million was based on a Thurrock Regeneration Limited approach, which was a proven model as it had been used for the St Chads site. He stated that £2.8million included all of the ground preparation works, construction, rented income and finally capital receipts. The Chair

questioned the assumption he felt was made in the report that vacating CO1 would reduce costs, due to plant being at end-of-life. He asked what impact this would have on day-to-day running costs and savings. The Interim Director Place replied that using an old building, compared to running a BREEAM standard building would cost 30% more. The Director Finance and IT replied that any revenue savings that would be made from the project had not been banked. He added that any savings made from the project would help targets set in the Medium Term Financial Strategy (MTFS) of £900,000 saved this year, and £1million saved in coming years. He felt that the financial benefits were not the main driving force of the project though. He added that project was close to being cost-neutral in best financial estimates, but the project had been designed for its regeneration and housing benefits.

The Chair questioned how confident officers were that spending figures would not increase, as point 2.9 was not a final costing. He felt that the return on CO1 could decrease, whilst building costs could increase. He asked what contingency plans were in place, should this situation arise. The Interim Director Place responded that both return and spending could increase or decrease and point 2.3 to 2.8 in the report highlighted this. He felt that there was a strong housing market in Thurrock, and particularly Grays, which would ensure residential units in CO1 could yield significant returns. The Chair felt that the council should not expose itself to significant risk and asked how, if building costs increased, this would be managed. The Director Finance and IT replied that it would be the same as other capital projects, and that there would be a dedicated programme manager, as well as a dedicated team who could mitigate risk and control costings. He felt that the same questions could be asked about the refurbishment of CO1, as this would face the same risks. He added that managing capital projects was standard practice, and the dedicated team could put in place contingencies to manage risk. He summarised and clarified that if costs could not be contained, then savings would be sought elsewhere in the CO2 project.

Councillor Duffin asked if there had been any more decisions regarding the use of the new building as space in the evening, and what services would be offered. The Senior Project Manager replied that talks were currently underway with South Essex College regarding use of the space, and the café regarding extending their opening hours for the proposed new building. He felt that it was a circular scenario, as the more people who used the space; the more people would go there. He added that the proposed new Civic Offices would be community focussed, and not just for transactional council needs. Councillor Duffin asked how much work had been done on this, and felt that the council wanted residents to use more online services, rather than using the council offices. The Senior Project Manager replied that for transactional requests, Thurrock were encouraging a shift to online, but the most vulnerable residents would still use the Civic Offices.

The Chair agreed with Cllr Duffin and felt that the benefits were tailing the project, rather than leading. He felt that the benefits listed on page 34 of the report could also be achieved using the current Civic Offices space, for example making offices Wi-Fi enabled or renting out spaces for residents. He

asked officers what the project would achieve that could not already be done with the current buildings. The Interim Director Place replied that this was a cost-neutral proposal, and provision of the same services in the current space would not be of a high standard. He felt that the project added to the further regeneration of Grays town centre, for example the new underpass and potential investment of £100million from New Rivers, and provided wider benefits. The Chair asked to see an itemized list of plant that was at the end of its economic life, and how much it would cost to replace the plant. The Senior Project Manager replied that this would be sent to Members after the meeting. He added that the building would need to be gutted to allow replacement of all the plant and equipment for continued use as an office, however, taken as a whole, CO1 would be surplus to requirements and so excess space would need to be let out commercially. He commented that internal reconfiguration would be required to allow private tenants to have their own areas and entrances, and if used for housing, the existing building would need to be demolished, so no separate gutting would be required. The Director Finance and IT added that the money being used for this project could not be used elsewhere, and the council had never turned down and other project to allow this one to be completed.

Councillor Jefferies commented that he felt Grays needed the regeneration benefits that this project would provide, such as housing and investment. He added that the project would make Grays the capital of Thurrock, and would add to the recent central government funding given to Grays town centre. He felt it would connect Grays, as currently the railway line separated the two sides.

The Chair summarised and stated that the Committee had considered numerous new arguments during the course of debate and requested an additional recommendation reading as follows "The Committee call on Cabinet to cancel the Civic Offices Project, and convene an all-party Working Group to review ongoing options for the Civic Offices and capital spend". Councillor Duffin commented that he felt creating a Working Group would not achieve a lot, as Cabinet could disregard recommendations made. Councillor Jefferies commented that he could not support an additional recommendation of that nature as he felt the project would increase investment and housing by making use of a redundant building.

The Chair called a vote in relation to recommendation 1.2:

In favour: Councillor Gerrish, Councillor Duffin
Against: Councillor Jefferies

The vote was carried in favour of introducing recommendation 1.2.

RESOLVED: That:

1. The Committee noted the contents of this report and made any comments to be considered by Cabinet at its meeting on 11 September 2019, these comments to be verbally provided.

2. The Committee called on Cabinet to cancel the Civic Offices Project subject to additional work to adequately demonstrate the benefits that would be delivered by the project.

11.   **Collaborative Communities - Thurrock's Approach to Community Engagement**

The Strategic Lead – Community Development and Equalities introduced the report and stated that community engagement covered a broad spectrum, but the introduction of a new consultation portal increased residents inclusion, although it was only in early stages of development. She felt it was the right time to introduce a new community engagement approach, which could galvanise best practice and work across council departments. She added that all council departments should be working with communities to deliver joint outcomes and enable community action, without encountering too much bureaucracy. She summarised and stated the purpose of this report was to gauge Members views and increase community conversations.

The Chair welcomed the report and felt it was crucial to engage communities. He asked about the process of moving community engagement forward, for example by mapping community groups, and ensuring harder to reach communities were included. The Strategic Lead – Community Development and Equalities answered that the team were currently organising a conference with CVS that would display best practice and how the council were effectively managing services. She clarified that the new framework would not just consult residents, but would actively engage them. She mentioned that the council had a good understanding of voluntary, faith and community groups, and had an 'asset map' on a variety of groups. She stated that the new portal was digital and interactive to help harder to reach groups get involved and feel a part of their community.

The Chair asked if new digital engagement was being considered as part of this approach, such as community Facebook pages. The Strategic Lead Community Development and Equalities replied that the consideration of social media was included as part of the strategy, and the portal was becoming a way to increase traction on social media. She added that the portal was not just for surveys, but also for residents to make suggestions, comments and showed visual maps. She stated that it also had a participation budget tool, so a council department could show residents how much money they could spend on a project and residents could get involved by deciding on certain aspects within that budget. She commented that the purpose of this report was to get Member agreement and then every department would sign up to this proposal, so all services could think about the community and say yes to community action.

Councillor Duffin commented that he wanted to see consultation and petition successes pushed on social media, so residents could see the feedback from their participation. He felt that residents often felt disenfranchised as they were consulted on topics, but the outcomes did not change. He wanted to see

community engagement leading to definitive change. The Strategic Lead Community Development and Equalities agreed that residents often felt like decisions had already been made, so the new proposal would help to convince people their participation does matter. She added that new portal would give feedback to residents on consultation, and gave the example of the library consultation that highlighted to residents how they had been listened too. Councillor Duffin asked that consultations become easier to use, for example using yes or no polls on Facebook, or asking people to vote and share their opinion. The Strategic Lead Community Development and Equalities replied that the new portal could achieve this, as it was not wholly council led, so residents could become pro-active. She stated the team were now using quick polls to gauge resident's opinion, as well as making the system more user-friendly by introducing emojis.

Councillor Jefferies felt it was good to see increased resident engagement, and highlighted 2.4 in the report, stating that it was good to see Members could get involved and lead, as often they had access to resident's viewpoints. Councillor Duffin asked if there was scope around the petitions process, so communities could drive the narrative. The Strategic Lead Community Development and Equalities responded that petitions were now included on the portal, so it was easy for a resident to raise a petition. She added an article had been written by the company who ran the portal, which highlighted how well Thurrock were using the system.

RESOLVED: That:

1. The Committee considered the proposal to develop a new framework for community engagement building on the principle of collaboration with communities.

2. The Committee made comments to support the scope in this paper and the development of this approach.

12.   **Quarter 1 Corporate Performance Report 2019/20**

The Strategy Manager introduced the report and stated it was the first Corporate Performance report in 2019/20, and followed a similar format to previous years. She mentioned that following comments made previously at the Corporate Overview and Scrutiny Committee, a 'route to green' was now included for any Key Performance Indicator (KPI) that had missed target, and provided additional commentary.

The Chair felt it was good see the new 'route to green' as it was helpful to see concrete plans that were being undertaken for KPIs which had not reached target, for example the percentage of waste recycled or reused. He felt that some KPIs 'route to green' was not as detailed as he would like to see, but understood this was the first review using this system. He added it was good to see the KPI regarding bins collected on the correct day had met its target, and was now measured in a different way, so the Committee could see month-on-month targets, rather than an overall view.

Councillor Duffin added it was good to see the 'route to green' and felt it was a good change in formatting.

RESOLVED: That:

1. The Committee noted and commented upon the performance of the key corporate performance indicators in particular those areas which are off target

2. The Committee identified any areas which require additional consideration

13. **Work Programme**

No Members or officers had any items to add to the Work Programme.

The meeting finished at 8.13 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

14 January 2020	ITEM: 5
Corporate Overview and Scrutiny Committee	
Local Council Tax Scheme	

Wards and communities affected:	**Key Decision:**
All	Key

Report of: Andy Brittain, Strategic Lead for Revenues and Benefits
Accountable Assistant Director: N/A
Accountable Director: Sean Clark, Corporate Director of Finance, Governance and Property
This report is Public

Executive Summary

Local Council Tax Support (LCTS) helps support council taxpayers who have a low income by providing a reduction in the actual amount in Council Tax payable.

On 1 April 2013, LCTS replaced the national Council Tax Benefit Scheme (CTB). Unlike CTB, which was wholly funded by Central Government and administered by local authorities, for LCTS each council was required to design and implement its own scheme against a backdrop of 10% reduction in central funding.

In order to keep the process as simple and efficient as possible Thurrock and the majority of other authorities made the decision to keep the Local Scheme aligned as closely as possible to Housing Benefit Legislation, this was to be reconsidered once Universal Credit had been fully rolled out.

Initially, Universal Credit was to be fully implemented for all new and existing Working Age claimants by 2017, however this has now been extended nationally and the Government's latest forecast suggests the project will not complete before 2023. In view of this, new Housing Benefit legislation is now forming part of the Welfare Reform agenda with this benefit continuing until at least 2023.

The Council is, however, required to consider its scheme annually. The current LCTS scheme was implemented on the 1 April 2017 following consultation and was subsequently agreed for the 2019/20 financial year with no changes.

This report provides details of Thurrock's scheme which is currently considered to be fit for purpose. There are therefore no proposals to amend the scheme for 2020/21,

however it is proposed a full review is undertaken within 2020/21 and on receipt of clarity regarding the future of Universal Credit.

1.   Recommendations:

1.1   To note the analysis of the current scheme;

1.2   To consider the recommendation that no changes are made to the current scheme for 2020/21; and

1.3   To undertake a full review of the scheme within 2020/21 once the government has confirmed further detail on the future of universal credit.

2.   Introduction and Background

2.1   The design of each LCTS scheme must be finalised by the 11th March ahead of the relevant year to which it relates. Failure to provide a scheme by this date will trigger the implementation of a default government scheme. The default scheme would require the council to revert back to the level of support that would have been provided under the national Council Tax Benefit arrangements. With regards to current caseload, reverting to the national scheme would result in an additional cost to Thurrock of circa £1m per annum.

2.2   Some components of the LCTS scheme have been directed by Government such as:

- All low income pensioners will be protected under the national framework as defined by DCLG;
- Consideration for protection for vulnerable working age groups will be allowed for; and
- Each authority's scheme will maintain work incentives wherever possible. The Government continues to stress the importance of this principle given the current economic climate and their welfare reform agenda.

2.3   From 2014/15, any specific funding for the LCTS scheme was rolled up into the Revenue Support Grant (RSG) as provided to local authorities by the government. It is entirely for local authorities to decide how much they are prepared to spend on their LCTS scheme.

2.4   Local authorities take on the risk that liabilities under LCTS exceed the amount projected for at the start of the relevant financial year. This risk is shared between billing and major precepting authorities with circa 15% of the council tax collected by the council being paid over to the Essex County Fire and Rescue Service and Essex Police.

3. Analysis/ assessment of current scheme

3.1 Overview of existing Scheme

The existing Scheme contains the following elements:

- To ensure work pays, the first £25 per week of earned income is disregarded when calculating levels of council tax support;
- The maximum capital limit is to be set at £6,000. This means anyone who has savings over £6,000 may not receive support with their council tax;
- For working age claimants, the maximum support that will be allowed will be 75% of their full council tax bill;
- To assist those with families the Child benefit and child maintenance received will not be included as income in the calculation of council tax support;
- The maximum period a claim can be backdated under the scheme is one calendar month. In order to qualify for this the claimant will need to provide good reason for not claiming earlier;
- There is a full disregard of military compensation payments, including War Disablement Pensions, War Widow's Pension and Armed Forces Compensation Scheme payments;
- The number of dependants assessed in the calculation of claimants needs is a maximum of two; and
- The maximum period of an award when temporarily absent outside the United Kingdom is four weeks.

3.2 Administration of the scheme and impact of Universal Credit

The numbers of UC claimants claiming LCTS are being monitored. As at the July 2019 there was a total LCTS case load of 9,740; of this 2,003 claims were for people in receipt of Universal Credit.

Due to the design of UC any related LCTS claims have to be reassessed more frequently. This is due to Universal Credit awards being reassessed on a monthly basis to reflect changes in income, whereas legacy benefits were generally awarded on a fixed term. However this process has now been automated to negate any additional administration.

At this stage the introduction of Universal Credit in the Authority has not made any significant change to the amount of LCTS awarded to claimants.

3.3 Accessibility

The application process for LCTS is linked to other national benefits such as Universal Credit and Housing Benefit. This means that people who claim these benefits are automatically considered for LCTS and do not need to make a separate application. Where a separate application is required these can be made online. Assistance is available via customer services,

community hubs and various other organisations for those who need help in completing a claim.

3.4   Cost of Scheme and Caseload

The number of people claiming LCTS continues to reduce, this is attributed to improving employment factors.

Within Thurrock the number of LCTS claimants within the period 1 April 15 to 31 March 19 reduced by 12.7%. This reduction compares favourably to the national average for the same period of 10%.

As a result of the reduction in claimants the cost of the scheme has also fallen from £9m to approximately £8.0m since the 1 April 2013. This has increased the Council Tax Base and reduced the cost of the scheme borne by wider tax payers.

The expenditure for 2019/20 is estimated to be circa £7.9m. The breakdown of current claimants by claimant type as at July 2019 is as follows:

Claimant Type	Number of Claimants	CTS Awarded	Average % of Liability Awarded
Working age - Employed	1281	£751,039	51.93%
Working age - Not Employed	4541	£3,503,493	72.27%
Pension Age	3918	£3,731,741	89.28%
Total	**9740**	**£7,986,274**	**76.25%**

The expected cost of the scheme for 2020/21 is proposed at £8.2m this allows for any potential additional cost to the scheme as a result of Council Tax increases or economic downturn.

3.5   Affordability and Collection

In the interests of claimants and wider tax payers the scheme needs to balance the overall cost of the scheme against affordability for claimants.

In order to achieve this, in combination with the principle that all working age claimants should contribute something towards their council tax liability, the local scheme remains means tested, and provides support up to a maximum support level of 75%.

The amount each claimant is required to pay is therefore subject to their individual circumstances and is reassessed for any reported changes in circumstances to ensure the level of support remains appropriate.
The table below compares the weekly council tax charges and minimum amount (assuming 2 adults in occupation) that Thurrock claimants are

required to contribute to their council tax against the average of comparable Essex authorities:

Average of Comparable Essex Authorities (Based on 2 Adults in Occupation)								
	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Band Charge	£22.61	£26.38	£30.15	£33.92	£41.45	£48.99	£56.53	£67.83
Working Age - Amount left to pay	£5.01	£5.84	£6.68	£7.51	£12.60	£17.68	£22.77	£30.40

Thurrock - (Based on 2 Adults in Occupation)								
	Band A	Band B	Band C	Band D	Band E	Band F	Band G	Band H
Band Charge (Weekly)	£19.91	£23.23	£26.55	£29.87	£36.51	£43.15	£49.78	£59.74
Working Age - Amount left to pay	£4.98	£5.81	£6.64	£7.47	£9.13	£10.79	£12.45	£14.93

Setting the minimum contribution too high would make the scheme unaffordable to claimants and this would lead to a reduction in collection rates.

The design of the current scheme builds in various protections and incentives and supports a high collection rate. For 2018/19 council tax collection rates for those in receipt of LCTS was 96.22%, against an overall collection rate of 98.91%.

Levels of payment default for council tax are therefore broadly comparable between LCTS claimants and those not receiving support. Whilst collection rates for LCTS are not available to compare nationally, overall Thurrock has one of the best collection rates for council tax in England ranking 16th of 328 councils measured.

3.6   Complaints

There have been no specific complaints recorded regarding the council's scheme in 2018/19.

3.7   Additional Support

Alongside the LCTS scheme various other mandatory and discretionary discounts and exemptions are in place to provide assistance and support to specific groups. These include: Care Leavers' exemption to the age of 21 (25 in exceptional circumstances); Severe Mental Health Exemption; and Single Persons Discount. The council also considers its wider discretionary power in exceptional cases to reduce the council tax owed where appropriate.

4.   Future Considerations

4.1   Most authorities continue with a scheme closely linked to the Housing Benefit assessment process however some have implemented schemes designed to simplify the assessment process, such as incorporating a low verification of income requirement. Whilst the benefits of such schemes could eventually lead to administration efficiencies as Universal Credit roll out increases, there is also a potential risk of increased fraud which needs to be carefully considered.

5. **Consultation (including Overview and Scrutiny, if applicable)**

5.1   The Council is required to have an LCTS scheme and the proposed scheme meets this requirement. The scheme supports claimants in the community and ensures the revenue raised is collectible supporting the medium-term financial strategy.

6. **Implications**

6.1   **Financial**

Implications verified by: **Jonathan Wilson**

                                  Assistant Director Finance

The financial implications are set out in the body of the report.

6.2   **Legal**

Implications verified by: **Tim Hallam**

                                  Acting Head of Law, Assistant Director of Law and Governance and Monitoring Officer

The Council Tax Benefit system was abolished by Section 33 of the Welfare Reform Act 2012. The Local Government finance bill prescribed certain steps in the design of a local scheme, such as consultation and publication. The bill also enables the Secretary of State to introduce both regulations and guidance relating to local schemes. The Government has included regulations to ensure pensioners will not lose or gain relative to the previous system. The LCTS scheme must be ratified by full Council by the 11th March 2020 at the latest to enable the authority to implement the scheme from 1st April 2020.

6.3   **Diversity and Equality**

Implications verified by: **Natalie Smith**

                                  Community Development and Equalities Manager

The Council has a duty as set out in the Equality Act 2010 to consider the equality impact of its policies and decisions. The LCTS can be claimed by anyone in the Borough meeting the eligibility criteria.

6.4   **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, and Impact on Looked After Children)

None

7. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

Working Papers held by Corporate Finance, and Revenues and Benefits.

8. **Appendices to the report**

None

Report Author:

Andy Brittain

Strategic Lead for Revenues and Benefits

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14 January 2020	ITEM: 6
Corporate Overview and Scrutiny Committee	
Mid-Year Corporate Performance Report 2019/20	
Wards and communities affected: All	**Key Decision:** Non-key
Report of: Karen Wheeler, Director of Strategy, Communications & Customer Services	
Accountable Assistant Director: n/a	
Accountable Director: Karen Wheeler, Director of Strategy, Communications & Customer Services	
This report is public	

Executive Summary

This is the mid year corporate performance monitoring report for 2019/20 reporting up to the end of September 2019.

At this midpoint in the year, this is a very positive report as overall three quarters of indicators are currently achieving target and 55% are better than the previous year.

This report provides a progress update in relation to the performance of those KPIs, including a focus on some specific highlights and challenges. Of particular note are the significant achievements in housing satisfaction and the consistently improved and on target performance relating to bin collections.

This report details the statistical evidence the council will use to monitor the progress and performance against the council's priorities. For 2019/20, these set of indicators were agreed by Cabinet in July 2019.

1. **Recommendation(s)**

1.1 **To note and comment upon the performance of the key corporate performance indicators in particular those areas which are off target**

1.2 **To identify any areas which require additional consideration**

2. Introduction and Background

2.1. The performance of the priority activities of the council is monitored through the Corporate Key Performance Indicator (KPI) framework. This provides a mixture of strategic and operational indicators.

2.2. The indicators have been chosen to be as clear and simple to understand as possible, whilst balancing the need to ensure the council is monitoring those things which are of most importance, both operationally and strategically.

2.3. This reflects the demand for council services increasing and being ever more complicated and the need for a holistic approach to monitoring data and intelligence. Analysis of performance and internal processes at service level by Directors continued monthly throughout 2018/19 and will continue throughout 2019/20.

2.4. These indicators will continue to be reported to both Corporate Overview and Scrutiny Committee and on to Cabinet on a quarterly basis, throughout 2019/20.

2.5. In line with the recommendation from Corporate Overview and Scrutiny Committee in June 2019, throughout 2019/20, where performance is below target, commentary will be included to show the intended improvement plan. This is included in Section 3.5 as the "Route to Green".

3. Issues, Options and Analysis of Options

3.1 This report is a monitoring report, therefore there is no options analysis.

3.2 **Summary of Corporate KPI Performance**

Quarter 2 2019/20 Performance against target	
Achieved	73.8% (31)
Failed	26.2% (11)

Direction of Travel compared to 2018/19		
↑	**BETTER**	55% (22)
➜	**STATIC**	17.5% (7)
↓	**WORSE**	27.5% (11)

This is higher than the 67.5% overall percentage achieving target in 2018/19 and the same as the Quarter 1 position of 73.8% achieving target.

3.3 On target performance

Approximately three quarters of corporate KPIs achieved their end of year targets.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Quarter 1	In month July	In month Aug	In month Sept	Quarter 2	Quarter 2 Target Status	Direction of Travel since 2018/19	Quarter 2 Target	2019/2020 Target
Proportion of people using social care who receive direct payments	Cllr Little	33.1%	36.5%	36.9%	36.4%	36.6%	36.6%	ACHIEVED	↑	32%	32%
% of refuse bins emptied on correct day	Cllr Watkins	97.85%	99.4%	99.2%	99.8%	99.5%	99.5%	ACHIEVED	↑	98.5%	98.50%
Tenant satisfaction with Transforming Homes	Cllr Johnson	87.50%	86.2%	90.6%	90.3%	87.2%	88.0%	ACHIEVED	↑	85%	85%
Forecast National Non-Domestic Rates (NNDR) collected	Cllr Hebb	98.9%	99.3%	99.3%	99.3%	99.3%	99.3%	ACHIEVED	↑	99.3%	99.3%
% of potholes repaired within policy and agreed timeframe	Cllr Maney	99.10%	100%	100%	100%	100%	100%	ACHIEVED	↑	98%	98%
Contact Centre - Face to Face average waiting times (minutes)	Cllr Huelin	03:56		01:25	00:48	00:59		ACHIEVED	↑	3 mins	3 mins
Number of delayed transfers of care - days from hospital (attrib. to NHS, ASC & Joint)	Cllr Little	2,459	414	70	153	data in arrears	data in arrears	ACHIEVED	↑	1,020	3,036 (prov)
No of health hazards removed as a direct result of private sector housing team intervention	Cllr Johnson	896	201	85	96	197	579	ACHIEVED	↑	450	900
% General tenant satisfaction with neighbourhoods/services provided by Housing	Cllr Johnson	68%	73.9%	75.7%	74.3%	81.6%	75.5%	ACHIEVED	↑	75%	75%
% occupancy of commercial properties	Cllr Coxshall	89%	91%				91%	ACHIEVED	↑	88%	88%
Successful completion of treatment in Young People's Drug & Alcohol service (YTD)	Cllr Halden	89%	100%				95%	ACHIEVED	↑	70%	70%
No of GP practices with a profile card and agreed joint priorities within the preceding 12 months	Cllr Halden	93%	100%				100%	ACHIEVED	↑	93%	93%
No of placements available within council for volunteers	Cllr Huelin	180	191				240	ACHIEVED	↑	230	210
% of young people who reoffend after a previously recorded offence	Cllr Little	18%	18% (Q4)				11% (Q1)	ACHIEVED	↑	National average (39.6%)	
% of 17-21 yr old Care Leavers in Education, Employment or Training	Cllr Halden	62%	61%				66%	ACHIEVED	↑	Above national average (51%)	
Number of additional hypertensive patients diagnosed following screening programmes	Cllr Halden	694	255				477	ACHIEVED	↑	300	600
Street Cleanliness - a) Litter	Cllr Watkins	10.06%	Tranche 1 8%				Tranche 2 5.83%	ACHIEVED	↑	9%	9%

Indicator Definition	Portfolio Holder	2018/19 Outturn	Quarter 1	In month July	In month Aug	In month Sept	Quarter 2	Quarter 2 Target Status	Direction of Travel since 2018/19	Quarter 2 Target	2019/2020 Target
Overall spend to budget on HRA (£K variance)	Cllr Johnson	£0	£0	£0	£0	£0	£0	ACHIEVED	→	£0	£0
Number of applicants with family commitments in Bed & Breakfast for six weeks or more (ie presenting as homeless with children/pregnant)	Cllr Johnson	0	0	0	0	0	0	ACHIEVED	→	0	0
% of Major planning applications processed in deadline	Cllr Coxshall	100%	100%	100%	100%	100%	100%	ACHIEVED	→	90%	90%
% of Minor planning applications processed in deadline	Cllr Coxshall	100%	100%	100%	100%	100%	100%	ACHIEVED	→	90%	90%
Overall spend to budget on General Fund (% variance against forecast)	Cllr Hebb	0%	0%	0%	0%	0%	0%	ACHIEVED	→	0%	0%
Forecast Council Tax collected	Cllr Hebb	98.9%	98.9%	98.9%	98.9%	98.9%	98.9%	ACHIEVED	→	98.9%	98.9%
% of all schools judged "good" or better	Cllr Halden	88%	88%				88%	ACHIEVED	→	National average	National average (85.6%)
% of repairs completed within target	Cllr Johnson	97.70%	97.4%	96.6%	97.7%	98.0%	97.3%	ACHIEVED	↓	95%	95%
% Rent collected	Cllr Johnson	98.80%	89.6%	93.4%	93.0%	93.7%	93.7%	ACHIEVED	↓	98%	98%
Average time to turnaround/re-let voids (in days)	Cllr Johnson	26.64 days	26.5 days	27.7 days	26.6 days	26.8 days	26.8 days	ACHIEVED	↓	28 days	28 days
No of new apprenticeships started (incl current staff undertaking new apprentice standards)	Cllr Huelin	60	7	2	3	27	39	ACHIEVED	↓	9	59 (2.3%)
Total gross external income (fees & charges) (based on sales forecast)	Cllr Hebb	£9.32m	£7.34m	£7.34m	£7.61m	£7.61m	£7.73m	ACHIEVED	↓	£7.7m	£7.7m
Average time (in days) for a child to be adopted (3 year average) (ie time between entering care and moving in with adoptive family)	Cllr Little	343 days (Revised figure)	366 days				381 days	ACHIEVED	↓	National average	National average (486 2015-18)
Number of new Micro Enterprises started since 1 April 2019	Cllr Huelin	new KPI	14				27	ACHIEVED	n/a	10	20
Value (£) of council owned property disposals	Cllr Coxshall	new KPI	£320k				£470k	n/a	n/a	n/a	Baseline

3.4   In focus for Quarter 2

Of particular note in Quarter 2 are the following indicators for which more detail is provided below:

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/2020 Target
No of new apprenticeships started (incl current staff undertaking new apprentice standards) as % of workforce	Cllr Huelin	60	7	2	3	27	39	ACHIEVED	↓	9	59 (2.3%)

The target for apprentices is exceeding its profiled target at this stage in the year with credit due to targeted work completed by recruiting managers in collaboration with the resourcing and improvement teams. The apprentice recruitment day was held in July 2019 with over 20 apprenticeships on offer and all successfully recruited to. Additionally, apprenticeships are being offered as an upskilling opportunity to existing staff members which is also helping the target. There is positive work in the pipeline to ensure we continue to on board further apprentices through the remainder of the year with confidence high that the target will be exceeded overall.
A detailed report was given to Corporate Overview and Scrutiny Committee at the September 2019 meeting.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/2020 Target
% General tenant satisfaction with neighbourhoods/services provided by Housing	Cllr Johnson	68%	73.9%	75.7%	74.3%	81.6%	75.5%	ACHIEVED	↑	75%	75%

Tenant satisfaction with the overall service provided by Housing was 81.2% in September which is the highest satisfaction rate ever recorded for this measure by a margin of 2.8%. In addition to this year to date performance for this measure is now on target at 75.5% which represents an improvement of 7.5% in comparison with the 2018-19 outturn.
It has previously been reported that one of the key drivers for tenant dissatisfaction was communication and engagement. In order to address this a number of measures have been implemented in order to improve communication and to enhance the way the Housing department engages with tenants including the development of a formal communications plan, the inception of an annual tenants conference, enhancements to the Tenants Excellence Panels involvement in service delivery as well as a new tenants e-newsletter. Further to this, a new wider ranging tenant satisfaction survey will be undertaken early in 2020 to allow us to better understand our tenants with a view to improving service delivery.
Analysis shows that the measures which have been implemented to improve communication and engagement have had an impact on satisfaction overall with 4% more tenants reporting satisfaction with the way they are kept informed of issues which affect them in comparison with last year. In addition to improvements in communication and engagement, this year there have also been improvements in tenant satisfaction with Transforming Homes, ASB, quality of home, grounds maintenance, caretaking, new tenants sign up process, value for money and Estates Officers which demonstrates improved service delivery this year overall.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/2020 Target
% of refuse bins emptied on correct day	Cllr Watkins	*97.85%*	99.4%	99.2%	99.8%	99.5%	99.5%	ACHIEVED	↑	98.5%	98.50%
With extensive work going on over the last year, it is positive to be able to report that with a single exception when the indicator was just 0.03% below target (March 2019) we have collected more than 98.5% of the bins in the borough on the scheduled collection day every month for a year. Work continues to ensure balanced rounds and strong performance going forward.											

3.4.1 No of HRA-funded homes (units) that have started to be built since 1 April 2019

This indicator has been removed from the suite of indicators for 2019/20 but will return in 2020/21.

Work has continued on three HRA housing development projects that were approved in previous years, with completions anticipated in March and April 2020 on the Tops Club and Claudian Way projects. The Calcutta Road project is also in construction.

The council has embarked on a root and branch review of how housing schemes are developed, ensuring there is additional engagement and oversight in the process. Housing Overview and Scrutiny Committee and Cabinet will both consider the process by which each potential site is assessed, as well as the 'long list' of proposed sites. It is expected that these reports will have been considered by February 2020.

Based on the outcome of this process, the future pipeline of sites which will be brought forward will have higher degree of certainty, having gone through a rigorous process of assessment and engagement. On that basis and until this review is complete, there will be no further sites brought forward and therefore no HRA-funded homes starting on site.

Once approval is received for the "long list" of sites, work will progress at pace to bring forward detailed site by site proposals with the aim of achieving the next starts on site later in 2020.

3.5   Off target indicators

At the end of Quarter 2, 11 indicators failed to meet their target.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/ 2020 Target
Number of library members signed up and active within 12 months (loans / PC use)	Cllr Huelin	*25,756*	25,383				25,865	FAILED	↑	26,271	26,785

Libraries have joined 2,490 new members July-Sept 2019. This is in comparison to 2,248 in the same period last year which shows an increase of 242 members. However, some customers became 'inactive' as they have not used the service in the last 12 months. The increase in new members is largely due to the Children's Summer Reading Challenge. The vacant post of Children's Learning Services Officer was recruited to in late July.

Route to **GREEN**

The Summer Reading Challenge took place in August-September and was successful in increasing membership. Class visits have resumed from September and families are encouraged to join their children during these visits. All libraries have a daily new member target and all staff are being reminded to maintain the impetus and continue to promote library membership wherever possible, for example through outreach activities.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/ 2020 Target
Permanent admissions of older people (aged 65+) to residential and nursing care homes per 100,000 population	Cllr Little	*669 per 100,000*	139 (33)	198 (47)	261 (62)	345 (82)	345 (82)	FAILED	↓	332 (79)	656 (prov)

Although performance is 13 per 100,000 population under target, this equates to 82 permanent admissions which is only 3 people over the 79 profiled target. Due to the nature of this indicator, it is difficult to predict the demand for residential/nursing care.

In addition, 28 of the 82 individuals are "full costers" (34%) which means that these placements are not funded by the council. Analysis with the Eastern Region has shown that most other local authorities do not have full costers because once an individual is assessed as able to fund their own care, the council duty is discharged and the individual is required to make a private arrangement with the care home. In Thurrock, the council will still make the placement, provided at council-agreed rates, and will continue to support the individual with reviews etc. As such, Thurrock figures for this indicator are higher than other local authorities.

Route to **GREEN**

Individuals are only placed in residential or nursing care if this is the most appropriate setting to meet their needs and all other community-based services have been considered and deemed unable to meet the need. The indicator is regularly audited to ensure all individuals placed in permanent residential/nursing care were placed appropriately. Due to the nature of this indicator, it is difficult to predict the demand for residential and nursing care, however as the indicator is currently only 3 people over the profiled target, it is likely that performance can recover in the coming months.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/ 2020 Target
Proportion of older people (65+) still at home 91 days after discharge from hospital into reablement/ rehabilitation	Cllr Little	*82.50%*	86.9%				86.2%	FAILED	↑	86.3%	86.3% (prov)

Performance is only 0.1% under target and Thurrock is performing better compared to the latest national average (82.4%), regional average (81.2%) and CIPFA comparator group (80.7%). Of the 94 individuals who were discharged from hospital into a Reablement Service in the period, 81 were at home 91 days later. Of the 13 individuals who were not at home, 7 had passed away, 3 were in hospital, and 3 had moved to residential care.

Due to the fragility of the home care market, the Joint Reablement Team has been required to provide mainstream home care, which has impacted on their ability to deliver reablement and may have affected performance. Recently, the Council have terminated the contract of one Domiciliary Care provider due to their inability to provide the service for which they were contracted resulting in all care packages needing to be taken back.

In addition, whilst the reablement service aims to improve independence to keep individuals at home for longer, some individuals may have health conditions that might mean that full independence is not possible. Some individuals can also have changes in circumstances or new conditions after reablement has taken place which has caused a loss of independence and may not be attributable to the service provided. In the case of the 7 individuals who have passed away, the age group was 72-96, with an average age of 83 years old.

Route to **GREEN**

Work continues to stabilise the market and we currently have two contracted domiciliary care providers, along with five spot providers, and our in house domiciliary care provision. We have also recently launched two new Wellbeing Teams currently based in the Tilbury and Chadwell localities, with plans to roll out this new approach across the whole of Thurrock. We also have in place a Bridging Service to facilitate hospital discharge which also provides some reablement support. A review of the reablement pathway is in progress and is due to be completed by the end of the year.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/ 2020 Target
% of volunteer placements filled within council	Cllr Huelin	*85%*	90%				90%	FAILED	↑	92%	96%

Following unexpected changes within the team leading the onboarding of volunteers, there have been temporary delays associated with the processing of new applications in the second half of the quarter leading this KPI just failing to reach target.

Route to **GREEN**

A volunteer recruitment action plan has been developed with adequate resourcing now in place to ensure that the target returns to green in Quarter 3 2019/20. Actions include the allocation of resource two days a week to cover the ongoing onboarding requirements as well as any backlog. In addition, resource is in place to ensure DBS checks, where applicable, are progressed swiftly to ensure the KPI is on target for the next quarter.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/ 2020 Target
% of primary schools judged "good" or better	Cllr Halden	*90%*	92%				92%	FAILED	↑	94%	94%

In Quarter 2 there were three Ofsted Inspections of primary schools - Arthur Bugler and West Thurrock remained Good and The Gateway Primary Free School improved from Requires Improvement to Good. There are three primary schools that are not yet judged to be Good, two of whom have become sponsored academies and have changed their DfE number so have no inspection judgement currently. Both have significantly improved but is unlikely they will be re-inspected yet as Ofsted give schools up to five terms after they become an academy before they are inspected again.

Route to **GREEN**

Both schools have worked closely with the local authority and the multi-academy trusts to improve and their most recent data is at or above national averages. The third school that is not yet good is working with its Trust and the teaching schools to improve teaching and learning. It is unlikely that the school will be re-inspected until at least Sept 2020 due to the Ofsted cycle.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/ 2020 Target
Number of places accessed for two year olds for early years education (2YE) in the borough	Cllr Halden	*79.6%*					73.49% (Summer term)	FAILED	↓	75%	75%

Traditionally the lowest take up for 2YE is during the summer term because childcare providers have generally filled their places and there is no movement until September when children leave to take up their school places. There were 30 children on the 2YE summer term database who were unable to access a place because the chosen childcare provider was full and could not offer a place until the autumn term. Their families were offered the option of accessing with other providers in the area but declined often because their older children had attended the chosen setting and there was an established relationship with the provider. If these 30 children had accessed a placement during the summer term the take up would have been 77.26% and above target.

Route to **GREEN**

The route to green is to have eligible child accessing 2YE and not remain on a waiting list. The Two Year Entitlement Team work hard to encourage parents to take up their funding with alternative providers which includes making them aware that if they wait a term they may fall out of eligibility. However, it is parental choice as to which childcare provider they choose to send their child. The 30 children were on waiting lists with 14 different settings. One was a new setting not opening until September and one was in the process of moving onto a school site but with no expansion to their numbers. Only one of the settings was actively seeking to increase the number of placements they offer but currently this is not supported by Thurrock.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/ 2020 Target
% NEET + Unknown 16-17 year olds (Age at start of academic year)	Cllr Halden	*1.9%*	2.5%				20.5%	FAILED	↓	1.6%	1.6%

The NEET figure for September 2019 stands at 1.5% - the target has been met. The Unknown figure stands at 19% - the target has not been met due to seasonal fluctuations of the figure which annually sees a spike each September/October and which comes down in November. This is a result of the process of reporting to DfE.
The combined NEET + Unknown figure for September 2019 stands at 20.5% - the target has not been met due to the Unknown figure standing at 19%.

Route to **GREEN**

Significant tracking takes place annually in September, October and November in order to confirm the educational/training and employment destinations of approximately 6000 young people in Thurrock. This in turn will bring the Unknown figure back to '0' in November. The Combined NEET +Unknown figure will therefore come down to target.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/ 2020 Target
No of Thurrock businesses benefitting from ERDF programmes	Cllr Coxshall	*68*	13				17 (4)	FAILED	n/a as new phase	20	40

There has been a temporary reduction in the number of Thurrock businesses receiving support from the European Programmes over the past quarter. Most of the outputs in previous quarters have come from the LOCASE programme but delivery closed in July and we are waiting to hear if a new programme will be funded.

The SECCADS programme operates across the South East LEP area and has seen a real downturn in grant applications over the summer months across the whole area. There have not been any grant applications from businesses in Thurrock but interest is picking up now that the summer holidays have ended.

The Tilbury CLLD programme is now underway and there has been some interest from local businesses but no grants defrayed to date. The project officer has purchased a business database for Tilbury and is now visiting each eligible business to engage on a 1:1 basis and encourage applications.

Route to **GREEN**

The team will be looking at promoting the funds available over our social media accounts and on our website. The CLLD programme manager will continue to engage with eligible businesses in Tilbury on a 1:1 basis if necessary. The team will also look at diverting resource from other work to contact businesses and encourage engagement directly.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/ 2020 Target
Payment rate of Fixed Penalty Notices (FPNs)	Cllr Gledhill	*61.60%*	53.05%	55.64%	62.40%	43.21%	54.40%	FAILED	↓	70%	70%

The payment rate continues to be below the 70% target, a key reason for this appears to be the increase in fine value to £150. Non-payment is unacceptable. The council will continue to pursue payment through legal processes. A further factor that influences this indicator is that the payment rate is calculated monthly whilst offenders can have up to three months in which to make a payment. The result of this is that payment rate can appear to be lower than they actually are. All non - payment FPN cases are progressed to court for prosecution in line with the Single Justice Process system (SJP) as set by the magistrates. Since April 2019, there have been 85 successful convictions in a criminal court and the council will continue to take robust action against non-payment of FPNs. The average court results per non- payment FPN case are fine: £150; victim surcharge: £30; costs: £100 = total £280.

Route to **GREEN**

Non-payments of FPNs has been reviewed and an additional procedure of contacting non payers, prior to case file completion has shown some positive results. Those that don't pay are being pursued through the court process. This increased activity has shown positive results.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1 Outturn	In month July	In month Aug	In month Sept	Qtr 2 Outturn	Qtr 2 Status	Direction of Travel since 2018/19	Qtr 2 Target	2019/ 2020 Target
% Household waste reused/ recycled/ composted	Cllr Watkins	37.5%	39%	38%	37%	32%	36%	FAILED	↓	44.4%	41%

The recycling rate at the mid-year point of the year is below target although in line with last year's performance. The last five years has shown a steady decline from 40.93% in 2013/14. The council can only 'encourage' residents to recycle and this is done using social media, information leaflets and the council's website to provide advice on what materials are collected both at kerbside and at the Household Waste Recycling Centre as part of a comprehensive communication plan.

Route to **GREEN**

There are a number of elements which will contribute to achieving our route to green.
- A cross party working group has been established to consider a new Waste Strategy with focus on increasing recycling rates. This is a long term intervention unlikely to have a direct impact on recycling rate this year.
- The pilot that was initiated to introduce recycling facilities at two flatted communities in Grays has been successful, with clean recycling being collected from both sites. Residents have provided positive feedback and plans are being developed to roll out the programme at all flats in borough over the next 18 months. This is an exciting programme that is likely to have a significant positive impact on recycling tonnages in future.
- The service is also exploring ways to separate additional materials and divert these to be recycled. The trial that was initiated with mattresses being diverted has been successful with 125.5 tonnes of mattresses (1,312 individual items) recycled in the first two months of the trial.
- This year so far, we have delivered recycling focussed assemblies at 13 schools reaching over 4,000 children. A further nine events are already scheduled.

Indicator Definition	Portfolio Holder	2018/19 Outturn	Tranche 1	Tranche 2	YTD	YTD Status	Direction of Travel since 2018/19	Tranche Target	2019/ 2020 Target
Street Cleanliness - c) Graffiti	Cllr Watkins	4.28%	3.67%	4%	3.83%	FAILED	↑	3%	3%

Based on independent inspections that are carried out by Keep Britain Tidy and cover 300 individual sites across a series of wards and land usage types, the level of graffiti reported in the borough is higher than the target agreed for this year after two rounds of inspections.

The Clean and Green teams have been actively removing graffiti from the street furniture and infrastructure as it appears. All reports of graffiti are actioned within agreed timeframes and in addition to this all members of staff in mobile teams have been equipped with the tools and materials to enable them to remove or cover graffiti as they find incidents of this on their rounds.

Route to **GREEN**

It is important to note that a significant proportion of the graffiti identified in the street cleanliness inspections is on private property and as such cannot be immediately removed by the team. The service continues to work closely with Environment Enforcement Officers to ensure that graffiti on private property is removed.

3.6 Other key indicators

Throughout the year the council also monitors some other indicators as part of the corporate scorecard which, whilst not performance related, are important to keep under review.

Demand Indicator Definition	Portfolio Holder	2018/19 Outturn	Qtr 1	In month July	In month Aug	In month Sept	Qtr 2	Direction of Travel since 2018/19
Contact Centre - Face to Face - no of visitors	Cllr Huelin	68,822	14,489	5,668	4,757	5,050	29,964	↓
Number of households at risk of homelessness approaching the Council for assistance	Cllr Johnson	1,605	418	195	193	182	988	↑
No of homeless cases accepted	Cllr Johnson	97	27	4	5	6	42	↓

4. Reasons for Recommendation

4.1 The corporate priorities and associated performance framework are fundamental to articulating what the council is aiming to achieve. It is best practice to report on the performance of the council. It shows effective levels of governance and transparency and showcases strong performance as well as an acknowledgement of where we need to improve.

4.2 This report highlights what the council will focus on during 2019/20 and confirms the governance and monitoring mechanisms which were in place to ensure that priorities are delivered.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 Performance against the corporate priorities was monitored through Performance Board, a cross-council officer group of performance experts representing each service. Performance Board will continue to consider the corporate KPIs on a monthly basis, highlighting areas of particular focus to Directors Board.

5.2 Each quarter a report will continue to be presented to Corporate Overview and Scrutiny Committee, and finally reported to Cabinet.

6. Impact on corporate policies, priorities, performance and community impact

6.1 The vision and priorities cascade into every bit of the council and further to our partners, through key strategies, service plans, team plans and individual objectives.

6.2   This report will help decision makers and other interested parties, form a view of the success of the council's actions in working towards achieving the vision and priority ambitions.

7.   Implications

7.1   **Financial**

Implications verified by: **Dammy Adewole**

Senior Management Accountant – Central Services

The report provides an update on performance against corporate priorities. There are financial KPIs within the corporate scorecard, the performance of which are included in the report.

Where there are issues of underperformance or increased demand, any recovery planning commissioned by the council may entail future financial implications, and will need to be considered as appropriate.

7.2   **Legal**

Implications verified by: **Tim Hallam**

Acting Head of Law, Assistant Director of Law and Governance and Monitoring Officer

There are no direct legal implications arising from this report. However, where there are issues of underperformance or increased demand, any recovery planning commissioned by the council or associated individual priority projects may have legal implications, and as such will need to be addressed separately as decisions relating to those specific activities are considered.

7.3   **Diversity and Equality**

Implications verified by: **Rebecca Lee**

Community Development Team Manager

The Corporate Performance Framework for 2019/20 contains measures that help determine the level of progress with meeting wider diversity and equality ambitions, including youth employment and attainment, independent living, vulnerable adults, volunteering etc. Individual commentary is given throughout the year within the regular monitoring reports regarding progress and actions.

7.4   **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, and Impact on Looked After Children)

The Corporate Performance Framework includes areas which affect a wide variety of issues, including those noted above. Where applicable these are covered in the report.

8. **Background papers used in preparing the report** (including their location on the council's website or identification whether any are exempt or protected by copyright):

    N/A

9. **Appendices to the report**

    N/A

Report Author:

Sarah Welton
Strategy Manager

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14 January 2020	ITEM: 7
Corporate Overview and Scrutiny Committee	
Briefing on Statutory Guidance on Overview and Scrutiny in Local Authorities	
Wards and communities affected: None	**Key Decision:** Non-key
Report of: Lucy Tricker, Democratic Services Officer	
Accountable Assistant Director: Tim Hallam, Acting Head of Legal, Assistant Director of Law and Governance, and Monitoring Officer	
Accountable Director: Sean Clark, Director of Finance, Governance and Property	
This report is public	

Executive Summary

Following the publication of the Ministry of Housing, Communities and Local Government's (MHCLG) Statutory Guidance on Overview and Scrutiny in Local Authorities on 7 May 2019; this report has been published to update and outline Members on what the new guidance includes and how Thurrock Council complies with it.

1. **Recommendation(s)**

1.1 **That the Committee note the updated MHCLG Statutory Guidance on Overview and Scrutiny in Local Authorities, published in May 2019.**

1.2 **That the Committee comment on any aspects of the guidance they would like addressed in the ongoing review of the overview and scrutiny function.**

2. **Introduction and Background**

2.1 The MHCLG Statutory Guidance on Overview and Scrutiny in Local Authorities was issued under Section 9Q of the Local Government Act 2000 and Paragraph 2(9) of Schedule 5a to the Local Democracy, Economic Development and Construction Act 2009. As it is statutory guidance local authorities 'must have regard' for the guidance, and must be followed unless there is good reason not to.

2.2   It outlines the role that effective overview and scrutiny should play and defines effective overview and scrutiny as:

- Providing a constructive 'critical friend' challenge
- Amplifying the voices and concerns of the public
- Being led by independent people who take responsibility for their role
- Driving improvement in public services

3.   Issues, Options and Analysis of Options

3.1   The guidance is categorised into six separate areas, as outlined below.

The importance of culture for overview and scrutiny

Overview

3.2   The statutory guidance states that "culture, behaviours, and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails", and reiterates that the overview and scrutiny process should be led and owned by Members.

3.3   It lists how authorities can establish a strong organisational culture, for example through recognising scrutiny's legal and democratic legitimacy; continued engagement between the Executive and scrutiny; and implementation of an Executive-Scrutiny Protocol. The guidance also recognises the importance of public engagement and Full Council for scrutiny's work.

Thurrock Context

3.4   Members of the Executive and scrutiny are currently undertaking a review of overview and scrutiny at Thurrock, which will discuss the relationship between scrutiny and the Executive. This will then form part of the recommendations in the review that will be agreed at Cabinet or Full Council, dependent on best governance practice.

The importance of resourcing

Overview

3.5   The guidance highlights the importance of resourcing for effective overview and scrutiny, for example budget allocation and provision of officer time, including the provision of ad-hoc external support.

Thurrock Context

3.6   Democratic Services, as well as specialist and senior departmental staff, provide Members with support on issues relating to scrutiny, and are available to answer any questions or discuss problems.

How to select Committee Members

Overview

3.7   The guidance states that when selecting Members to sit on a Committee, factors such as experience, expertise, and interests should be taken into consideration. It also recommends holding a secret ballot to decide who will be the Committee Chair. Committee training and induction should also be offered, as well as co-opted members and technical advisors being used to add weight to decisions.

Thurrock Context

3.8   Committee training and induction is offered throughout the year, both mandatory training, and three external training sessions that cover different aspects of scrutiny work, for example committee and questioning skills. Members also undertook additional committee training this year on 'community leadership', with external voluntary organisations running workshops for Members to enable them to help their residents. Co-opted members also sit on a variety of scrutiny committees such as Housing and Children's Overview and Scrutiny.

Power to access information

Overview

3.9   Under law, an authority has the right to withhold information from a scrutiny committee, although the Executive should send a letter to the scrutiny committee outlining the reasons why. The new guidelines also embeds the idea that scrutiny has the power to seek information from external organisations.

Thurrock Context

3.10   Thurrock Council do not often include confidential or exempt information in reports, but if this type of information is requested by an overview and scrutiny committee and cannot be provided, the process of the Executive writing a letter to scrutiny committees will be considered as part of the ongoing scrutiny review.

3.11   Overview and scrutiny committees at Thurrock Council have the power to seek information from external organisations, and they are often invited to attend meetings. This builds a co-operative relationship between the Council and external partners. Thurrock's scrutiny Committees have good relationships with a range of external partners, for example, c2c often attend Planning, Transport and Regeneration Overview and Scrutiny Committee to discuss the train lines, and members of Essex Police attend Cleaner, Greener and Safer Overview and Scrutiny Committee.

The importance of planning work

Overview

3.12   The guidance outlines how scrutiny can become more effective by planning their work programmes and drawing up a long-term agenda, whilst also ensuring it is flexible enough to accommodate any short-term and urgent items. It is suggested that key stakeholders, such as members of the public and voluntary organisations are consulted on the Work Programme, as well as senior officers and members of the Executive.

Thurrock Context

3.13   Each scrutiny committee has a Work Programme, which is a standing item on the agenda. Members and officers have a chance at the end of each meeting to add an item to the Work Programme on a particular topic they would like to discuss, and plan the Work Programme accordingly. The Work Programme is a long-term document as it outlines reports for the entire municipal year, as well as sometimes including reports to be discussed in coming years. If a topic is particularly substantial, the scrutiny committee have the power to establish a Task and Finish Group to focus on the issue in more detail. For example, the Planning, Transport and Regeneration Overview and Scrutiny Committee created the Local Development Plan Task and Finish Group to focus on the Local Plan.

3.14   As the Work Programme is published online as part of the agenda, members of the public and other key stakeholders can have sight of the document so they are aware of upcoming reports. Stakeholders can then contact Members or officers to discuss items on the Work Programme and be a part of the governance process.

Evidence Sessions

Overview

3.15   The guidance sets out the need in some cases for scrutiny committees to organise evidence sessions before a formal committee meeting to inform their work, set out questions to be asked, and set overall objectives.

Thurrock Context

3.16   At Thurrock Council, evidence sessions occur during committee meetings as Members have the opportunity to ask questions and receive additional information that can help them in their decision-making. In addition, site visits and fact-finding sessions can be organised before committee's for Members to understand a topic in detail. For example, Members on the Health and Wellbeing Overview and Scrutiny Committee visited Orsett Hospital before a report went to committee regarding its potential for closure; and Members on

the Children's Overview and Scrutiny Committee visited Tilbury's Children's Centre to understand how they worked in the community.

4.   Reasons for Recommendation

4.1   This report is to inform Corporate Overview and Scrutiny Members on the latest central government statutory guidance and how this affects Thurrock's overview and scrutiny processes.

5.   Consultation (including Overview and Scrutiny, if applicable)

5.1   As a briefing paper this report does not require consultation, but senior officers are aware of the guidance and its importance for Corporate Overview and Scrutiny to have sight.

6.   Impact on corporate policies, priorities, performance and community impact

6.1   Delivery of successful, high-quality governance has a significant impact on all of Thurrock Council's priorities. Specifically, on including the community in governance procedures such as Committee meetings and asking questions of Members. To be an effective part of the scrutiny process, Members should be aware of the guidance in their day-to-day work.

7.   Implications

7.1   **Financial**

Implications verified by: **Joanne Freeman**

Senior Management Accountant

This report has no financial implications. All overview and scrutiny reports include their own individual financial implications.

7.2   **Legal**

Implications verified by: **Tim Hallam**

Acting Assistant Director of Law and Governance, Head of Legal and Monitoring Officer

The MHCLG Statutory Guidance on Overview and Scrutiny in Local Authorities was issued under Section 9Q of the Local Government Act 2000 and Paragraph 2(9) of Schedule 5a to the Local Democracy, Economic Development and Construction Act 2009. As it is statutory guidance local authorities 'must have regard' for the guidance, and must be followed unless there is good reason not to.

7.3   **Diversity and Equality**

Implications verified by: **Roxanne Scanlon**

Community Engagement and Project Monitoring Officer

This report helps Thurrock Council meet its diversity and equality requirements by allowing Thurrock to meet statutory guidelines on overview and scrutiny, and therefore allowing greater input by members of the public to democratic processes.

7.4   **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder, or Impact on Looked After Children)

- N/A

8.   **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- N/A

9.   **Appendices to the report**

- Appendix 1: Ministry of Housing, Communities and Local Government: Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, published 7 May 2019

Report Author:

Lucy Tricker

Democratic Services Officer

Finance, Legal and IT

Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

Contents

Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for
This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance
This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance
This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

<u>Terminology</u>
Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.[1]

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

<u>Expiry or review date</u>
This guidance will be kept under review and updated as necessary.

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[1] A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.

2. Overview and scrutiny committees have statutory powers[2] to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

> Effective overview and scrutiny should:
> - Provide constructive 'critical friend' challenge;
> - Amplify the voices and concerns of the public;
> - Be led by independent people who take responsibility for their role; and
> - Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.

4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.

6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

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[2] Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.

8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.

9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.

10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture
11. Authorities can establish a strong organisational culture by:

   a) **<u>Recognising scrutiny's legal and democratic legitimacy</u>** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for <u>all</u> authorities operating executive arrangements and for combined authorities.

   Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

   b) **<u>Identifying a clear role and focus</u>** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

   Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

> In particular:
>
> - The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
>
> - The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

   Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.

g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.

h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

   One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).

j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.

13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
   - rights of access to documents by the press, public and councillors;
   - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
   - delegated decisions by the Mayor;
   - whistleblowing protections for both staff and councillors; and
   - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.

16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.

17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

> When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:
> - Scrutiny's legal powers and responsibilities;
> - The particular role and remit scrutiny will play in the authority;
> - The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
> - The need for ad hoc external support where expertise does not exist in the council;
> - Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
> - Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,[3] someone whose role is to:
    - promote the role of the authority's scrutiny committee;
    - provide support to the scrutiny committee and its members; and
    - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

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[3] Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- Committee – officers are drawn from specific policy or service areas;
- Integrated – officers are drawn from the corporate centre and also service the executive; and
- Specialist – officers are dedicated to scrutiny.

21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.

24. While there are proportionality requirements that must be met,[4] the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny[5].

> Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.[6] Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.

26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.[7] This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

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[4] See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

[5] See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf

[6] Section 9FA(3) of the Local Government Act 2000.

[7] 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

> Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives[8]. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person[9].

32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair[10].

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

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[8] A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.
[9] See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).
[10] Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

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36. There are two principal ways to procure this:
   - Co-option – formal co-option is provided for in legislation[11]. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
   - Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

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[11] Section 9FA(4) Local Government Act 2000

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.

38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information[12]. In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.

40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.

41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

> While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision[13]. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

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[12] Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
[13] Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

> Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member[14]. When agreeing to such requests, authorities should:
   - consider whether seeking clarification from the information requester could help better target the request; and
   - Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions[15]. It is the duty of members and officers to comply with such requests.[16]

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

   a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;

   b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

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[14] Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
[15] Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
[16] Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to 'set the record straight' in a public setting; and

d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority's pre-existing relationship with it.

> Following 'the Council Pound'
> Scrutiny committees will often have a keen interest in 'following the council pound', i.e. scrutinising organisations that receive public funding to deliver goods and services.
>
> Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.

48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.

50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.

51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.

52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:

- *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
  - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
  - Voluntary sector partners;
  - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
  - In parished areas, town, community and parish councils;
  - Neighbouring principal councils (both in two-tier and unitary areas);
  - Cross-authority bodies and organisations, such as Local Enterprise Partnerships[17]; and
  - Others with a stake and interest in the local area – large local employers, for example.

- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources
54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:
- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

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[17] Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

> As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':
> https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

> Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:
>   • Do we understand the benefits scrutiny would bring to this issue?
>   • How could we best carry out work on this subject?
>   • What would be the best outcome of this work?
>   • How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work
58. Selected topics can be scrutinised in several ways, including:

   a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;

   b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

c) **<u>At a task and finish review of two or three meetings</u>** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;

d) **<u>Via a longer-term task and finish review</u>** – the 'traditional' task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and

e) **<u>By establishing a 'standing panel'</u>** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

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7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal 'task and finish' groups or at standalone sessions.

> Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

> Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.

62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.

63. After an evidence session, the committee might wish to hold a short 'wash-up' meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.

66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

    i.   the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;

    ii. the development of those findings, which will set out some areas on which recommendations might be made; and

    iii. the drafting of the full report.

67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

> Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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Work Programme

Committee: Corporate Overview and Scrutiny Committee   **Year:** 2019/20

Dates of Meetings: 11 June 2019, 3 September 2019, 19 November 2019, 14 January 2020, 10 March 2020

Topic	Lead Officer	Requested by Officer/Member
11 June 2019		
End of Year Corporate Performance Report 2018/19	Sarah Welton/Karen Wheeler	Officer
Work Programme	Democratic Services Officer	Standard Item
3 September 2019		
Quarter 1 Corporate Performance Report	Sarah Welton/Karen Wheeler	Officer
Collaborative Communities: Scope	Natalie Warren	Member
Civic Offices Position Statement	Detlev Munster/ Andy Millard	Member
Apprenticeships Strategy Update	Jackie Hinchliffe	Member
Work Programme	Democratic Services Officer	Standard Item
19 November 2019 – CANCELLED DUE TO PURDAH		
14 January 2020		
Local Council Tax Scheme	Jonathan Wilson/Sean Clark	Member
Briefing on Statutory Guidance on Overview and Scrutiny in	Matthew Boulter	Member

Work Programme

Topic	Lead Officer	Requested by Officer/Member
Local Authorities		
Mid-Year/Quarter 2 Corporate Performance Report	Sarah Welton/Karen Wheeler	Officer
Work Programme	Democratic Services Officer	Standard Item
23 January 2020 – Extraordinary Meeting		
Draft Budget	Jonathan Wilson/Sean Clark	Officer
Capital Strategy 2020/21	Jonathan Wilson/Sean Clark	Officer
Capital Programme Proposals	Jonathan Wilson/Sean Clark	Member
Grays Regeneration – Thameside Complex	Vince Waddams/Sean Clark	Officers
Work Programme	Democratic Services Officer	Standard Item
10 March 2020		
Quarter 3 Corporate Performance Report	Sarah Welton/Karen Wheeler	Officer
Scrutiny Review	Matthew Boulter	Member
Commercialisation Strategy: routes to greater income for the council	Sean Clark/Sharon Bayliss	Member
Asset Strategy Update	Detlev Munster/Andy Millard	Member

Work Programme

Topic	Lead Officer	Requested by Officer/Member
Communications Strategy	Karen Wheeler	Member
Community Forum Chairs Invite	Natalie Warren	Member
Work Programme	Work Programme	Work Programme

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