



ADUR & WORTHING
COUNCILS

Joint Strategic Committee
12 September 2024

Key Decision [No]

Ward(s) Affected: N/A

Review of the effectiveness of Overview and Scrutiny - Report from the JOSC Working Group

Report by the Director for Sustainability and Resources

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Executive Summary

1. Purpose

- 1.1 The Joint Strategic Committee (JSC) is asked to receive and consider the findings and recommendations of the Joint Overview and Scrutiny Committee (JOSC) and the JOSC Working Group created to review the effectiveness of the Overview and Scrutiny process operated by

the Councils. A copy of the report from the Working Group and report to JOSC is attached as Appendices to this report.

- 1.2 The JOSC Working Group agreed in its conclusions that the conditions for successful scrutiny are present in Adur and Worthing and that scrutiny enjoys support from Officers and Members. The Working Group also considered it essential for good Scrutiny that our Cabinet Members also recognise the benefits of scrutiny in terms of good governance; democratic accountability and ensuring improved outcomes for the Councils and communities served. However, the Working Group identified some issues that are impacting on the effectiveness of our scrutiny process and identified some recommendations for JOSC to improve the level of outputs by the Committee.
- 1.3 Those recommendations which were approved by JOSC are now shared with the JSC for consideration by that Committee and with a request for support from that Committee to ensure our good scrutiny processes moving forward.

2. Recommendations

- 2.1 That the Joint Strategic Committee review the report and findings from the JOSC Working Group and consider if it would like to provide any response to the recommendations contained within the JOSC Report and approved by that Committee.
- 2.2 That the Joint Strategic Committee agrees to support the work of JOSC and the Scrutiny process and to support the development of a Pre-Scrutiny Protocol in consultation with the Leaders and Cabinet Members.

3. Context

- 3.1 Maintaining effective overview and scrutiny is a continuous challenge for all local authorities. It is therefore good practice for Overview and Scrutiny Committees to regularly review and refresh their ways of working. A discussion paper for review of the Overview and Scrutiny process was presented to the JOSC meeting in March 2023. Following on from this, as part of its Work Programme, JOSC agreed to set up a Working Group to review the effectiveness of its working arrangements in Adur and Worthing.
- 3.2 The Working Group considered and agreed a scope and terms of reference as follows:-

- 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 Governance & Scrutiny;
- To review the Cabinet Member interview process, how often, when and why and to consider if the effectiveness of Cabinet Member interviews can be improved, should they be more 'project focused' or remain as they are or both;
- To consider how pre-decision Scrutiny might be developed and that might work in practice; .
- To review the overview and scrutiny training arrangements and the nature of the training to be delivered to Members;
- To consider the quality and extent of the work on the Work Programme and chart if there is effective delivery of reports against the timetable with a view to understanding / ascertaining why there is a regular occurrence of slippage;
- To consider how effective policy development in Scrutiny can be achieved;
- To consider 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;
- To consider 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;
- To consider 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;
- To consider whether after its review the Working Group considers a reset of the Work Programme would be useful; and
- To report recommendations from the review back to the Joint Overview and Scrutiny Committee when completed together with a full consideration of the cost and resource implications with any proposals.

3.3 The Working Group Report was considered by JOSC at its meeting on 15 July 2024 and the recommendations were agreed. There was a recommendation

that the proposed pre-decision protocol and the Executive / Scrutiny relationship protocol be considered in tandem. JOSC referred the recommendations to the Councils, Joint Strategic Committee and Joint Audit and Governance Committee (JAGC) as appropriate for consideration and comment. The revised JOSC Work Programme was agreed by both Councils at the July meetings. JOSC will be implementing those recommendations save those that do not require approval by the JAGC and Councils.

4. Issues for consideration

- 4.1 This Committee is requested to consider the review from the JOSC Working Group, its recommendations and consider if any further response is required to JOSC on any of the proposals, particularly proposals to improve interviews with Cabinet Members, Pre decision and policy development Scrutiny, building a better JOSC/Cabinets relationship and involvement of JOSC in the budget development process.

5. Engagement and Communication

- 5.1 The JOSC Working Group met with Cabinet Members as part of its review process and has consulted with the Monitoring Officer, the Democratic Services Team and the Council Leadership Team as part of its work to develop its report. A summary of these discussions are set out in the Working Group report which is set out in the appendix to this report.

6. Financial Implications

- 6.1 There are some direct cost implications relating to the recommendation on future training. These costs will need to be funded from the existing budgets for member training which may require some management of training priorities by officers to accommodate. The proposal to commission a peer review of overview and scrutiny will also have budget implications. Options are currently being looked into.

7. Legal Implications

- 7.1 Section 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011 provide that Executive arrangements of a local authority must ensure that its overview and scrutiny committees have the power between them):-

- a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive,
- b) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive,
- c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive,
- d) to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive,
- e) to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area,

7.2 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.

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.

Legal Officer: Joanne Lee

Date: 06/08/2024

Background Papers

Report to the Joint Overview and Scrutiny Committee on 15 July 2024 as attached as an appendix to this report.

Sustainability & Risk Assessment

1. Economic

Matter considered and no significant issues identified. JOSC can consider and review issues which relate to economic provision. The JOSC Work Programme will contain issues which will impact on economic provision.

2. Social

2.1 Social Value

Matter considered. A more effective overview and scrutiny system will provide JOSC with the opportunity to review more issues which can help improve the social value for local communities.

2.2 Equality Issues

Matter considered. No direct issues identified as part of the report but items included on the JOSC Work Programme will review impacts on access or participation when reported to JOSC.

2.3 Community Safety Issues (Section 17)

Matter considered. JOSC can review community safety issues and is also responsible for undertaking crime and disorder scrutiny. A community safety themed meeting will be held as part of the JOSC Work Programme in December 2024.

2.4 Human Rights Issues

Matter considered and no significant issues identified.

3. Environmental

Matter considered and no significant issues identified.

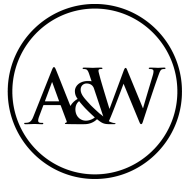
4. Governance

Matter considered. The JOSC Working Group was set up in accordance with the JOSC Procedure Rules and formed part of the agreed JOSC Work Programme. Some of the recommendations from the review will need to be presented to the Councils and Joint Audit and Governance Committee for consideration and comment in accordance with the terms of the Constitution.

The Working Group report is also presented to the Joint Strategic Committee for comment as some of the proposals and recommendations will impact on the work of the Committee.

APPENDIX

Joint Overview and Scrutiny Committee
15 July 2024



ADUR & WORTHING
COUNCILS

Key Decision [No]

Ward(s) Affected:N/A

JOSC Working Group - Review of the effectiveness of Overview and Scrutiny

Report by the Director for Sustainability & Resources

Executive Summary

1. Purpose

1.1 This report sets out the recommendations from the Joint Overview and Scrutiny Committee (JOSC) Working Group which was created as part of the JOSC Work Programme to review the effectiveness of the Overview and Scrutiny process that is operated by the Councils.

2. Recommendations

2.1 That JOSC consider the report and recommendations from the Overview and Scrutiny Working Group and refer the recommendations to the Councils, Joint Strategic Committee and Joint Audit and Governance Committee as appropriate for consideration and comment.

3. Context

3.1 As part of its Work Programme in June 2023, JOSC agreed to set up a Working Group to review the effectiveness of the Overview and Scrutiny process at Adur and Worthing Councils. The Working Group agreed the following terms of reference and project objectives for the review:-

1. 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 Governance & Scrutiny;
2. To review the Cabinet Member interview process, how often, when and why and to consider if the effectiveness of Cabinet Member interviews can be improved, should they be more 'project focused' or remain as they are or both;
3. To consider how pre-decision Scrutiny might be developed and that might work in practice; .
4. To review the overview and scrutiny training arrangements and the nature of the training to be delivered to Members;
5. To consider the quality and extent of the work on the Work Programme and chart if there is effective delivery of reports against the timetable with a view to understanding / ascertaining why there is a regular occurrence of slippage;
6. To consider how effective policy development in Scrutiny can be achieved;
7. To consider 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;
8. To refresh the way in which JOSC interacts with the Public and confirm proposals;
9. To consider what type of data is required by Members to support Committee Reports;
10. 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;
11. To consider 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;
12. To consider whether after its review the Working Group considers a reset of the Work Programme would be useful; and

13. To report recommendations from the review back to the Joint Overview and Scrutiny Committee when completed together with a full consideration of the cost and resource implications with any proposals.

4. Issues for consideration

- 4.1 JOSC is asked to consider the report and recommendations from the JOSC Working Group set out in the report contained in the Appendix to this report and agree to refer the recommendations to the Councils, Joint Strategic Committee and Joint Audit and Governance Committee for consideration and comment as appropriate in due course.

5. Engagement and Communication

- 5.1 The JOSC Working Group that has undertaken the review of the overview and scrutiny process has held meetings and met with relevant Council Officers, details of these discussions and the evidence provided are set out in the accompanying report at the Appendix.

6. Financial Implications

- 6.1 There are some direct cost implications relating to the recommendation on training if implemented which are estimated at between £1,000 - £1,500 per training session (1 session per year) . This cost would need to be funded from the existing budgets for member training which may require some management of training priorities by officers to accommodate.

7. Legal Implications

- 7.1 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.
- 7.2 Section 1 of the Localism Act 2011 provides a Local Authority to do anything that individuals 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. The Joint Overview and Scrutiny Committee undertakes the overview and scrutiny

role for the Councils and helps drive improvement and can review new ways of delivering services.

Background Papers

Any papers referenced in the Working Group report.

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Sustainability & Risk Assessment

1. Economic

Matter considered and no significant issues identified. JOSC can consider and review issues which relate to economic provision.

2. Social

2.1 Social Value

Matter considered. A more effective overview and scrutiny system will provide JOSC with the opportunity to review more issues which can help improve the social value for local communities.

2.2 Equality Issues

Matter considered and no significant issues identified.

2.3 Community Safety Issues (Section 17)

Matter considered. JOSC can review community safety issues and is also responsible for undertaking crime and disorder scrutiny.

2.4 Human Rights Issues

Matter considered and no significant issues identified.

3. Environmental

Matter considered and no significant issues identified.

4. Governance

Matter considered. The JOSC Working Group was set up in accordance with the JOSC Procedure Rules and forms part of the agreed JOSC Work Programme. Recommendations from the review will need to be presented to the Councils, Joint Strategic Committee and Joint Audit and Governance Committee as appropriate for consideration and comment in accordance with the terms of the Constitution.



**ADUR & WORTHING
COUNCILS**

Scrutiny review of the effectiveness of Overview and Scrutiny

Report by the Joint Overview and Scrutiny Working Group

1.0 Summary

- 1.1 The Joint Overview and Scrutiny Committee (JOSC) and separate Adur and Worthing Overview and Scrutiny Committees (OSC's) aim to play a vital role in the Councils' decision-making and policy development processes. The Committees strive to ensure that public accountability is exercised at every level and that decisions relating to place, communities, resources and finance are thoroughly reviewed.
- 1.2 The JOSC and the OSC's are responsible for holding the Cabinets, Joint Strategic Committee and Adur and Worthing Joint Strategic Sub-Committees to account, as well as helping to develop new policies. The Committees scrutinise decisions, review and advise on existing policies and public services, monitor the Councils' performance and carry out policy development functions. The aim of the Committees is to secure continuous positive improvement in the way the Councils' functions are exercised; taking economy, efficiency and effectiveness all into account. However, it has been recognised by the Councils that overview and scrutiny at Adur and Worthing needs to be more efficient and effective to reflect the important role that it can and should play in the democratic system.
- 1.3 Sitting behind and beneath achieving good quality scrutiny are a number of important factors that need to be in place from a practical perspective. These are the foundations on which good scrutiny is built. In 2019, the Ministry of Housing, Communities and Local Government issued statutory guidance for Councils [Guidance](#)

- 1.4 The guidance stresses the role of scrutiny committees in holding authorities to account over local decision-making. It outlines what effective scrutiny looks like and the positives it can bring to local authorities. Key points in the Guidance relevant to the issues considered by the Working Group and covered in this report include ensuring that scrutiny has legitimacy and a clear mandate in the system, creating a strong organisational culture to support scrutiny by recognising the legal and democratic legitimacy of scrutiny; identifying a clear role and focus; early engagement between the Executive and scrutiny and managing disagreement. The guidance also recommends that Scrutiny committees should be constructive ‘critical friends’ with a vital role of amplifying the voices and concerns of the public when councils take important decisions. In terms of providing effective administration of the scrutiny process, the Guidance recommends that a well planned work programme that reflects the key issues for the councils should be created and Member training should be provided which is of a high quality and integrated into Councillors’ ongoing work.
- 1.5 This report, therefore, sets out a series of findings, research and recommendations from the Joint Overview and Scrutiny Committee (JOSC) Working Group which was established by JOSC as part of its Work Programme in June 2023 to review what effective scrutiny and policy development look like having regard to best practice, recommendations and guidance.
- 1.6 The Working Group sets out some key recommendations and conclusions to be put to JOSC which it considers can improve how the JOSC and OSC’s can be more effective.

2.0 Background and context to the review and refresh of Overview and Scrutiny

- 2.1 Maintaining effective overview and scrutiny is a challenge for all local authorities and no council can profess excellence in scrutiny across the board – there are always areas of weakness which, left untended, can develop into flaws in scrutiny which can have a more significant impact on effectiveness overall. Adur and Worthing Councils have not undertaken a comprehensive review of overview and scrutiny arrangements for some time and it was therefore suggested to be the right time to conduct a review because Overview and Scrutiny plays an important role in the Democratic system and 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 JOSOC can

look at things from angles that might not be apparent to Cabinet Members, or Senior Officers.

- 2.2 It is good practice for Overview and Scrutiny Committees 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 in March 2023 considering these options. 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. The outcomes from the Workshop were then reported to the Joint Overview and Scrutiny Committee in June 2023 where JOSC agreed to implement some of the issues which could be implemented quickly short term and agreed that the issues requiring some long term further investigation should be considered as part of the work of a Working Group. [JOSC report 8/6/23](#)
- 2.3 Councillors Tony Bellasis, Joss Loader and Sharon Sluman (Adur) and Dan Hermitage, Heather Mercer and Elizabeth Sparkes (Worthing) were appointed to the Working Group. Councillor Bellasis stepped down from the Working Group because he had stood down as a Member of JOSC. Councillor Loader was appointed as Chair of the Working Group.
- 2.4 The Working Group held meetings in July, August, September and October 2023 and February and April 2024 to gather evidence and formulate findings and recommendations. Working Group Members also met with Adur and Worthing Cabinet Members in October 2023 and the Monitoring Officer and the Democratic Services Team in February 2024.
- 2.5 The Working Group considered and agreed a scope and terms of reference for the Working Group which had been agreed by the Joint Overview and Scrutiny Committee on 8 June 2023 as follows:-
 - 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 Governance & Scrutiny;
 - To review the Cabinet Member interview process, how often, when and why and to consider if the effectiveness of Cabinet Member interviews can be improved, should they be more 'project focused' or remain as they are or both;
 - To consider how pre-decision Scrutiny might be developed and that might work in practice; .
 - To review the overview and scrutiny training arrangements and the nature of the training to be delivered to Members;

- To consider the quality and extent of the work on the Work Programme and chart if there is effective delivery of reports against the timetable with a view to understanding / ascertaining why there is a regular occurrence of slippage;
- To consider how effective policy development in Scrutiny can be achieved;
- To consider 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;
- To consider 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;
- To consider 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;
- To consider whether after its review the Working Group considers a reset of the Work Programme would be useful; and
- To report recommendations from the review back to the Joint Overview and Scrutiny Committee when completed together with a full consideration of the cost and resource implications with any proposals.

3. Method of the review and evidence base

3.1 From the start of the review, the Working Group wanted to ensure that it was briefed on as much background and information as possible relating to the relevant areas of focus for the review. Briefing papers were provided to the Working Group on effective scrutiny and policy development, Cabinet Member interviews, pre decision scrutiny, overview and scrutiny training and the JOSC Work Programme. The Working Group reviewed the areas of focus and considered the issues in these briefing papers and relevant points for consideration from these discussions are set out below:-

3.2 (a) Scrutiny training for Members

3.2.1 As part of the review, the Working Group reviewed the JOSC training arrangements for Members of the Council and the nature of the training. A

short paper on the current approach to training at the Councils and the approach applied by the other West Sussex Councils was circulated to the Working Group - [Paper on Scrutiny training](#)

3.2.2 It was suggested that new Members to JOSC should be required to read the Constitutions of the Councils as part of their training. It was suggested that the more specialist forms of training such as questioning skills and the Governance training should be provided by outside providers such as the Centre for Governance and Scrutiny (CfGS), Local Government Information Unit (LGiU), Local Government Association (LGA) or South East Employers. Induction training, however, should continue to be provided by Officers at the start of each Municipal Year. The Working Group also suggested that Members should try and use the free resources/training courses available to find out more about Overview and Scrutiny and self train where appropriate. Information on training can be accessed via the following Links - [LGiU CfGS](#)

3.2.3 Members suggested that reflective practice should be applied at the end of each training session and having reflective segments at the end of each meeting was also a helpful way to improve learning. Recording sections of meetings was also a useful way to provide reflective training for JOSC Members, although it was noted that meetings were already recorded and those recordings could be used.

3.2.4 Examples of scrutiny training (questioning skills) provided by the CfGS and LGiU including costs (approx £1,200) were subsequently circulated to Members of the Working Group and the Working Group supported the option for there to be in person training as more appropriate than online training if possible (with a hybrid option) and that the training be offered to Cabinet Members as well (All subject to budgets being available).

3.3 **(b) Cabinet Member interviews and creating a culture for Cabinet Members to support Scrutiny and provide critical friend support**

3.3.1 As part of the review, the Working Group reviewed a short paper which explained how the Cabinet Member interviews were undertaken and the practice for interviews undertaken by other West Sussex local authorities. The Working Group was also asked to review how the Cabinet Members and JOSC could work in a better way to create a culture to support scrutiny.

3.3.2 The Working Group discussed the current approach to Cabinet Member interviews and the input from Cabinet Members and JOSC Members (all

Cabinet Members were invited to a JOSC meeting each year to report on the work of their Portfolio and to answer questions). It was agreed that it was important to keep the Party Politics out of the process.

- 3.3.3 It was noted that Members could develop a Cabinet / Scrutiny protocol to encourage effective working relationships and was recommended as good practice in recent Government guidance on the scrutiny process. The protocol could define how the Cabinets and JOSC should work together - a number of Councils already have such a Protocol included in their Constitutions. The Working Group suggested that if the Cabinet Member interviews were to remain part of the JOSC Work Programme, that they could be improved by inviting Cabinet Members to themed meetings or to matters arising on the agenda, as well as for the Committee to ask for Cabinet Members to attend the Committee to talk to specific areas of concern.
- 3.3.4 The Committee also noted that JOSC should be a space for Cabinet Members to reflect on their achievements and constraints rather than simply just being a summons to be interviewed which has proved to be time consuming and not as effective as they may be. Inviting Cabinet Members informally to attend every JOSC meeting for input on items was also considered as an option, however, inviting more than one Cabinet Member in for an item could be useful where the issues overlap portfolios.
- 3.3.5 Working Group Members noted that Cabinet Member interviews in their current format could be clumsy, overload the Work Programme, become overly political and could prevent good scrutiny. There could be awkward situations where single issue council matters are discussed in the joint arena.
- 3.3.6 The Working Group also discussed how the Cabinets and JOSC could work in a better way together with mutual respect and cooperation.

3.4 **(c) Pre decision scrutiny and Policy development**

- 3.4.1 As part of the terms of reference, the Working Group reviewed how pre decision scrutiny and policy development might be developed at Adur and Worthing and how it could work in practice. A paper was received by the Working Group [Paper on Pre decision scrutiny and policy development](#)
- 3.4.2 The Working Group was advised that Pre decision scrutiny was part of the 'critical friend' challenge, a principle of good scrutiny. However, it requires

forward planning and changes to the way of working would be needed for Officers and Members, to identify clear issues for pre-scrutiny consideration and whether a formal process or protocol should be introduced

- 3.4.3 Any pre-decision scrutiny would apply to Adur and Worthing Joint Strategic Committees and Sub-Committees as well as the individual Cabinets business and provide the opportunity for consultation with JOSC on fully developed proposals, where a clear recommendation exists, before decisions are taken by the Cabinets or Committees.
- 3.4.4 Pre decision scrutiny would provide scrutiny Councillors with the ability to make comments or recommendations on a proposed item which the JSC and its Sub-Committees / Cabinets are scheduled to consider. These decision makers would take into account comments and recommendations from JOSC prior to making a decision and thereby have the potential to give scrutiny a valuable opportunity to influence decision-making through debate and challenge.
- 3.4.5 The range of possible outcomes from the Pre decision scrutiny might include support for a decision, a different view on the way forward, the flagging up of concerns (e.g. in relation to the consultation process), or a view that the decision should be deferred pending further work etc. Pre decision scrutiny did not, however, mean that decisions would necessarily be changed or withdrawn, however it would give an opportunity for those decisions to be more informed. Pre-decision scrutiny could be viewed as JOSC Members performing a 'critical friend' role.
- 3.4.6 Policy development is also an opportunity for JOSC to provide a 'critical friend' role and assist the Cabinets in the development of new policies and review of existing policies and strategies developed by the Councils and JOSC could commission in-depth projects/reviews to help improve local services or to assist policy development.
- 3.4.7 It was suggested that JOSC should play a major role in acting as a consultee on policy proposals or conducting detailed investigations into policy areas to help recommendations for the JSC/Sub-Committee/Cabinet Members or Officers to consider.
- 3.4.8 The Working Group was advised that a Pre-decision scrutiny approach referred to earlier would help with policy development because JOSC would have the opportunity to pick out policy matters for review as part of its Work Programme.

3.4.9 As there was currently no clear pathway for allowing JOSC to undertake pre decision scrutiny - It would, therefore, need a clear approach to enable pre decision scrutiny to be undertaken which would need a greater understanding and different way of thinking from the Cabinets and Leadership Team to enable the scrutiny to be undertaken. The briefing paper highlighted examples of good practice from elsewhere in the UK where pre decision scrutiny was undertaken and further information on these would be helpful when developing a pre decision scrutiny approach in Adur and Worthing.

3.5 **(d) JOSC working and the JOSC Work Programme**

3.5.1 The Working Group discussed a briefing paper on the way JOSC works and the JOSC Work Programme. [JOSC working and JOSC Work Programme](#)
The Working Group has considered the JOSC Work Programme and issues referred to, any changes required to how the Work Programme can be developed and suggestions for improving slippage and monitoring the progress of implementation of what has recently been an 'overloaded' Work Programme. The Working Group also reviewed if additional data was required for reports and what type of data.

3.5.2 The Working Group considered that there was currently no prioritisation process for including items on the Work Programme and some items were 'held' indefinitely which was not always helpful. The conclusions were that a reset of the Work Programme is required to look afresh at items for the Work Programme which will help make the Work Programme as fluid and as proactive and clear as possible to help the Committee consider items which are relevant to the work of the Councils and align more closely with the Councils' strategic priorities and can help make a difference.

3.6 **(e) JOSC and improved public engagement**

3.6.1 As part of its terms of reference, the Working Group also reviewed how better public engagement might be achieved at JOSC. A short paper was received by the Working Group [JOSC and better public engagement](#)

3.6.2 The Working Group considered that it was important to direct the public to the meetings of the JOSC and send them links to make it easier for them to access the information rather than having to look in detail through the website which was not easy to navigate.

3.6.3 With regard to inviting people onto the JOSC Committee as co-optees, it was

suggested that it could be difficult to get a representative opinion. There was also a challenge in involving the public and then the possibility of them becoming too involved and not being representative. Some people had previously been co-opted onto a Working Group but no members of the public had been co-opted onto JOSC. However, the Working Group considers that it would be useful for JOSC to review its approach to co-opting people onto JOSC where appropriate.

3.6.4 Other suggestions centred on the need to get people involved in the principles of scrutiny and then get involved and participate in the meetings. Public engagement was a good opportunity for the Councils to work with the community and for those people to then ask the right questions. There was a need for the Committee to be more representative of the community and include different age groups etc.

3.6.5 The Working Group considered that it was important to reach those 'hard to reach groups'. Not everybody was able to access online and some people had a different language. Community groups, however, could be used to cascade information down to other 'hard to reach groups' and there was also a need for a definition to explain to the public why JOSC was tackling an issue and to give people appropriate support. There was also a need for the Councils Communications Team to be closely involved with appropriate 'buy in' to help with public engagement.

3.7 (f) Better use of JOSC Sub-Committees

3.7.1 The Working Group discussed a short briefing paper on the use of JOSC Sub-Committees [Better use of JOSC Sub-Committees](#) Further analysis showing advantages and disadvantages and showing how other Councils operated when dealing with shared services was required before considering any changes to the system.

3.8 (g) Meeting with Adur and Worthing Cabinet Members - October 2023

3.8.1 The Working Group also met with Cabinet Members to discuss Cabinet Member views on the overview and scrutiny process, looking in particular at Cabinet Member interviews and how the Cabinets and JOSC could work in a better way together to form mutual respect and co-operation.

3.8.2 It was suggested that regular meetings of Cabinet Members and JOSC Chairs would be helpful to discuss the JOSC Cabinet relationship and JOSC Work Programme and items for scrutiny which would also help in developing the pre

scrutiny role. Cabinet Members were also of the opinion that for the interviews, the questions should be received in advance and that they are meaningful to reflect the preparations put in by the Cabinet Members in preparing for the meeting. Questions should be relating to Strategy issues rather than operational issues which are more for officers and Politics should be kept out of the questioning. JOSC should try and ensure that Cabinet Members consider their own strategy - JOSC should be a critical friend around strategy. Cabinet Members also expected JOSC to scrutinise the portfolios and help ensure that the overall Strategy was moving in the right direction.

3.9 (h) Working Group meeting with Monitoring Officer and Officers from Democratic Services Team - February 2024

3.9.1 The Working Group also held a meeting with the Monitoring Officer and Officers from the Democratic Services Team to discuss a paper on overview and scrutiny produced by Officers which reviewed issues for consideration by the Working Group. This covered the factors that enable great scrutiny, how to develop scrutiny's involvement in the budget process, how to manage and resource a good scrutiny work programme, how to determine what matters should come to overview and scrutiny and how to develop a positive culture of scrutiny in an organisation.

[Overview and Scrutiny paper](#)

3.9.2 Resulting from this, the Working Group agreed with the suggestions and agreed to take forward some of the discussions as recommendations for new ways of working and ways to deal with specific issues and these are covered as follows:-.

3.9.3 **Developing Scrutiny's involvement in the budget process** - There was general agreement from the Working Group of the need for JOSC to improve its role in the budget setting and monitoring process. With that in mind, the Working Group proposes that JOSC should appoint a formal fixed Finance Panel/Budget Working Group made up of members of JOSC which can take the lead in budget monitoring matters, test and challenge budget assumptions, options, focus and viability as part of the budget development process and take a much broader and deeper approach to budget scrutiny, reporting back to JOSC as required. The Members of the Working Group will receive at least, in house training on budget/finance matters and if agreed by JOSC, will be appointed at the June JOSC meeting. Wider Committee Members will also be invited to attend the training. It is envisaged that JOSC would receive quarterly budget monitoring reports and the Working

Group would be closely involved in budget development scrutiny and lead debate and provide assessment analysis to JOSC.

3.9.4 Throughout the year, the Finance Working Group can be briefed and make recommendations on budget Development by CLT and the Chief Finance Officer and by taking that approach can assess wider financial and service context, identify potential budget pressures early and emerging needs of the communities having an impact on the budgets. There is a pending change to the Budget procedure rules to enable the scrutiny of budget proposals at the January JOSC meeting, rather than the November meeting because the year on year budget challenges made it difficult for proposals to be ready in time for meaningful scrutiny review in the November meeting. JOSC and the Working Group might also be able to assist with longer term strategic budget planning over a 5 year horizon by reviewing availability of external funding and how the Councils might best meet forthcoming challenges. The working arrangements for the Working Group will need to be agreed by itself but the remit set out above, provides a broad scope for the work.

3.9.5 **Developing a good Work Programme** - The previous JOSC Work Programmes have been extensive as the Committee seeks to ensure a watching brief on a full range of issues with a deeper examination of key priorities. As a result, individual agendas have been very busy and there are challenges to allocating sufficient time to the most important issues. However, implementing the recommendations set out in this report will effectively lead to a remodelling of the JOSC Work Programme. Remodelling gives Members and Officers an opportunity to start the Work Programme afresh, prioritise matters which require scrutiny, and the approach as to how the work is carried out, having consideration to the points raised elsewhere in this report. In effect the content and methodology of Scrutiny at Adur and Worthing can be effectively transformed.

3.9.6 **Determining how matters should come to Overview and Scrutiny** - The Working Group suggests that JOSC should examine the Risk and Opportunities register on a regular basis to prioritise items that require Scrutiny. It is good practice for JOSC to review this register, which provides detail on the known risks and opportunities facing the Council at this time and it will enable the committee to consider what benefit scrutiny might have and if appropriate to receive further information on items through officer reports.

3.9.7 The committee already includes the Forward Plan of Key and Exempt Decisions on its agenda which will also enable JOSC to identify items requiring further scrutiny or consider further information on any matter arising.

This will also help to enhance the pre decision scrutiny role of the Committee. The PAPER criteria set out in the Constitutions will also help guide JOSCS in determining items for further Scrutiny.

4.0 Conclusions and recommendations

4.1 The Working Group is mindful that the conditions for successful scrutiny are present in Adur and Worthing; scrutiny enjoys support from the Chief Executive, the Monitoring Officer and the Democratic Services Team, it is also generally considered that both Cabinets recognise the benefits of scrutiny in terms of good governance and democratic accountability, and Members of scrutiny want to ensure improved outcomes for the councils and the communities served. However, the Working Group has identified some issues that are impacting on how the Overview and Scrutiny Committees perform and has identified some recommendations for improvement which if implemented can help improve the level of impact of outputs by the Committee.

4.2 Recommendations -

Member training and development of skill sets

(1) Good scrutiny requires training in essential skills:-

(a) Members should engage in the Member workshops in May/June and the essential Member training offered by the Councils relating to decision making and general governance of the Councils;

(b) Members should also recognise the importance of training and be encouraged to engage in free online training relating to overview and scrutiny which is offered by national organisations such as the LGiU, CfGS, LGA or South East Employers; and

(c) Specialist training in questioning skills and/or Governance relating to overview and scrutiny be developed and offered each year as part of the Member training programme (subject to budgets being available and to be provided by specialist companies such as LGiU or CfGS). In person training with a hybrid option if possible.

Reason - Training for JOSCS and OSC Members is essential to help Members learn more about Scrutiny and improve their skills required to scrutinise such as questioning, governance and financial skills. This training will refresh and

enhance Councillors knowledge and understanding of the role, purpose and powers of scrutiny. It is recognised that there is a cost implication to providing training in specialist areas but self education and utilising online free course provision will help reduce costs.

During the workshop, Members were asked to note any particular skill sets that might assist the Joint Overview and Scrutiny Committee in constituting and performance management of working groups.

Cabinet Member interviews

- (2) That there is a proposed re-set in the way Cabinet Members are scrutinised. In the current format, Cabinet Member scrutiny will cease and the questioning of Cabinet Members will take place in a more efficient format, aligned to the business of the agenda and/or to themed meetings. Additionally the committee can request a Cabinet Member before the committee on any specific issues of concern.**

The Working Group would like to see the Cabinet Member interview process reset and as part of this considers that the experience of the interviews should be changed to make it more welcoming with the committee acting as critical friend and to enable questions to be put to the Cabinet Members.

Reason - The present format does not necessarily produce effective scrutiny, often pre-submitted questions are responded to by officers. The current format creates a great amount of additional work for Officers and the Committee. To change the way that the Cabinet Members are questioned and seek to align interviews to be more meaningful and in line with relevant issues facing the Councils and the Strategic Priorities.

- (3) With regard to the data available in reports it was agreed that a RAG rating in reports would be helpful to identify additional pressures that might be in place in relation to Cabinet work, measured by delivery against key priorities.**

Reason - To help with the understanding of the pressures involved with the Cabinet Member work.

Pre decision scrutiny and Policy development role

- (4) **The Working Group recognises the importance of pre-scrutiny in decision making and in the longer term is minded to recommend (in consultation with the Council Leadership Team) the development of a formal pre-decision protocol which could include criteria for assessing suitability for pre-decision scrutiny (both CLT and Members having input into development of the criteria). In the shorter term for the Committee to have regard to key decisions to be made on the Forward Plan, Strategic Plans and Council priorities.**

Reason - Pre decision scrutiny is part of the 'critical friend' challenge which is a principle of good scrutiny. Pre decision scrutiny can help provide better informed decision making.

JOSC work and JOSC Work Programme

- (5) **That at its July meeting the JOSC Work Programme be cleared and reset as per the recommendations from the Induction Workshop which took place in early June 2024. That any new items on the Work Programme moving forward follow the principles set out in these recommendations and/or strictly apply the PAPER Criteria. Items for information or for noting should not appear on future JOSC agendas, with Members of the Committee being encouraged to self educate through engagement with Senior Officers as appropriate and share information informally with Committee Members.**

Reason - To make the Work Programme as fluid and as proactive and clear as possible to help the Committee consider items which are relevant to the work of the Councils and align more closely with the Councils' strategic priorities and can help make a difference. Work Programme items also should be prioritised appropriately.

- (6) **That JOSC should review the Risk and Opportunities register on a regular basis to prioritise items that require Scrutiny on the Work Programme.**

Reason - It is good practice for JOSC to review this register which provides detail on the known risks and opportunities facing the Councils at this time and it will enable the committee to consider what benefit scrutiny might have and if appropriate to receive further information on items through officer reports.

- (7) That JOSC and the Council Leadership Team be encouraged to work collaboratively and supportively to embed a culture of effective scrutiny across both Members and Officers.**

Reason - To develop a culture of encouraging scrutiny on specific project work with critical friending whilst acknowledging the benefits of pre-action scrutiny. This might also help raise awareness and the value of the work of JOSC amongst the Leadership Team and also more widely, develop improved service budget and budget accountability for finance management.

Building a better JOSC/Cabinets relationship

- (8) That regular informal meetings of the Leaders (and Cabinet Members where appropriate) and JOSC Chairs be held to discuss the JOSC / Cabinet relationship and JOSC Work Programme and potential items for scrutiny.**

Reason - The purpose of this would be to help overview and scrutiny develop and help scrutiny and the Cabinets work more collaboratively but without compromising scrutiny's independence and authority.

- (9) That the Councils consider introducing a Cabinet/Scrutiny relationship protocol to provide a framework for how the Cabinets and Scrutiny can work together more effectively.**

Reason - It is good practice to have a Protocol which has the potential to formalise the relationship between the Executive (Cabinet) and the Overview & Scrutiny Committees, in order to ensure the smooth conduct of business and maintain effective communication between Scrutiny and Cabinet Members. This will help promote an effective role for Scrutiny and foster a good working relationships between the Committee and the Cabinets that will ensure the Committees make a valuable contribution to the effective running of the Councils.

JOSC and increased public engagement

- (10) That subject to available resource, JOSC encourages better public engagement to assist the councils make more informed decisions by**

understanding how the Councils might better engage with the public including marginalised groups . To also look at more innovative ways to publicise the JOSC process such as video blogs by the Chairs to explain and give more appropriate messaging.

Reason - Better public engagement and understanding of the needs of the community will help the Councils make more informed decisions.

(11) That JOSC review its approach and more actively co-opt non-voting members of the community and experts onto the Committee /Sub Committees and Working Groups where appropriate.

Reason - Having co-optees on the Committee could help the Committee when considering certain items, providing particular expertise on issues where relevant.

Developing the JOSC involvement in the budget process

(12) That with effect from July 2024, using Members with relevant skill sets, that JOSC agree to set up a Finance/Budget Scrutiny Working Group. In consultation with the Section 151 Officer the Group would take the lead in budget monitoring matters, working more closely with the Council's Senior Leadership team. This will enable the Working Group to take a much broader and deeper approach to budget scrutiny, reporting back to JOSC as required.

Reason - Budget/Finance Scrutiny provides the primary mechanism over the course of a year for Overview and Scrutiny councillors not in any other specific finance-facing role to inquire into and influence budgetary matters. Setting up a Working Group will help reflect the centrality of scrutiny to the council's governance framework. Delivering Good Governance in Local Government, Framework: (CIPFA/Solace, 2016) (the Governance Framework) emphasises the need to ensure that a culture and structure for scrutiny are in place as a key part of accountable decision making, policy making and review. Governance and procedures and standards around prudential management of finances are closely linked. Providing support to scrutiny and engaging with its work is an important part of how councils can assure their adherence to financial standards.

Further developments

(13) In the following municipal year, having implemented the proposals in these recommendations and subject to an appropriate budget being available, that the JOSC Chairs consult with the Leaders regarding the commissioning of a peer review of Overview and Scrutiny to assess the need for any further changes to Overview and Scrutiny.

Reason - A Peer review of overview and scrutiny will provide an independent objective review of the overview and scrutiny function and be able to assess the behaviours, relationships and mindsets underpinning the operation of the overview and scrutiny process. It can also review Culture and look at ways to ensure that scrutiny is effective and that it makes a tangible difference to the lives of local people.

4.3 The Working Group would like to thank the Democratic Services Team who contributed to the evidence for this review, for their time, insights and open views.

Local Government Act 1972

Background Papers:

None

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