

Joint Overview and Scrutiny Committee - Review of New Ways of Working

Report by the Director for Digital and Resources

1.0 Summary

- 1.1 This report reviews the new ways of working adopted by the Joint Overview and Scrutiny Committee (JOSC) in January 2016 and asks the Committee to consider if it would like to make any further changes.

2.0 Background

- 2.1 In January 2016 JOSC agreed to implement a new approach to the way it performed its Overview and Scrutiny role on behalf of the two Councils i.e Holding to account the Joint Strategic Committee (JSC) and the Executive Members and reviewing their work and decisions.
- 2.2 The new approach to Overview and Scrutiny was implemented with effect from the first meeting of the Municipal Year in June 2016. Essentially the new ways of working focused more on JOSC holding 'themed' meetings and scrutinising key issues affecting the communities which has also provided more opportunity for better public engagement. Issues for JOSC agenda are now chosen based on value and outcomes, with the proposer of the item scoping the issue and completing a 'Scrutiny request form'. Items are then proposed for further scrutiny via report to JOSC Chairmen/JOSC based on items being agreed in line with a prioritising/scoring system (PAPER criteria) - (P) - Public Interest, (A) - Ability to Change, (P) - Performance, (E) - Extent and (R) - Replication. Themed meetings have been planned in advance with appropriate questioning in advance and questions for attendees.
- 2.3 As part of the Work Programming, JOSC also agreed to continue to receive appropriate reports on Council budget items such as the Revenue Budget and Estimates and also to hold interviews with both Leaders twice yearly. The intention was always for JOSC to have regular input from other Executive Members as

appropriate with them being invited to attend JOSC meetings for specific items affecting their portfolios but that there would be no formal Annual interviews as had previously been undertaken by JOSC .

- 2.4 JOSC has held five meetings in the new format and a summary of the work is set out below:-

June 2016

Themed meeting - A review of the outcomes of the sewage spill incident which had forced the closure of Adur and Worthing beaches in September 2012. As part of this meeting JOSC received evidence from Southern Water and the Environment Agency on what had happened and what was being done to ensure that the incident did not happen again. The Head of Environment provided a radio interview on the issue with BBC Sussex. This meeting was attended by the Executive Member for Wellbeing (Adur) and the Executive Member for Regeneration (Worthing) who both addressed JOSC on this issue.

July 2016

Themed meeting - A review of the delays in implementing the proposed enhancement works to the Lower Beach Road Car Park and Ferry Road in Shoreham and vandalism to the Adur Ferry Bridge. JOSC received evidence from all partners involved in this scheme, including local residents who were given the opportunity to ask questions to find out why there had been delays to the scheme and what was being done to implement it as soon as possible. The meeting was attended by over 100 mainly local residents and good publicity was provided via local media outlets and social media. The Chairman also did an interview with BBC Sussex on the issue. Shortly after this meeting it was agreed with all parties that the works on site would commence in September 2016.

The Adur Executive Members for Wellbeing and Regeneration both attended this meeting and addressed JOSC on the issues.

JOSC also received a report to this meeting on the Joint Revenue Outturn Budget report for 2015/16 and proposed comments for the JSC.

September 2016

Themed meeting - Southern Rail ticket office closures and general levels of service. JOSC considered this issue in an attempt to find out more about the reasons for the rail dispute between Govia Thameslink Railway (Southern Rail) and the Railway, Maritime and Transport Workers Union (RMT), as it was an issue affecting the wellbeing of local residents and also to try and influence a resolution to the disputes. JOSC received evidence from Southern Rail, the RMT and a local rail

users group. This JOSC meeting received good local media coverage and was attended by some local residents and the Chairman provided a radio interview to BBC Sussex on the issue. JOSC made appropriate representations to Southern Rail and to the RMT but the dispute is still ongoing.

At this meeting a report was also received on the Budget Outline Forecast for 2017/18 and 2021/22 and the Budget Strategy and appropriate comments were submitted to the JSC.

October 2016

Themed meeting - Engagement with young people and the Youth

Councils - JOSC held this meeting in an attempt to find out more about how the Councils engage with young people, Youth clubs/organisations and the Youth Councils and also to review general engagement with young people across Adur and Worthing. JOSC received evidence at this meeting from the Adur and Worthing Youth Councils, local Youth Clubs, the Sussex Clubs for Young People and also the Adur and Worthing Executive Members for Health and Wellbeing. A number of recommendations were proposed by JOSC to help with the provision of youth services across Adur and Worthing and these were presented to JSC on 10 January 2017. A Working Group is now going to be set up to review these issues in more detail.

JOSC also undertook a detailed question and answer interview with the Adur and Worthing Council Leaders on their general work and also the more strategic work in their role as Leaders.

JOSC also undertook a detailed question and answer session with the Chief Executive on progress in implementing the commitments in Surf's Up and received a progress report from him.

November 2016

At the request of a Councillor and two members of the public, JOSC agreed to receive a report to this meeting relating to hate crime issues and discrimination issues following the EU Referendum result in June 2016. The matter was considered to raise awareness of the issue and to allay concerns and reassure residents. The Adur Executive Member for Wellbeing addressed JOSC on this issue. The report was noted.

JOSC also received a report which reviewed the implementation of the Public Space Protection Orders (Further reports on this work will be presented quarterly as part of the ongoing Work Programme) and a report on the Revenue Budget Estimates for 2017/18.

3.0 A Review of the New Working arrangements for JOSC

- 3.1 It was agreed that a review of the new ways of working would be undertaken during the year. In summary, the new ways of working have given JOSC the opportunity to provide a different type of Scrutiny which has provided better public engagement, has been evidence based and has concentrated on some key issues of high importance to the health and wellbeing of the Adur and Worthing communities.
- 3.2 However, despite the broad success of the work, several issues have emerged which have limited the effectiveness of JOSC and these will need to be considered as part of this review to see if any further changes are required to improve the working of the Committee. These issues and what could be done to improve the working of JOSC are summarised below:-

(a) Scrutinising/Holding to account the Executive

Executive Members have not always attended JOSC for all items affecting their portfolios, consideration of Budget items and for the update report on progress with Surf's Up. This has affected how the Committee has held the Executives to account. There is also a different approach to Revenue Budget Scrutiny and Council Tax Budget Scrutiny in Adur and Worthing - Adur District Council has agreed that the Scrutiny of the Budget should take place via the Full Council meeting whereas Worthing Borough Council does its Scrutiny of the budget via JOSC and Full Council. These different approaches do complicate the Budget scrutiny process at JOSC and some Adur JOSC Members feel disenfranchised at not debating the Adur Budget via JOSC.

What can be done to improve Scrutiny? -

- Hold interviews with Adur and Worthing Council Leaders twice yearly (September and March) on their portfolios and high level strategic issues affecting the Councils.
- Scrutinise progress with the new 'Platforms for Place' twice yearly (September and March) and interview the Chief Executive as part of this report. All Executive Members could be invited to attend to answer questions relating to their portfolio areas as part of this report.
- Executive Members for Resources to be invited for all Budget items discussed by JOSC.(Dates to be advised in advance for Executive Members so that they have advance notice of the meetings)

When other general items within the Executive Member portfolios are considered by JOSC, the relevant Executive Member should be invited to address the Committee on what they are doing/have done on the issue.

Each Executive Member to attend JOSC at least once a year.

To assist in the effective running of the interviews, Members of JOSC should be requested to submit any questions for Executive Members and Senior Officers in advance of the interview session to enable responses to be provided at JOSC meetings.

- Set up small Working Groups to scrutinise the work of Executive Members. There is the option for JOSC to create separate Working Groups to scrutinise the work of the Executive Members and/or for Budget monitoring reports and other Council related issues - These could be made up of four Members each (2 from Adur and 2 from Worthing) and the results of the work of the Working Groups could be fed back to JOSC for discussion on the direction of travel etc. The Working Groups could also be themed to look into the themes in Platforms for Places (Our Financial economies, Our social economies, Stewarding our Natural Resources, Services and solutions for our Places and Leadership of our Places). Members of these Working Groups could be appointed with particular skills relating to the work of the Executive Members portfolios - This would help in developing the scrutiny Members knowledge base. This could help in developing the policy development role of JOSC and help support the work of the Executives and Councils Leadership Team. Each Working Group could generate its own simple Work Programme looking at these issues and this would then free up JOSC to look in depth at other key issues which it can influence.

(b) The referral of JOSC comments and recommendations to JSC - Comments made by JOSC on Budget reports have not been reported to the JSC in an appropriate and timely way and mechanisms have not been in place to ensure that feedback is possible at the JSC meeting. One of the meetings of the JSC was held before JOSC in the Committee cycle which prevented the pre scrutiny required by JOSC on that report.

What can be done to improve Scrutiny? -

- When the JOSC/JSC timetabling of meetings is undertaken, there should be appropriate comment from appropriate Officers to ensure that meeting dates can be tailored to ensure that JOSC meets before JSC.
- Any recommendations for JSC should be formally communicated to JSC.
- JOSC Chairmen to report the views of JOSC to JSC in person and an appropriate item to be added to the JSC agenda to cover this to ensure that items do not get missed off agendas.

(c) The amount of Business on JOSC Agenda/Single Council issues

At some of the meetings there has been other business on JOSC agendas in addition to the 'themed' issues which has restricted the discussions on some items, due to time constraints. There has also been some concern at having single Council items on the agenda. It has been suggested that there is a need for the meetings to focus on one issue only, have reporting only meetings or for additional meetings to be held.

What can be done to improve Scrutiny? -

-Schedule 6 of the Joint Committee Agreement deals with the issue of single Council items on agenda. It contains the terms of reference of JOSC which include 'to perform Overview and Scrutiny functions delegated to the Joint Committees in this Joint Committee Agreement'.

-Schedule 2 of the Joint Committee Agreement specifies that for Adur District Council all services and functions are delegated to the Joint Committees other than those relating to the Housing Revenue Account and for Worthing Borough Council all other than Theatres, the Pier, the Museum and Art Gallery and the Crematorium.

-All other services and functions are in the joint arena and therefore the scrutiny of them must be dealt with by JOSC.

It is only necessary for 1 councillor from the other council to be present during these formal meetings. If there is a 'one item' agenda then it would usually be the Chairman or Vice- Chairman of the 'other Council' who attends/remains for the quorum. There is also the option to use Working Groups to deal with single Council issues. These could be topic specific as referred to earlier.

It will be important for JOSC to ensure that adequate time is allocated for all items on agendas to ensure balance for discussion.

(d) Improved Work Programming to ensure an even spread of work

What can be done to improve Scrutiny? -

The JOSC Work Programme needs to be approved by Annual Council meetings each year (usually April). Although JOSC has the flexibility to add additional items during the year, this will ensure adequate resourcing can be provided in the year.

(e) Improved and more timely publicity for JOSC meetings

There is a need for improved and timely publicity for JOSC meetings to improve public and media engagement.

What can be done to improve Scrutiny? - A communications/publicity strategy is developed for JOSC to improve public and media engagement which links with the Councils communications policy.

(f) The need for additional meetings

What can be done? -

Holding additional meetings will have cost implications for the Councils and require a discussion by the Executive and at Head of Service level. Additional meetings need resourcing (paper, printing and postages) as well as staffing. Additional funding/growth might be required for clerking additional meeting(s).

(g) Ensuring the scope of themed meetings is clear

When reviews are identified the scoping reports need to include clear terms of reference, timelines and the required outcomes prior to the reviews going ahead. It is suggested that if themed issues are chosen by JOSC that they should be closely aligned with the Council strategic objectives.

- 3.3 As part of the consultation for this review, some other concerns have been raised suggesting that JOSC is taking over the role of Full Council meetings in holding to account the Executives and that the new ways of working proposals should be presented to Council meetings to explain the aim of and reasons for the proposed changes. In response to this it can be added that part of the remit of JOSC is to hold the Executives and Executive Members to account and review their work and decisions and JOSC can determine how this form of scrutiny should be undertaken. JOSC can operate rather like a Parliamentary Select Committee in undertaking this work. JOSC has the general remit to set its own working arrangements operating within the JOSC Procedure Rules so referral to Council is not required unless the Committee particularly wants to.

4.0 Proposals

- 4.1 The current way of working for the Committee, the comments received during this review process and the other comments contained in this report have been discussed with the Joint Chairmen of the Committee to identify working arrangements which could be changed. Members of JOSC, Executive Members and Senior Officers have also been consulted.
- 4.2 JOSC is now asked to consider its Working arrangements, taking into account the comments set out in Section 3 of this report to decide if any changes are required and to decide on the most effective way of making the changes. Some guidance has been provided in the report.

5.0 Legal

- 5.1 Under Section 111 of the Local Government Act 1972, the Council has the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions.

- 5.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals generally may do (subject to any current restrictions or limitations prescribed in existing legislation).
- 5.3 Section 3(1) of the Local Government Act 1999 (LGA 1999) contains a general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.
- 5.4 Paragraph 8.1 of the Joint Overview and Scrutiny Procedure Rules, which form part of the Councils' Constitutions and are binding on all Members, states that the work programme will be approved by Council. A report must be taken to full Council on an annual basis seeking Councils' approval of the Joint Overview and Scrutiny Committee's work programme for the forthcoming year.

6.0 Financial implications

- 6.1 There are no known financial implications arising from this report but depending on how JOSC wants to amend its working arrangements, there may be some financial and resourcing implications as set out in the report relating to holding additional meetings. Some of the items considered as part of the Work Programme may have financial implications.

7.0 Recommendation

- 7.1. That the Committee consider if any changes are required to its 'Ways of Working' and agree on how best to make those changes, taking into consideration the possible solutions set out in section 4 of this report and any others suggested at the meeting and then confirm those new arrangements;**
- 7.2 That the agreed JOSC Work Programme for 2017/18 be presented to Council meetings in April 2017; and that**
- 7.3 That the 'PAPER' Criteria rules for deciding on items for scrutiny, be incorporated into the Joint Overview and Scrutiny Committee procedure rules**
- 7.4 That the changes made to the JOSC 'Ways of Working' agreed at 7.1 above be incorporated into new Overview and Scrutiny Procedure Rules which will need to be agreed by the Joint Governance Committee and Councils.**

Local Government Act 1972

Background Papers:

Report to Joint Overview and Scrutiny Committee 21 January 2016

Contact Officer:

Mark Lowe
Policy Officer
Portland House,
Richmond Road,
Worthing,
West Sussex
01903 221009
mark.lowe@adur-worthing.gov.uk

Schedule of Other Matters

1.0 Council Priority

1.1 Matter considered and no issues identified.

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 Matter considered. No direct sustainability issues identified as part of this report, however, some of the issues to be considered by the Joint Overview and Scrutiny Committee (JOSC) may cover sustainability issues.

4.0 Equality Issues

4.1 Matter considered. No direct equality issues as part of this report but items considered by JOSC may impact on equality issues.

5.0 Community Safety Issues (Section 17)

5.1 Matter considered. No direct community safety issues identified as part of this report, however, there have been some community safety issues considered by JOSC during 2016/17 and there may be some other community safety issues identified later as part of the Work Programme for the Committee.

6.0 Human Rights Issues

6.1 Matter considered. No direct Human Rights issues identified as part of this report.

7.0 Reputation

7.1 Matter considered. No direct reputational issues identified as part of the report but the future JOSC Work Programme may identify issues which relate to the reputation of the Councils.

8.0 Consultations

8.1 Matter considered. As part of the preparation for this report all Members of JOSC, the Executives and Senior Officers have been consulted for their views on the ways of working.

9.0 Risk Assessment

9.1 Matter considered and no issues identified.

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered. JOSOC is a joint Committee of Adur and Worthing Councils and will work with partners as part of its Work Programme.