

COUNCIL

DATE	26 th May 2022
REPORT OF	The Monitoring Officer
SUBJECT	Annual Review of the Constitution
STATUS	Open
FORWARD PLAN REF NO.	Not applicable

CONTRIBUTION TO OUR AIMS

Good governance arrangements contribute directly to the achievement of the Council's strategic aims.

EXECUTIVE SUMMARY

A report setting out amendments and modifications to the Council's constitutional and governance arrangements for the Municipal Year 2022/23.

RECOMMENDATIONS

1. That the Scheme of Delegation, as currently set out in the Constitution, be approved for the Municipal Year 2022/23 subject to any changes required by (i) operation of law or (ii) owing to the direct effect of Cabinet or Committee decisions, in which case authority is delegated to the Monitoring Officer to make such changes, in consultation with the Leader of the Council (in respect of executive arrangements) and the Chair of any relevant Committee or Panel (non-executive arrangements) as the case may be.
2. That the recommendations of the scrutiny review group, as set out at Appendix 1 of the report now submitted, be approved.
3. That the proposed amendment to Standing Order 10B be referred to the Standards and Adjudication Committee to consider any recommendations to be made back to Council.
4. That authority be delegated to the Monitoring Officer, in consultation with the Group Leaders, to make any amendments of a minor nature to the Constitution from time to time.

REASONS FOR DECISION

To ensure that the Council's governance arrangements are fit for purpose.

1. BACKGROUND AND ISSUES

- 1.1 The annual review of the Constitution is intended to ensure that the Council's governance arrangements are fit for purpose and meet the needs of the prevailing political arrangements.

2. SCHEME OF DELEGATION

- 2.1 The scheme of delegation, in so far as it relates to the discharge of executive responsibilities, is approved by the Leader. Nonetheless, Council is asked to approve the scheme of delegation, in full and subject to the Monitoring Officer being given delegated authority to make such consequential in-year changes required by operation of law or to give effect to Cabinet and/or Committee decisions, in consultation with the Leader (executive arrangements) and the relevant Committee Chair (non-executive arrangements) as the case may be. There are no proposed changes this year to the Council's Scheme of Delegation.

3. REVIEW OF SCRUTINY ARRANGEMENTS

- 3.1 At its meeting on 26th January 2022, Full Council resolved to commission a review of the Council's overview and scrutiny arrangements. It was felt that the outcome of the children's services improvement agenda, the wider local government landscape and the continuing challenges presented by the COVID pandemic merited consideration of the ongoing focus and operation of the scrutiny function. As requested, the outcome of the review is now presented to Full Council as part of this report. The findings and recommendations of the cross-party review group can be found in the report attached at Appendix 1 for Council's consideration.

4. STANDING ORDERS

- 4.1 A request has been received from the leading group on the Council to amend Standing Order 10B of the Council's rules of procedure relating to questions on the minutes. At the Annual Meeting of Council in May 2021, this Standing Order was amended to require questions on the minutes of Cabinet and Committee meetings to be submitted on notice. Full Council meetings should be the main opportunity for all Members to debate the key issues affecting the Borough but the leading group is concerned that, instead, too much time is being spent on protracted question and answer sessions with questionable outcomes. The leading group acknowledges the importance of decision-makers continuing to be held to account by Council through being asked questions on the minutes but, given that scrutiny has no decision-making powers, it does not see the need or benefit to continue to receive questions on minutes of scrutiny meetings. It is therefore proposing an amendment to Standing Order 10B to restrict questions on minutes to 'executive' and 'regulatory' decision-making meetings.
- 4.2 As per the Council's Constitution, such a change to the Council's Standing Orders will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Standards and Adjudication Committee.

5. AMENDMENTS OF A MINOR NATURE

From time to time, amendments to the Constitution of a minor nature are required. These can be to provide clarity over a particular matter without

changing its meaning or intention as well as to confirm minor changes arising from decisions taken by individual panels/committees of the Council. Examples of matters dealt with under these delegated powers during the previous year include the following:

- Financial Procedure Rules – minor amendments to common thresholds and delegations required as a result of implementation of the new financial system.
- Contract Procedure Rules - changes to threshold values which are updated every other year, previously by the EU but now by the UK Government. Also to reflect a change to the suppliers of the council's E-tendering system.
- PREVENT – to make clear that in compliance with the statutory requirements set out under sections 36 – 41 of the Counter Terrorism and Security Act 2015, North East Lincolnshire has a Channel panel in place for its area, has regard to the Channel duty guidance 2020 and is committed to complying with the requirements within it. As such, specific reference has been made to Channel falling under the portfolio responsibilities for the Portfolio Holder for Safer and Stronger Communities.

It is proposed that authority continue to be delegated to the Monitoring Officer, in consultation with the Leaders of the political groups, to make such changes.

6. MATTERS FOR FURTHER REVIEW

Requests have been received to review the scope of the Appeals Sub Committee and the Appointments Committee in relation to staffing matters. However, further work is required on this, which will be the subject of a report to a future meeting of Council should any constitutional changes be required.

7. RISKS AND OPPORTUNITIES

The annual review of the Constitution acts as a mechanism to test and refresh the Council's governance arrangements.

8. OTHER OPTIONS CONSIDERED

The recommendations in this report are intended to reflect the need to modify the Council's governance arrangements to support elected members in the discharge of their various roles and responsibilities and ensure that the Constitution is accessible to the public.

9. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

These matters are reported to the Council as required by the Constitution and to support the continued good governance of the Council.

10. FINANCIAL CONSIDERATIONS

There are no financial considerations to be taken into account as a result of the recommendations within this report.

11. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no implications for children and young people arising from the recommendations within this report.

12. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no climate change or environmental implications arising from the recommendations within this report.

13. CONSULTATION WITH SCRUTINY

Not applicable.

14. FINANCIAL IMPLICATIONS

As stated above, there are no financial implications arising directly from the recommendations in this report.

15. LEGAL IMPLICATIONS

As set out in the main body of the report.

16. HUMAN RESOURCES IMPLICATIONS

There are no direct human resources implications arising from the recommendations in this report.

17. WARD IMPLICATIONS

The Council's governance arrangements impact on all wards.

18. BACKGROUND PAPERS

The Council's Constitution.

19. CONTACT OFFICER(S)

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SIMON JONES
MONITORING OFFICER



**Review
of
North East
Lincolnshire
Council's
Scrutiny
Arrangements**

**A Report by the
Scrutiny Review
Group**

April 2022

Background

At its meeting on 26th January 2022, Full Council resolved to commission a review of the Council's overview and scrutiny arrangements. It was felt that the outcome of the children's services improvement agenda, the wider local government landscape and the continuing challenges presented by the COVID pandemic merited consideration of the ongoing focus and operation of the scrutiny function. The outcome of the review would be presented to Full Council to allow consideration of recommendations for modification or change at its AGM, as part of the annual review of the constitution.

The Review Group

1. A cross party councillor led review group was established with the following membership:

Councillor Tom Furneaux (Chair)
Councillor Georgia Astbury
Councillor Steve Beasant
Councillor Stephen Harness
Councillor Matt Patrick
Councillor Karl Wilson

2. The Review Group was convened and facilitated by Helen Isaacs, Assistant Chief Executive and Statutory Scrutiny Officer, with the support of Paul Windley, Democratic and Scrutiny Team Manager.

Methodology

3. The Panel met at the Town Hall in Grimsby on 8th and 22nd March, 12th and 19th April, 2022. The Panel meetings were held in private session so as to enable the Panel to conduct their deliberations in confidence.
4. The Panel's activity fell into three parts:
 - **One:** Review of current scrutiny arrangements, including consideration of a recent all Member scrutiny survey.
 - **Two:** Consideration of national scrutiny good practice. The Review Group met with Mr Ed Hammond, Deputy Chief Executive of the Centre for Governance and Scrutiny.
 - **Three:** Arriving at recommendations.

The Evidence Considered and Arriving at Recommendations

5. At its first meeting on 8th March, the Review Group considered the Council's current scrutiny arrangements and identified a number of areas for potential improvement. The Review Group also received a paper

from the Centre for Governance and Scrutiny setting out the method it uses for conducting improvement reviews of local authority scrutiny arrangements. Following on from this, the Review Group met with Ed Hammond, Deputy Chief Executive of the Centre for Governance and Scrutiny on 22nd March to further consider areas for improvement in the context of national good practice.

6. Having spoken to Mr Hammond, the Review Group had no significant concerns in terms of the council's scrutiny arrangements and national scrutiny good practice across local authorities. Mr Hammond emphasised that every council's approach to scrutiny was different and the key was to make improvements that work well for the individual local authority and that will help address residents' priorities. He felt that the ability to prioritise work programmes and manage agendas was an important consideration.
7. Following these discussions, the Review Group was able to confirm the following potential areas for improvement:

7.1 Setting the Agenda

The Review Group agreed that prioritising individual panel work programmes and agendas for meetings was a key consideration. There was a sense that panels were trying to "do everything" rather than focus on areas where scrutiny could have an impact in terms of outcomes.

The informal working group sessions that were held at the beginning of each Municipal Year to discuss panel work programmes were welcomed. It was suggested that a similar informal session be held half-way through the Municipal Year to monitor progress against each work programme.

7.2 Reporting to Scrutiny

The Review Group questioned the quality of reports being provided by officers. Use of plain English needed to improve and reports needed to be concise and to the point. The importance of the 'Matters for Consideration' section of scrutiny reports was emphasised in providing a succinct summary of what was being asked of scrutiny. It was noted that these issues were already covered within the Council's Report Writing Guide but needed to be reiterated by senior officers and via training (see section 7.6).

The Review Group reiterated that verbal updates at formal scrutiny meetings were not acceptable as they gave Members insufficient opportunity to prepare questions and challenge information provided. Linked to prioritisation of agendas, the Review Group also felt that the provision of briefing papers for

information only should be restricted to circulation to panel members outside of formal meetings. This would allow panels to focus on matters on which they were able to exert some influence.

The Review Group also pointed out instances when officers had not been sufficiently responsive to panel queries. It was felt that this was a culture issue requiring improvement (see section 7.6).

7.3 Timeliness of reporting

Concerns were raised about the timeliness of reporting financial and performance information to scrutiny. This was mostly done on a quarterly basis as a result of referral from Cabinet but because of timetabling of meetings, information was often out of date by the time it had been submitted to certain panels. The group discussed whether there was a case for having a formal oversight panel to receive such 'corporate' matters. At the same time, the group was also conscious of the need to embed the improvements arising from this review and therefore did not wish to see a change to the current number or structure of the scrutiny panels. However, the group noted their intent to reconvene in one year's time to review progress with its recommendations and revisit the structure of the council's scrutiny arrangements. In the meantime, it was agreed that scrutiny panel consideration of quarterly finance and performance reports be included as an early item on their agendas to allow appropriate prioritisation of these matters.

7.4 Community Engagement

From the recent survey of Elected Members on the Council's scrutiny arrangements, the Review Group noted that community engagement had been highlighted as a concern. This was discussed further with Mr Hammond, who cautioned against designing public participation elements into scrutiny meetings as this was resource intensive and could raise expectations. He felt that there was value in scrutiny members going out to existing community meetings on important topics and also to frame dialogue using the experience of communication team colleagues. The Review Group further suggested that community engagement be a separate item of discussion at the annual informal work programme meetings at the start of the Municipal Year.

7.5 Meeting Procedures

Concerns were raised about the way some panel meetings were being chaired and the impact this was having on the perceived

culture of scrutiny. It was suggested that Chairs training needed to be formalised and made mandatory. It was also felt that there needs to be an ongoing programme of training for Chairs. The Review Group further suggested that guidance be provided to clarify the rules of debate for scrutiny panel meetings.

7.6 Training

As noted earlier, informal work programme sessions were being held prior to the first round of panel meetings and these provided an introduction to the work of individual panels for newly appointed members of that panel. Training on the general role of scrutiny is provided to newly-elected Members as part of the Member Induction Programme, however, it was felt that this needed to be more detailed. It was also suggested that the terms of reference for individual panels be made available to panel members at the informal work programme sessions as a reminder of the remit of each panel.

With regard to the Children's Services improvement agenda, and following discussions with the Director of Children's Services, it is further suggested that all members of the Children and Lifelong Learning Scrutiny Panel undertake induction to the journey of the child and the roles and responsibilities of being a corporate parent.

As highlighted in paragraph 7.2, there are a number of matters relating to reporting to scrutiny that require further training for officers. It is suggested that a development session be held for Directors and Assistant Directors prior to the first round of formal panel meetings in the new Municipal Year to reaffirm the officer attendance at scrutiny meetings protocol, discuss work programme setting and confirm member expectations regarding reports and briefings.

7.7 Substitute Members

The Review Group questioned why named substitutes had to be used when panel members were absent. It was suggested that if, having gone through the named list and a substitute could not be appointed, then this be opened up to the wider pool of group members so as to avoid an empty seat on the panel.

7.8 Co-opted Members

The contribution of the young people's representative on the Children and Lifelong Learning Scrutiny Panel was welcomed and it was suggested that consideration be given to similar representation across the other scrutiny panels, on a trial basis and subject to the advice of the Director of Children's Services.

Final Recommendations

1. That verbal updates not be permitted at formal scrutiny panel meetings, unless in exceptional circumstances and with the agreement of the panel Chair.
2. That the provision of briefing papers for information be restricted to circulation to panel members outside of formal scrutiny panel meetings, unless in exceptional circumstances, or at the request of the scrutiny panel or the panel Chair.
3. That quarterly finance reports and Council Plan performance reports be included as an early item on scrutiny panel agendas, in order to allow appropriate prioritisation of these matters.
4. That community engagement be included as a separate item of discussion at the annual informal work programme meetings at the start of the Municipal Year.
5. That a formal, mandatory, programme of training be provided for all Chairs and Deputy Chairs of Scrutiny Panels.
6. That guidance be provided to Elected Members to clarify the rules of debate for scrutiny panel meetings.
7. That the 'Decision Making Arrangements' Member Induction session be extended to include more detailed training on the role of scrutiny.
8. That all members of the Children and Lifelong Learning Scrutiny Panel undertake induction to the journey of the child and that all members receive training on the role and responsibilities of being a corporate parent.
9. That an informal scrutiny panel sessions be held half-way through the Municipal Year to monitor progress against their individual work programmes.
10. That a development session be held for Directors and Assistant Directors, prior to the first round of formal panel meetings in the new Municipal Year, to reaffirm the officer attendance at scrutiny meetings protocol (including when appropriate to provide advice to scrutiny panels), discuss work programme setting and confirm member expectations regarding reports and briefings.

11. That, with regard to the appointment of substitute members, if, having gone through the named substitute list and a substitute could not be appointed, then this be opened up to the wider pool of group members so as to avoid an empty seat on the panel.
12. That as part of the setting of the work programme consideration be given to the impact of the work on children and young people and how their voice on certain issues would be gained.