Joint Overview and Scrutiny Committee 8 June 2023



Key Decision [No]

Ward(s) Affected:N/A

Joint Overview and Scrutiny Committee - Review and refresh

Report by the Director for Digital, Sustainability and Resources

Executive Summary

1. Purpose

1.1 The purpose of this Report is to update Members of the Joint Overview and Scrutiny Committee (JOSC) on the findings of the JOSC Workshop that took place on 13th April 2023 and for the Committee to consider the comments and proposals made at that Workshop which are presented in Appendix 1.

2. Recommendations

- 2.1 That the Members of JOSC debate and consider the feedback from the Workshop which is set out in full at Appendix A
- 2.2 That JOSC Members agree any shorter term improvements or benefits they would want to implement (with assistance from Officers) from the list set out at Paragraph 4.2 of the report;

2.3 That JOSC considers the proposed terms of reference for a Working Group which are listed at Paragraph 4.3 and as appropriate, agree to set up a Member Working Group to review those terms of reference.

3. Context

3.1 Overview and Scrutiny plays an important role in our Democratic system. It is an important mechanism through which public accountability can be exercised. The purpose of scrutiny can be divided into four main areas:-

(a) The 'critical friend' challenge

Scrutiny must be forensic and challenging – but it must also seek to support decision-makers to do their work better. Our Councils have a collective responsibility to support high quality decision-making, and scrutiny is an integral part of the governance framework that works to make that happen. Being a 'critical friend' involves understanding what decision-makers are trying to achieve and using evidence both to critique and refine these priorities and the methods proposed to achieve them. Decision-makers also have to be open to scrutiny and create a culture which enables effective scrutiny to happen.

(b) Holding decision makers to account

Part of the role of scrutiny is to hold decision makers to account. This means looking at the way in which decisions are made, the evidence they are based on and whether a thorough consideration of the risks and impacts of decisions have been looked at. The intention with this is not to ensure scrutineers agree with decisions taken - but that they are confident that those decisions have been taken well.

(c) Amplify the voice and concerns of the public

The scrutiny role should ensure that the public's voice is heard. Scrutiny should listen to and work alongside the public, using the issues that are important to the public to improve profile and inform work programmes. Public engagement is key to understanding what issues affect our communities and can inform decision-makers design and deliver services and policy development, maximising the benefits of good Scrutiny.

(d) To be led by independent people and drive improvements in public service

A positive working culture involves in particular an understanding of local politics. Scrutiny councillors are politicians and should be using their political insights, and the insights gathered through ward work and door knocking, to influence and guide their work. However, party politics does not have a place in scrutiny. Members bring their unique perspective to the scrutiny process and a different point of view which brings something distinct to both policy development and post-decision scrutiny. By setting their own work programmes and asserting their independence, Members of the JOSC can look at things from angles that might not be apparent to Cabinet Members, or Senior Officers.

- 3.3 It is always good to review and refresh ways of working and a discussion paper reviewing Overview and Scrutiny in Adur and Worthing was presented to the JOSC meeting on 16 March 2023. Following on from this it was agreed to set up a JOSC Member Workshop which was held on 13 April 2023 to consider how effective scrutiny might be refreshed to drive improvements.
- 3.4 The Member Workshop was held at the Shoreham Centre and attended by Councillors Carol Albury, Tony Bellasis, Ann Bridges, Joss Loader and Paul Mansfield (Adur) and Ibsha Choudhury, Heather Mercer, Jon Roser and Cathy Glynn-Davies (Worthing). An appraisal of the discussions from the Workshop (which collates the comments and proposals by Members) is set out in the Appendix to this report. To assist JOSC in its consideration of the Appendix, Officers have assessed the proposals into shorter term options that Officers might assist Members to develop and longer term considerations for which it is proposed a Working Group.
- 3.5 At the Workshop Members considered the following three discussion subjects:-

Discussion Subject 1

What practical options might Members want Officers to develop options for that will provide shorter term improvements and benefits for Joint Overview and Scrutiny and its Members?

Discussion Subject 2

How do we want to develop our definition of effective scrutiny?

Discussion Subject 3

Moving forward, how will we reflect on the impact of the two different Administrations in Adur and Worthing on the JOSC model now that we have lived with it for a year, what changes (if any) would Members want to make from their experience on

4. Issues for consideration

- 4.1 Appendix A has been colour coded and highlighted; marked yellow for shorter term options that may be implemented more readily and marked blue for the longer term options (which it is proposed) form the terms of reference for a Working Group.
- 4.2 The shorter term options for consideration by the Committee are produced below for ease of reference:-
 - Pre-submitted questions are limited to 2 per Member to encourage effective on the spot scrutiny.
 - That Cabinet Members be requested to provide a briefing note for their interviews in advance of the meeting;
 - Cabinet Member interviews are more targeted with JOSC focusing more closely on a key area of the Cabinet Member portfolio or Key decision.
 - That the Cabinet Members should provide their own written responses
 to Member questions with factual information provided by Officers.
 Such responses to be checked by the Democratic Services team to
 ensure any exempt information is properly shared in accordance with
 our Access to Information procedure rules.
 - That published reports remind JOSC Members that there is a question time section after each Cabinet Member interview and that Members may make recommendations.
 - If JOSC is keen for a Working Group to consider and develop a
 pre-decision making focus, then a shorter term strategy would be to
 include consideration of the Forward Plan of Key Decisions as an item
 on each JOSC agenda as part of the ongoing Work Programme.
 - Through communication with their Leaders JOSC works to create a culture of encouragement and support for its work, particularly in supporting the attendance of Cabinet Members at JOSC meetings when requested and in communication generally.
 - That JOSC monitors and reviews the Work Programme to ensure that the items on the work programme will deliver effective scrutiny and are still required.
 - That JOSC consider introducing informal business planning meetings or pre meetings before each JOSC meeting

- As part of a training review, a mentoring scheme was proposed for new members to JOSC and also a social gathering event for all Members ('speed dating' or other informal gathering event was proposed) this would allow Member to get to know each other's strengths provide support to new Members and build on confidence.
- For JOSC to consider more active engagement with the public as witnesses and/or co-optees on matters before the Committee.
- For Members to agree to a skills and experience audit, to enable the Committee to effectively include Members comments when discussing certain agenda items and/or for appointments to Working Groups.
- That the JOSC Work Programme business be RAG rated to cover upcoming business and this can be implemented immediately if agreed. That a request will be made to review the cycle of the venues when considering the 2024/25 meeting dates.
- 4.3 It is proposed that the recommendations for the longer term options form the scope for a Working Group. JOSC is asked to consider approving the creation of the Working Group and its Membership. It is suggested that the Working Group should comprise of six JOSC Members (three from Adur and three from Worthing). The Working Group would have the option to co-opt Members to it as appropriate.

The proposed scope for the Working Group would be:-

For the Working Group to review what effective scrutiny and policy development looks like having regard to best practice, recommendations and guidance from advising authorities including the Centre for Public Governance & Scrutiny.

In carrying out the review to consider:-

- A refresh of the Cabinet Member interview process, how often, when and why.
 Can the effectiveness of Cabinet Member interviews be improved, should they be more 'project focused' or remain as they are or both.
- How pre-decision Scrutiny might be developed and that might work in practice.
- That the JOSC Working Group should review the training arrangements and the nature of the training to be delivered to Members as part of its review work.
- That the working group considers the quality and extent of the work on the Work Programme and charts if there is effective delivery of Reports against

- the timetable with a view to understanding / ascertaining why we have a regular occurrence of slippage.
- How effective policy development in Scrutiny can be achieved.
- What JOSC can do to proactively create a supportive culture from other Members across the Councils, encouraging support from Cabinets in the role of scrutiny and of a critical friend.
- To refresh the way in which JOSC interacts with the Public and confirm proposals.
- What type of data is required by Members to support Committee Reports
- To consider with Officers whether a Red Amber Green (RAG) rating should be included in Reports to denote delivery progress and performance against existing commitments or key performance indicators and how this might be done.
- Whether JOSC should make better use of JOSC Sub-committees to carry out its functions; how this fits in with the Joint Committee Agreement and those services which are currently defined as joint services (ie services not specifically reserved to either Council), and whether review of decisions or pre-decision scrutiny in line with the JSC Sub-Committee pilot scheme, is cost effective and / or required.
- Whether after its review the Working Group considers a reset of the Work Programme would be useful.
- To report recommendations from the review back to the Committee when completed together with a full consideration of the cost and resource implications with any proposals.

5. Engagement and Communication

5.1 The JOSC Chairpersons and Vice-Chairpersons and the Council Leadership Team and other relevant Officers have been consulted on the proposals contained in this report.

6. Financial Implications

6.1 There are no direct financial implications associated with this report, however, there may be financial/other resource implications associated with some of the possible long term changes to Overview and Scrutiny in Adur and Worthing if they are implemented and these will need to be reviewed in due course.

7. Legal Implications

- 7.1 Under Section 111 of the Local Government Act 1972, the Councils have the power to do anything to facilitate or which is conducive or incidental to the discharge of any of their functions.
- 7.2 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).
- 7.3 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.

Background Papers

Discussion paper 'JOSC review and refresh - March 2023'

https://docs.google.com/document/d/1IMnfLXF1H4OMXCyOOdpRGguFCv8dc0voNzBSJ-CgKTs/edit

Appendix A - Collated Feedback from Working Group

https://docs.google.com/document/d/1EbGU8VDuaEmMItbaoXHxQcwmy_CJv-9Mx37Eqe9Zs0I/edit

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Sustainability and Risk Assessment

1. Economic

Matter considered. No direct issues identified but some issues discussed by the Committee have an economic impact.

2. Social

2.1 Social Value

Matter considered. The work of the Committee may lead to improvements in communities and help promote social value.

2.2 Equality Issues

Matter considered and no issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered and no direct issues identified but the Committee does scrutinise community safety issues.

2.4 Human Rights Issues

Matter considered and no issues identified.

3. Environmental

Matter considered. The Committee has scrutinised the progress with Sustainable AW as part of its Work Programme.

4. Governance

Matter considered. Scrutiny plays an important role in the democratic system and as part of the Councils governance arrangements and it is good practice for the Councils to review the effectiveness of Overview and Scrutiny from time to time and make changes where this is considered appropriate.

Appendix A

Joint Overview and Scrutiny Committee Member Workshop held on 13 April 2023 - Member feedback

Discussion 1 - What practical options might Members want Officers to develop options for that will provide shorter term improvements and benefits for Joint Overview and Scrutiny and its Members?	Officer notes/Assessment/Recommendations
Issues relating to Cabinet Member interviews - Cabinet Member interviews work well especially when a briefing document is provided ahead of time. They can be	Cabinet Member interviews - The practice of holding annual Cabinet Member interviews for each Cabinet Member is well established and valued by JOSC Members and Cabinet Members. Pre submitted questions are limited to 2 per Member.
 improved by: - Having more/more targeted/specific information for Members to scrutinise or focusing on one key area of the portfolio, - CMs attending when invited, - More targeted questions and limited to 2 per Member, 	Recommendation - (1) That Cabinet Members be requested to provide a briefing note for their interviews prior to JOSC;
 - More targeted questions and limited to 2 per Member, - CMs asked to assess the highs and lows specifically of their portfolios, - CMs asked to provide their own responses to questions rather than being provided by Officers 	(2) That the interviews continue in the same format or to make them more effective and to help with agenda management the Cabinet Member interviews be more targeted with JOSC focusing more closely on a key area of the Cabinet Member
More recommendations to come from CM interviews	portfolio as part of the interview. This key area of focus from the portfolio could be identified either in the early part of the Municipal Year when the Work Programme is considered or at the JOSC meeting preceding each interview. This approach would still enable the interviews to take place but provide more structure to the process and could be implemented in the early

part of this Municipal Year.

(3) That as part of the Cabinet Member interview process, it is suggested that the Cabinet Members should be encouraged to provide their own written responses to Member questions with factual information provided by Officers if required /exempt?-but it is an issue which JOSC cannot control and should be discussed between Officers and Cabinet Members.

(4) That all Cabinet Member interview reports include a section which informs JOSC Members that they can question the Cabinet Members during the interviews and can make recommendations arising from those questions/answers.

A refresh of the interview process as referred to above could lead to more recommendations but that is for JOSC Members to consider.

Issues relating to Pre Decision Scrutiny/Policy development

More pre decision scrutiny - this could be accomplished by greater awareness/informing of the forward plan and upcoming Cabinet Member decisions

Better use of scrutiny for policy development with say Adur Homes In order to strengthen Overview and Scrutiny the JOSC Work Programme might be more proactive and spend some time focusing on decisions made or to be made under the Council's priorities and review the Forward Plan of decisions. A longer term detailed **Pre decision scrutiny approach** will need good forward planning and changes to the way of working by Officers and Members to identify the issues for pre scrutiny and the process for this. Member consideration of the Forward Plan, which highlights decisions to be made and the Report of Council Priorities to the JSC SC meetings can be considered by Members without further forward planning.

Overview and Scrutiny has the opportunity to help the Councils develop policy and can achieve this by undertaking reviews via

JOSC Working Groups as part of the Work Programme or requesting reports to JOSC on policy matters and making comments/recommendations to the Cabinet Members. Alternatively, a more formal Pre decision scrutiny model as referred to above can enable a more proactive form of policy development. Recommendation - (1) If JOSC wishes to adopt an early pre decision scrutiny focus which can be built upon, then scrutiny of the Forward Plan should be added as an item on each JOSC agenda and implemented immediately as part of the ongoing Work Programme. (2) The more detailed consideration of pre-decision protocols should be reviewed by the JOSC Working Group as a longer term ambition. JOSC should have more powers to compel people to attend. JOSC can request Cabinet Members to attend meetings and they must comply with this request. JOSC can also scrutinise the work of the Safer Communities Partnership and require partners to attend, however, there are no formal powers to compel other organisations to attend unlike the powers which Parliamentary Select Committees have. JOSC, however, has the powers of influence and by publicising requests for others to attend this can influence them to attend because of potential reputational damage to them if they do not attend. Recommendation - That Cabinet Members be reminded of the requirement for them to attend JOSC meetings when

requested. The Joint Chairs write to the Council Leaders reminding of the requirement for Cabinet Members to attend JOSC when summoned and to actively engage to promote to work of scrutiny as a critical friend.

Issues relating to training -

Better/More Member training

Members need to recognise the apolitical nature of JOSC

Better review of the forward plan, and key decisions that are to be made. It was noted that for effective scrutiny, members needed to understand the decision making process, which was harder for new Members and effective training was required.

Questioning/interview skills, examples of good/poor practice and select committees

More and greater Member training, to include Questioning/interview skills, examples of good/poor practice and select committees It is recognised that training for JOSC Members is essential to help Members learn more about Scrutiny and improve their skills required to scrutinise such as questioning skills and learning more about financial scrutiny.

There is an annual induction session for new and existing JOSC Members which is held in the early part of the Municipal Year after the election and more specialist forms of scrutiny training will be arranged during the Municipal Year where possible to cover questioning skills and financial scrutiny training.

The induction training is provided for JOSC Members to provide information on the role of scrutiny Members and this will include some guidance on the need for JOSC Members to be non-partisan. This also needs to be recognised amongst the Political Groups.

The proposal to scrutinise the Forward Plans at each JOSC meeting as referred to above will help with this with the review of the Forward Plan. All Members are given the opportunity to have decision making training to understand the process and this is planned in the new Municipal Year.

Recommendation - That the JOSC Working Group should review the training plan and the nature of the training to be delivered as part of its review work.

	As referenced earlier, training for scrutiny Members is essential to ensure that they are effective in their roles. Training induction is held annually and specialist training relating to questioning and interviewing skills and financial scrutiny training can be arranged. The JOSC Working Group should review the training as referred above.
Issues relating to agenda management and Work Programme control - Better structured agendas to better balance when the Worthing/Adur only items occur	Agendas are now compiled to provide a split between Adur and Worthing only items and timings are provided for each item in discussion with the JOSC Chairmen which provides better time management for the meetings.
There needs to be a better attention to deadlines and dates in the Work Programme . Too much report slippage.	The Work Programme is reported to each JOSC meeting for review. JOSC will need to review the Work Programme and ensure that reports are reported on time but the amount of work on the Work Programme has led to reports being delayed or deferred during 22/23.
	Recommendation 1 - That JOSC monitor and review the Work Programme to ensure that the items on the work programme will deliver effective scrutiny and are still required.
	Recommendation 2 - That the working group charts the delivery of Reports against the timetable as set out in the work programme with a view to understanding / ascertaining why we have a regular occurrence of slippage.
Issues relating to Working Groups - Improved scoping of the Working Groups	In addition to the terms of reference to be approved by JOSC for the Working Group, in the early stages of meeting, the Working Group will consider the terms of reference and if

Members not familiar with the terms of reference of the Working Groups	necessary report back to the JOSC Chairs on any increased or additional scope required by the Working Group.
To avoid delays with the scrutiny there needs to be a focused scope and ability to 'nail' down the detail	Recommendation 1 - For JOSC to approve the terms of reference of the Working Group set out in this report at Paragraph 4.2
Better community involvement in decision making and policy development	It was acknowledged that greater use of the Council's communications team would encourage members of the public to submit requests for scrutiny on matters affecting them directly and that longer term there should be greater community involvement in policy development
	Recommendation 1 - For JOSC to liaise with relevant officers, and/or other relevant parties to investigate mechanisms to better engage the public in effective scrutiny and policy development
What has worked well -	
Good examples of Working Group reporting eg Evening and Night time economy report	
Good Officer support for JOSC and individual Members and technical support	

Discussion 2 - How do we want to develop our definition of effective scrutiny and what does it look like?	Officer notes/Assessment/Recommendations	
Better committee communication Introduce some kind of buddy/mentor system whereby new Members can speak to a specific Member with more experience about agenda items and other issues, - Informal meets before meetings to discuss upcoming items, - 'Speed dating' where Members can get to know each other better	JOSC communications between JOSC Members are important. Recommendation - (1) That JOSC consider introducing informal business planning meetings or pre meetings before each JOSC meeting Recommendation - (2) As part of the training referred to earlier, a mentoring scheme be considered for new members to JOSC and also a social gathering event ('speed dating' has been proposed) for Members to get to know each other.	
Effective scrutiny should lead to better outcomes with improved decision making and delivery/implementation of services, Scrutiny needs to be more of a 'critical friend' Scrutiny needs to hold to account better	Recommendation 1 - For the Working Group to review what effective scrutiny looks like having regard to best practice, recommendations and guidance from advising authorities including the Centre for Public Governance & Scrutiny. Recommendation 2 - Training the Cabinets in the role of scrutiny and developing a culture for effective scrutiny to happen including the development of a critical friend role	
Raise the profile of JOSC with the public	Overview and Scrutiny can act as the doorway for the public to get involved in Council business. Scrutiny is flexible and is removed from the Council decision makers. The public are more likely to get involved if scrutiny is looking at the issues that people truly care about.	

JOSC has historically tried to involve the public in its work by publicising scrutiny on the Council website which includes a page for scrutiny requests. Also, JOSC have encouraged the public to get involved and submit scrutiny requests and a number of these have led to reports to JOSC for review. Utilising the Councils Communications Team to provide Communications posts prior to each JOSC meeting is also helpful. Council Members should be encouraged to provide social media postings themselves amongst their constituents prior to each JOSC meeting to highlight the work of JOSC and encourage the public to get involved. Working Group reviews also have the potential to get the public involved, particularly if the issues being reviewed are issues which the public are concerned about. Recommendation 1 - In order to take this forward the JOSC Working Group should look at ways to involve the public -Perhaps this could involve the public helping to set the Work Programme through surveys or by work planning in public. The public could even decide the topics for review. Recommendation 2 - JOSC to consider more actively using public as witnesses and/or co-optees Complete a 'skills audit' of JOSC Members to identify who Recommendation - That Officers arrange 1-1 meetings with should 'take lead' on certain agenda items the Members of JOSC appointed at the Annual meetings to discuss skills which will help when discussing certain agenda

	items or appointments to Working Groups.
Make reports more concise All reports to JOSC meetings should include a clear 'purpose of scrutiny' section which sets out why the report is being presented and what action is required.	Recommendation - For the Committee to consider the scope of the work programme carefully; to specify what scrutiny is required and to request that the report retains this focus.
More data is required in the reports presented to JOSC to allow for better scrutiny, particularly for the Cabinet Member interviews.	Recommendation 1 - That the working group considers with Officers how better and more effective data can be provided to JOSC to improve the effectiveness of Scrutiny as well as the consideration of the type and nature of data required as part of a review.
Pre decision scrutiny model should be introduced	Recommendation 1 - While the shorter term proposals for Scrutiny of the Forward Plan will help with pre-decision scrutiny, the recommendation is that the JOSC Working Group will need to review a wider approach to pre decision scrutiny as part of its review work.
There should be opposition Chairs.	This is a matter for the Political Groups to agree at full Council
Introduce a Red, Amber, Green (RAG) system for work programmed and reports.	Recommendation 1- That the JOSC Work Programme business be RAG rated to cover upcoming business and this can be implemented immediately if agreed.
	Recommendation 2 - that RAG information be included within the reports themselves to denote progress and performance against existing commitments or key performance indicators

Discussion 3 - Moving forward, how will we reflect on the impact of the two different Administrations in Adur and Worthing on the JOSC model now that we have lived with it for a year, what changes (if any) would Members want to make from their experience on the Committee? This also considered if there are any different ways of working that JOSC should consider for the future?

Officer notes/Assessment/Recommendations

Introduction of Sub Committees to deal with District/Borough specific issues, recognising that there is an inherent issue with resourcing this.

The relationship with JSC needs to be improved.

The Councils could seek to reduce meetings of JOSC and make greater use of the JOSC Sub-Committees which would help in scrutinising specific Adur/Worthing only matters.

A Cabinet/Scrutiny protocol could also be introduced to improve the relationship between the JSC /Cabinets and Scrutiny and the Joint Committee Agreement.

Recommendation (1) - that the Working Group consider the structure, content and nature of scrutiny across Adur and Worthing. This should Include considering the use of Council specific Sub-Committees

Recommendation (2) - The Working Group considers the nature of our Joint Services and how Joint Services should be scrutinised. This could include consideration of our current practice / protocol at committee and content of agendas.

Recommendation - That the review of JSC Sub-Committees be added to the JOSC Work Programme for review or the JOSC Working Group should review this as part of its work.

That a working group could consider the above, together with resource and cost implications. Review how JOSC works more coherently as a Joint Committee 'rules of engagement' Review the new ways of working of the JSC Sub-Committees and the impact -This should be scrutinised by JOSC and the challenge it provides to overall joint working.	
More co-optees on Working Groups	It is usual practice for each Working Group to consider if it wishes to co-opt other Members or specialists to help with the review and this is set out in the JOSC Procedure Rules.
Hold JOSC at Shoreham during the winter months due to better parking.	The Annual Programme of meetings is agreed each year and for 2023/24 was agreed by Councils in April and dates and venues of JOSC meetings are aligned with JSC meetings to ensure that all meetings are not held in the same venue at the same point in the year. Recommendation - That a request will be made to review the cycle of the venues when considering the 2024/25 meeting dates.

Reset the Work Programme perhaps with an 'Away Day' to re-evaluate

The JOSC Work Programme was agreed by the Councils in April and is a rolling Work Programme which can be amended as required.

Recommendation - A reset of the Work Programme could be useful and it is suggested that the Working Group should consider this as

part of its work.