

		AGENDA ITEM 7
		EDEH/10/13
Committee:	Economic Development, Environment and Highways Policy & Scrutiny Committee	
Date:	21 March 2013	
FORWARD LOOK: COMMITTEE'S OVERVIEW AND SCRUTINY SUCCESSES		
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The purpose of this report is to highlight some of the broader messages that the Committee could convey to its successor after the County Council's elections in May 2013, and the development of overview and scrutiny as an effective influence upon the Council's decision making apparatus in the future.

Being the key players in the Committee's activities, Members' impressions have been sought to inform this report both in terms of the reviews undertaken and how to develop the role of the scrutineer so that overview and scrutiny can become more effective moving forward. Some Members' views were captured via a short questionnaire and workshop.

The Executive/ Overview and Scrutiny split was introduced by the Local Government Act 2000 with the aim of making councils more transparent and accountable. Even during its brief history the overview and scrutiny role within Essex County Council has undergone numerous structural changes. While lessons have been learned, the lack of continuity may have undermined the creation of a positive perception of the ongoing work to improve the development of successful scrutiny processes and committee activities, as well as the tracking of successful outcomes of individual projects that could reinforce the belief that the function can produce real benefits. There needs to be a determined effort to focus on scrutiny in a way that will change the attitudes and behaviours of Members themselves in order to promote an effective image of scrutiny and make the role of a scrutineer more appealing to the elected councillor.

In this report the term 'scrutiny' is used generically to describe all those reviews carried out by a Policy and Scrutiny Committee whether they are policy development, pre or post scrutiny.

The Economic Development, Environment and Highways Policy and Scrutiny Committee itself has only been in its current form since May 2011 when the Council amalgamated the former Economic Development and Environment, and Safer and Stronger Communities Policy and Scrutiny Committees. Overall since May 2009 there have been three changes in remit, chairmanship and membership of the 'core committee', and various changes in those Cabinet Members whose portfolios co-incide with the Committee's remit.

With the forthcoming elections in May 2013 the current Committee has now drawn the majority of its work over the past four years to a close subject to the monitoring of the Executive response to the recommendations of three scrutiny reports, and identification of certain topics that warrant further in depth investigation as new scrutiny reviews. The elections also provide a natural opportunity for the Committee to reflect on its past work and successes or otherwise, and to consider what messages it would like to pass on to the new Council and scrutineers in particular.

An overview of projects conducted by this Committee is attached at the Appendix A to illustrate the range of work undertaken recently.

Based upon feedback received the following messages are proposed to be passed on to the Committee's successor(s):

Message One – 'It is important to promote scrutiny as an integral and effective part of the Council's political organisation that provides non-executive councillors with a real ability to influence the decision making apparatus and raise the profile of scrutineers.'

- While there is some evidence to support the claim that scrutiny is developing gradually as an effective facet of the County Council's activities, scrutineers can only contribute to that development through their own positive engagement in well-chosen and planned projects.
- Drawing upon their own experience and introduction to the role of scrutiny committees, Members felt that there needs to be more focus from the outset of the new Council upon the positive achievements of former scrutiny committees to illustrate what is possible from the scrutineer's point of view. In the past when a new committee has been formed Members have been encouraged to consider a committee's remit and choose what topics they would like to review. However, upon reflection Members criticised this approach because it failed to concentrate their minds upon what was required of them to perform the scrutineer role at the outset. Instead Members' attention tended to focus upon their expectations of other parties in providing information, and identifying topics they were generally

interested in without really establishing what tangible outcomes a review could or could not achieve in the longer run. By establishing a better understanding of the scrutiny role itself a committee may be more likely to allocate its efforts and resources to those topics where maximum influence and benefit could be achieved in practice, and its members would share a more common understanding with one another of what a committee was seeking to achieve as a body of scrutineers rather than solely as individuals.

- The Committee has recommended a small number of new scrutiny investigations to its successor that it has identified from evidence considered through its investigations as being of capable of adding value to the Council's consideration of particular subjects: Integrated Transport; the Council's corporate preparedness for emergencies; further development of a review on the future of the recycling centres; and issues arising from its report on Financial Inclusion albeit some of those issues may fall within the remit of other committees.

Message Two – The careful choice and timing of individual reviews is crucial to a scrutiny committee being able to influence the Council's decision making processes. Where a committee's ability to influence may be minimal, it must make an objective decision on whether or not to allocate its finite resources to a project where it is clear from the outset that any recommendations will not affect decisions or have very limited impact.

- It is acknowledged that the choice and timing of some projects has been poor. Members' interest and enthusiasm for a subject is not necessarily a good enough reason for undertaking a review, and may not be sustained positively before any conclusions are reached.
- In the planning of a project clear achievable objectives need to be identified as well as the real prospect of influencing the way that the Council develops policies and services, or the activities of other organisations and provision of services.
- Similarly a Cabinet Member's request for scrutiny committee involvement in a topic should also be critically evaluated in the same way as any other project, because by accepting a proposal there will be knock on effects upon other projects.

Message Three – There needs to be more effective communication with all County Councillors upon the work being conducted by scrutiny committees, including greater clarity around the way that an Executive Member proposes to respond to the findings and conclusions of a scrutiny review and any subsequent implementation.

- It would be helpful to have a mechanism in place to keep all County Councillors updated on scrutiny activity aside from regular reports to full

Council. Members receive a lot of information overall and therefore a way needs to be found to highlight the role performed through the scrutiny function.

- It is not sufficient for a Cabinet Member to simply agree or disagree with a recommendation that has been set out in a public document. A committee will develop its conclusions and recommendations from consideration of the evidence it has collated, which will be published as part of a scrutiny report. Therefore Members felt that a Cabinet Member's response should explain the reasons for his/ her decision in as much detail as possible, together with a timeframe for implementation as appropriate.
- While not proposing that a completed review where outcomes have been monitored should be left open for ongoing consideration, it would be helpful if the Executive could provide Members with information on a topic where the influence of a scrutiny review has had an impact in the longer term. Similarly it would be helpful if Executive reports could acknowledge scrutiny committee referrals where provided.

Message Four – The Committee has experimented with different ways of working in order to develop some good practice for taking forward the scrutiny function as well as identifying issues that will need to be addressed in the longer term based upon further experience.

- The Committee has experimented with a variety of different approaches to individual subjects chosen through careful planning with the aim of trying to achieve maximum benefit through scrutiny review. The ability to be flexible in the choice of approach has been useful and an important contributor to those reviews that have been considered successful.
- Where a task and finish group undertakes a review, the current practice is for its findings and conclusions to be endorsed by the parent committee. However, there have been some examples where committee members have indicated that they did not feel that they understood a topic well enough having not taken part in the investigation. One of the issues this raises is the need for a group to give careful consideration to the way it handles the presentation of its findings to the full Committee for endorsement.
- There is a general consensus that the use of site visits and different types of forum does engage more positive engagement by members in an investigation depending upon the subject under consideration. Task and finish groups also tend to be favoured for more in depth longer term reviews.

The reflections of the Financial Inclusion Task and Finish Group on the way that it conducted an in depth scrutiny review are set out at Appendix B, and the lessons learned.

Message Five – In parallel with the development of the Council’s scrutiny framework those Members undertaking scrutiny investigations need to be able and willing to develop their individual skills in order to be effective scrutineers through targeted training and development to underpin good practice.

- Those councillors who took part in the workshop reflected on individual participation in different forum and discussed the need to ensure that all Members’ participated fully throughout a review and took active roles for instance in questioning witnesses in all types of meetings. It was felt that there is reluctance by some to engage in debate at larger formal committee meetings rather than smaller task and finish groups. While acknowledging this is a difficult problem to overcome, it was agreed that there is a need to ensure that individuals have the confidence through training and development to fulfil the scrutineer role eg effective questioning, listening, reading and analytical skills. *(Attention was drawn to other committees where training is embedded successfully as a means of supporting members to fulfil their roles in particular activity eg Development and Regulation Committee, Pensions Board).*
- Take steps to ensure that Members focus upon their scrutineer role in fulfilling the objectives of a committee’s review rather than pursuing their own interest in a topic as a whole.
- Members have not always engaged fully in committee activity despite ongoing entreaties for them to do so. It was suggested that in future it may be necessary in the planning of committee activity to approach members more directly to enlist their co-operation to undertake specific responsibilities in the conduct of a review.

Action required by the Committee

That this report be circulated to all Members of the Committee’s successor committee as a record of the Committee’s experience won through conducting a range of scrutiny reviews.

Appendix A

Overview of reviews conducted by the Economic Development, Environment and Highways Policy and Scrutiny Committee

1. Economic Development and Environment Policy and Scrutiny Committee since Summer 2011 *(List incomplete in so far as total number of items that have appeared on agenda)*

- **Park and Ride Scheme** – 3 recommendations/ 1 not accepted, 2 outstanding
- **Exercise of Planning Control on the Use of Inert Waste for Recreational Development** – 3 recommendations/ accepted
- **Corporate Carbon Reduction and Energy Efficiency** – 1 recommendation/ accepted. Evolved primarily as response to Cabinet Member consultation
- **Government Consultation on Dartford-Thurrock river crossing charges Dartford Crossing** – Government consultation, 4 recommendations taken into account as part of County Council response
- Essex Legacy from 2012 Olympic and Paralympic Games – views taken into account
- **Local Transport Plan** – Evolved primarily as response to Cabinet Member consultation
- **Draft National Planning Policy Framework** – Government consultation, views taken into account as part of County Council response
- **Highways Winter Service Information** – Evolved primarily as response to Cabinet Member consultation/ briefing
- **Relationship with Statutory Undertakers in the way works are undertaken in the highway** – 4 recommendations/ accepted, still being monitored
- **Joint Municipal Waste Management Strategy** – Evolved primarily as response to Cabinet Member consultation/ briefing
- Financial Inclusion – 17 recommendations approved January 2013 - to be monitored
- **Future of Recycling Centres** – 2 recommendations/ accepted
- **Future of Country Parks** – views taken into account, Evolved primarily as response to Cabinet Member consultation
- **School Crossing Patrol Policy** - 2 recommendations/ accepted. Evolved primarily as response to Cabinet Member consultation

2. Former Safer and Stronger Communities Policy and Scrutiny Committee (SSCC)

- Sustainable Environment and Enterprise Specialist Services Consultancy Project – 2 recommendations/ accepted
- Off Site Emergency Planning Requirements around COMAH Sites in Essex
- Two Wheeler Road Safety - 24 recommendations/ all generally accepted
- A Board Policy on the Publicly Maintainable Highway – SSCC agreed recommendations that were subsequently changed by the EDEHPSC/ disagreed, CM not accept EDEHPSC but in doing so accepted SSCC proposal.
- Essex Heritage – 8 recommendations/ all generally accepted

- Street Lighting at Night – *13 recommendations/ all generally accepted*

3. Call Ins (since 2011):

- Decision on Park and Ride Saturday Service – *satisfactorily resolved*
- Decision reference FP/576/07/11 on the ECC (Epping Forest district) (permitted parking area and special parking area) (amendment no.7) order 20 - *satisfactorily resolved*
- Decision reference FP/579/07/11 concerning vehicular access to 20 Bowfell Drive – *satisfactorily resolved*
- Decision reference FP/644/09/11 Chelmsford Park and Ride Fare Review – *resolved, but not accepted*
- Decision on Fairmead Road, High Beach, Epping - *satisfactorily resolved*

4. Petitions (since 2011):

- Crossing at Shenfield, Green Dragon Junction - *2 recommendations/ changes were made to proposals albeit overruled overall. However, Cabinet Member agreed to consult Committee on new policy.*
- Proposed closure of Recycling Centres at Mill Lane, High Ongar and Martins Farm, St Osyth, and changes to opening hours of remaining centres: Petition and Call In (referred to Committee in line with Call In and Petitions procedures) – *1 recommendation/ not accepted*

5. Former Economic Development and Environment Policy and Scrutiny Committee – over two years old

- Bus Telematics
- Highways Fault Reporting
- Response to Draft National Policy Statement for Nuclear Power Generation
- Draft Shoreline Management Plan NB not on CMIS
- Banking on Essex
- School Relocatable Classroom Planning Policy
- Regional Spatial Study
- Essex Rural Commission Report
- Local Transport Plan
- Generation of Energy (not completed)
- Flooding and Water Management Bill
- Corporate Scorecard: 'Percentage of traders who sell age restricted products to young people' (Indicator Ref L131)
- N1168 & N1169 on the Condition of Roads
- Per capita CO₂ emissions in the Local Authority area, and Environment Strategy ECC284a Ecological Footprint
- Corporate Scorecard: Jobs and Foreign Direct Investment (LI 015)

Reflections on the way that the scrutiny review was conducted by the Financial Inclusion Task and Finish Group

Aside from the scrutiny report itself on the topical findings of the Financial Inclusion Task and Finish Group, the way the review has evolved in practice has also provided some useful lessons that could be put into effect for similar projects in the future.

Background

In December 2011 (Minute 58) the Committee agreed to take forward three different reviews by way of three individual task and finish groups. Members were invited to indicate their preferred choice of review, and four members chose to be on the Financial Inclusion Task and Finish Group.

Analysis

As evidenced in its scrutiny report the Group has undertaken an in depth review of financial inclusion that has required each of its four members to be proactive in the collection and examination of evidence, and to play an active role in a succession of meetings and visits.

At the outset the topic was daunting as the basis of a project for various reasons including:

- Financial inclusion goes beyond one particular service issue being a cross cutting and complex subject; and
- it impacts upon individual wellbeing rather than providing a familiar topic that councillors may feel that they have a personal understanding of such as a highways issue, and already have some ideas as to how to resolve perceived problems.

From the outset the Group experienced the discomfort of trying to grapple with an increasing number and range of financial inclusion related issues that they were identifying through evidence captured from witnesses. This reinforced the need to narrow the focus of the particular review. Even so at times the Group found it difficult to see how it could ensure that the review would be able to make a positive contribution to the way that financial inclusion could be enhanced across Essex.

The Group met a lot of people who contributed enthusiastically to the pool of information gathered. It was pleasing too that the review generated further discussion with and among witnesses into ways of sharing ideas with other agencies, and greater co-ordination and collaboration. The Group was rewarded by a number of witnesses thanking Members for the keen interest they had shown in the work being done to tackle financial exclusion.

While there was an outline for the review process itself, the approach taken to its planning was deliberately flexible at the outset so the objectives that were ultimately chosen could produce more effective conclusions for those in need. Even though County Council Officers provided underlying support for the review by stimulating ideas, seeking out information and providing advice, it was notable that on this occasion Members were positively engaged in new ways of working and did not rely on formal agenda and notes to examine evidence and formulate their own conclusions.

Aside from identifying what to focus on in particular, the Group also had to agree on those matters it had to rule out of the review for in depth examination. In practice the topic proved to be really interesting, and there was the temptation to try to look at 'everything'. However, the Group had to be realistic about its ability to influence certain matters that were not within the purview of the County Council, the resources and time available and that would have duplicated work being undertaken elsewhere. For instance the Group remained mindful of the Government's proposed Welfare Reforms but did not duplicate work that was already underway both within the County Council and across Essex as a whole to consider their implications.

The way that the particular Group has worked together has been very successful. With hindsight some of the consequences of the Group's smaller membership may be summarised as follows:

- Throughout the review the Group has worked as a cohesive team, and has moved away from more traditional committee working. A more flexible approach has enabled the Group to plan its activity in a way that has been more responsive to evidence as obtained, and to steer towards developing recommendations that could achieve positive outcomes for promoting financial inclusion.
- Greater onus upon the individual member to take an active ongoing role in the Group's overall activity, which may have contributed to a greater sense of interest and commitment to a project as well as ownership of its outcomes especially as it has entailed a lot of work.
- Attendance at meetings has been particularly good. As a small group its Members have collaborated successfully with one another on identifying dates for meetings, with compromises being made as and when necessary. Where a Member has been unable to take part in a particular meeting, colleagues have shared the evidence missed at the next available opportunity.
- In practice formal notes have not been produced for each meeting albeit the final scrutiny report reflects the evidence collated, together with findings and conclusions. Through regular discussion and exchange of emails, the Group has been able to use the evidence obtained through cross examination of witnesses, to develop and challenge ideas to reach a general consensus in order to identify what further information is required to move the review forward and reach conclusions.
- As a small group it has been easier for its Members to reflect collectively on evidence and bounce ideas off of one another in a positive atmosphere. In larger groups where sporadic attendance may be a problem this may be more difficult to achieve.
- The Group as a whole has exchanged information and ideas through email as and when necessary so that momentum has been maintained on the review. Again this has proven difficult in practice with the full Committee and larger task and finish groups.
- Members have been fully engaged in developing the final content of the scrutiny report based upon shared consideration of evidence, and responsibility for its presentation to Committee for endorsement.
- The Group itself led by Councillor Grundy presented the scrutiny report to the full Committee seeking its endorsement to its conclusions and recommendations. Prior to the meeting it was agreed which recommendations individual Group

members would present to the Committee. At the meeting itself this worked well and the Group itself shared the task of answering their Committee colleagues' questions

Although the Group does not propose to make any specific recommendations on the way that overview and scrutiny processes are developed in the future, it is hoped that its positive experience will be fed into any reviews of those processes.

Reflections Report agreed by the Financial Inclusion Task and Finish Group