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SCRUTINY COMMITTEE THURSDAY, 29TH JANUARY, 2015

A MEETING of the SCRUTINY COMMITTEE will be held in the COUNCIL HEADQUARTERS,
NEWTOWN ST BOSWELLS on THURSDAY, 29TH JANUARY, 2015 at 11.00 AM

J. J. WILKINSON,
Clerk to the Council,

22 January 2015

BUSINESS		
1.	Welcome by Chairman.	
2.	Apologies for Absence.	
3.	Order of Business.	
4.	Declarations of Interest.	
5.	Performance Monitoring Role of Scrutiny and Code of Practice (Pages 1 - 6) Consider report by Service Director Strategy and Policy giving further details of the performance monitoring role of Scrutiny in relation to the Council's Executive Committee and seeking approval for a suggested Code of Practice for Scrutiny. (Copy attached.)	15 mins
6.	Scrutiny Reviews (Pages 7 - 12) Consider report by Service Director Strategy and Policy giving details of previous Scrutiny reviews and seeking approval for the criteria and processes for future Scrutiny reviews. (Copy attached.)	
7.	Date of Next Meeting. Thursday, 26 February 2015.	
8.	Any other Items Previously Circulated.	
9.	Any Other Items which the Chairman Decides are Urgent.	

NOTES

- 1. Timings given above are only indicative and not intended to inhibit Members' discussions.**
- 2. Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

Membership of Committee:- Councillors G Logan (Chairman), W Archibald, K Cockburn, S Mountford, A J Nicol, R Stewart and J Torrance

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PERFORMANCE MONITORING ROLE OF SCRUTINY AND CODE OF PRACTICE

Report by Service Director Strategy and Policy

SCRUTINY COMMITTEE

29 January 2015

1 PURPOSE AND SUMMARY

- 1.1 This report gives further details of the performance monitoring role of Scrutiny in relation to the Council's Executive Committee and seeks approval for a suggested Code of Practice for Scrutiny.**
- 1.2 At its meeting on 20 November 2014, Council approved a new Scheme of Administration which reintroduced a Scrutiny Committee to the Council's formal decision making structure. Both Scrutiny and Executive Committees have different roles to play in terms of performance monitoring and it is therefore important to ensure that these are sufficiently delineated.
- 1.3 In essence, the Executive Committee's focus will be on performance management i.e. the way in which services and resources are managed. In this way, the Executive Committee can satisfy itself that Services are being delivered and managed effectively, and determine what action should be taken in the event of any concerns.
- 1.4 The Scrutiny Committee is responsible for holding the Executive Committee to account and Scrutiny's focus will be on monitoring and review. The Scrutiny Committee could satisfy itself that standards of performance or measures for assessing performance are sufficiently realistic and/or rigorous e.g. by ensuring no issues or concerns have been overlooked or marginalised; and also that the Executive Committee (and the Services) have done what they said they would do or that the intended outcome of actions has been achieved, in particular in relation to any significant variances which might have occurred. Scrutiny also has a role in monitoring the impact of Council services on the Borders community.
- 1.5 It is further suggested that Scrutiny adopts a set of principles and characteristics in the form of a Code of Practice with which it will comply in its work going forwards.

2 RECOMMENDATIONS

- 2.1 I recommend that the Scrutiny Committee:-**
 - (a) notes the different roles between the Council's Scrutiny and Executive Committees with regard to performance monitoring; and**

(b) approves the proposed Code of Practice for Scrutiny as detailed in Section 5 of this report.

3 BACKGROUND

- 3.1 At its meeting on 20 November 2014, Council approved a new Scheme of Administration which reintroduced a Scrutiny Committee to the Council's formal decision making structure.
- 3.2 Within the Scheme of Administration, the following functions of Council are referred to the Scrutiny Committee:
- *1. Monitoring the performance of the Authority towards achieving its policy objectives and priorities in relation to all functions of the Council.
 - *2. Reviewing the effectiveness of all the Council's work against agreed standards, targets and budgets for the levels of services provided.
 3. Acting as a focus for value for money and service quality exercises.
 - #4. Management of the "Call in" procedure for the examination of decisions of the Executive.
 5. Any other matter referred to the Committee for consideration by Council or the Executive.
- 3.3 Those functions above marked with * are referred to the Committee for consideration and recommendation only and must receive approval of the Council. The function marked with # is referred to the Committee for consideration and any recommendations must receive approval of the Executive Committee.
- 3.4 The Council's Executive Committee also has within its functions the following –
1. Consider regularly Council performance against:
 - The Single Outcome Agreement
 - Corporate and Improvement Plans, including policy objectives and priorities
 - Relevant Business Plan actions and initiatives
 - Statutory Performance Indicators and the Annual Public Performance Report
 - Key performance indicators and other relevant performance indicators
 - Business Transformation
 - Best Value
 2. Identify the requirement for any in-depth policy or practice review work arising from the monitoring of performance and refer to the appropriate Committee and/or Director, as necessary.

4 PERFORMANCE MONITORING

- 4.1 It is considered that one of the fundamental purposes of Scrutiny is – by monitoring, reviewing and evaluating Council services – to help the Council achieve the highest possible standards of performance in relation to the way in which it carries out its business.

- 4.2 It is important to ensure that the role of the Scrutiny Committee and the role of the Executive Committee in terms of performance monitoring is therefore sufficiently delineated. In essence, the Executive Committee's focus will be on performance management i.e. the way in which services and resources are managed. In this way, the Executive Committee can satisfy itself that Services are being delivered and managed effectively, and determine what action should be taken in the event of any concerns.
- 4.3 The Scrutiny Committee is responsible for holding the Executive Committee to account and Scrutiny's focus will be on monitoring and review. The Scrutiny Committee could satisfy itself that standards of performance or measures for assessing performance are sufficiently realistic and/or rigorous e.g. by ensuring no issues or concerns have been overlooked or marginalised. The Scrutiny Committee could also satisfy itself that the Executive Committee (and the Services) have done what they said they would do or that the intended outcome of actions has been achieved, in particular in relation to any significant variances which might have occurred.
- 4.4 Scrutiny also has a role in monitoring the impact of Council services on the Borders community. This could be achieved by carrying out reviews from a cross-cutting perspective in order to satisfy itself that the Council's services are addressing the needs of the Borders community, albeit within policy and resources available.
- 4.5 It is suggested that to take this role forward, the Scrutiny Committee considers establishing a programme of reviews.

5 CODE OF PRACTICE

- 5.1 In previous iterations of a Scrutiny Committee within Council, Members have agreed a Code of Practice to show its accountability to a wide range of stakeholders, from other Members, officers, and organisations to the general public.
- 5.2 It is suggested that the new Scrutiny Committee's function will encompass the following principles:
- (a) maintaining a focus on substantive issues;
 - (b) maintaining an apolitical, non-partisan approach to its investigations;
 - (c) being proactive and innovative in its work, not solely reactive;
 - (d) ensuring flexibility in the way it works;
 - (e) using an inclusive and corporate approach, drawing in appropriate elements out-with the members of Scrutiny themselves;
 - (f) carrying out reviews and investigations in a manner that is intensive, thorough, proportional, and – above all – objective and informed;
 - (g) any findings and conclusions of reviews and investigations being presented in a constructive manner that helps to drive improvement; and,
 - (h) remaining accountable at all times to the Council and to the wider public.

- 5.3 It is further suggested that members of Scrutiny also consider which characteristics they intend to demonstrate individually and collectively when carrying out their work. These could include:
- (a) being honest and open with each other, with colleagues in the Council, and with the wider public;
 - (b) demonstrating courage in the objectivity and the integrity of their work;
 - (c) ensuring that their conclusions are shaped solely on the facts and therefore that their work is carried out in a manner which ensures that all the relevant information is available to them;
 - (d) working to achieve a relationship of mutual respect with other sectors of the Council;
 - (e) demonstrating integrity in relationships with individuals or groups who may be asked to give evidence or provide information to Scrutiny;
 - (f) promoting a non-adversarial manner of working;
 - (g) ensuring that confidentiality is maintained as appropriate;
 - (h) ensuring that all conclusions, findings and recommendations are realistic and capable of being actioned in practice; and
 - (i) ensuring that open communication is maintained, both from and to, stakeholders.
- 5.4 It is suggested that the above principles and characteristics form a Code of Practice to which Scrutiny will comply in its work going forwards.

6 IMPLICATIONS

6.1 Financial

There are no costs attached to any of the recommendations contained in this report.

6.2 Risk and Mitigations

There is a risk that there could be some confusion about the different roles the Scrutiny Committee and Executive Committee will play in monitoring the performance of Council. By delineating the differences in this report, this should reduce that risk. In adopting a Code of Practice, Scrutiny members will have a set of principles and characteristics to apply to all their work going forwards.

6.3 Equalities

It is anticipated that there will be no adverse impact due to the proposals set out in the report on any particular group of clients, residents or staff; and consequently no discrimination on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief.

6.4 Acting Sustainably

It is anticipated that there will be no adverse economic, social or environmental impact caused by the proposals in this report.

6.5 Carbon Management

There are no effects on the Council’s carbon emissions.

6.6 Rural Proofing

Rural proofing is not required as this is not a new or amended policy or strategy.

6.7 Changes to Scheme of Administration or Scheme of Delegation

No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals in this report.

7 CONSULTATION

7.1 The Council’s Corporate Management Team, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, and the Chief Officer HR have been consulted on the contents of this report.

Approved by

Name David Cressey **Signature**
Title Service Director Strategy and Policy

Author(s)

Name	Designation and Contact Number
Jenny Wilkinson	Clerk to the Council 01835 825004

Background Papers: Nil

Previous Minute Reference: Scottish Borders Council, 20 November 2014

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SCRUTINY REVIEWS

Report by Service Director Strategy and Policy

SCRUTINY COMMITTEE

29 January 2015

1 PURPOSE AND SUMMARY

- 1.1 This report gives details of previous Scrutiny reviews and seeks approval for the criteria and processes for future Scrutiny reviews.**
- 1.2 Within its remit, the Scrutiny Committee has a role in reviewing the effectiveness of the Council's work against agreed standards, targets and budgets for the level of services provided, as well as acting as a focus for value for money and service quality exercises. The Scrutiny Committee may also have any matter referred to it for consideration by Council or the Executive. In practice, this will mean that the Scrutiny Committee will likely seek proposals for areas for further review from a number of sources e.g. Elected Members, Community Councils, partner organisations, members of the public, for inclusion in a work programme.
- 1.3 In devising a programme of work for approval by Council, Members should be mindful of the need to demonstrate objectivity by developing a set of criteria against which individual proposals could be assessed. The first stage could be one or two threshold criteria. If the threshold criteria are met, then further points could then be taken into consideration.
- 1.4 There are a number of ways in which the Scrutiny Committee can proceed with reviews: through information hearings; more in depth hearings; and also through Working Groups. Details are given in the Appendix to this report of the actions taken or outstanding on the previous items included in the last Scrutiny work programme. Members are being asked to consider how they wish to take forward a future programme of work for the new Scrutiny Committee.

2 RECOMMENDATIONS

- 3.1 I recommend that the Scrutiny Committee:-**
 - (a) notes the details of previous Scrutiny reviews; and**
 - (b) approves the criteria and processes for use in future Scrutiny reviews; and**
 - (c) considers how best to take forward its future work programme.**

3 BACKGROUND

- 3.1 Within its remit, the Scrutiny Committee has a role in reviewing the effectiveness of all the Council's work against agreed standards, targets and budgets for the level of services provided, as well as acting as a focus for value for money and service quality exercises. The Scrutiny Committee may also have any matter referred to it for consideration by Council or the Executive.
- 3.2 In practice, this will mean that the Scrutiny Committee will likely seek proposals for areas for further review from a number of sources e.g. Elected Members, Community Councils, partner organisations, members of the public, for inclusion in a work programme.

4 ASSESSMENT OF PROPOSALS FOR REVIEWS

- 4.1 In devising a programme of work for approval by Council, Members should be mindful of the need to demonstrate objectivity by developing a set of criteria against which individual proposals could be assessed.
- 4.2 The first stage could be one or two threshold criteria. If these were not met then the theme or issue being proposed would not be considered further. This would avoid abortive time being spent on issues or themes which were either inappropriate for review or where review would not be productive. The two threshold criteria proposed are:
- Is the scope of the review clear and concise?
 - Is the proposed review within the scope of the Council and its objectives?
- 4.3 If the threshold criteria are met, then further points could then be taken into consideration –
- Is it expected that the outcome of the review will be that services improve?
 - To what extent could the review lead to a reduction in costs of a service?
 - To what extent could the review lead to an increase in income for the Council?
 - How much budget is involved?
 - How important to the public is the topic proposed for review?
 - Does the scope of the review take into account equalities for minority and other groups or particular sections of the Borders community?
 - Is there any performance deficit associated with the topic proposed for review?
 - Is the review business critical to the Council's strategic objectives?
- 4.4 Other factors to be taken into consideration include the potential scale of any review and the resources needed to take the review forward. Members may wish to consider other points for assessing topics for review.

5 TYPE OF REVIEW

- 5.1 There are a number of ways in which the Scrutiny Committee can proceed with reviews. The first of these is through an information Hearing. Depending on the topic for review, invitations are made to officers, portfolio holders and, if appropriate, representatives of other organisations to attend a Scrutiny Committee meeting and make a presentation on a particular subject. Members of Scrutiny could then decide whether to consider the

subject further either through a more detailed Hearing or through the setting up of a Working Group to make a more thorough investigation.

- 5.2 In a similar way to an information Hearing, a more focussed Hearing could be arranged, whereby members of Scrutiny submit in advance to officers, portfolio holders and representatives of other organisations, questions which they wish answered. At the relevant Scrutiny meeting, these pre-submitted questions would be supplemented by others, to allow Scrutiny members to delve deeper into the particular topic. The Scrutiny Committee could either make recommendations based on their findings or decide that the matter required the setting up of a Working Group to probe further.
- 5.3 Again, depending on the topic, the Scrutiny Committee could decide to set up a Working Group straight away as the best way to take matters forward, with a report on the findings and conclusions of the Working Group being considered by the Scrutiny Committee. Membership of these Working Groups would not just be confined to members of Scrutiny, but include other Councillors, as well as, where appropriate, representatives from other agencies. Should specialist knowledge be required, then invitations could be made to experts to address a Working Group or to become a member of, or advisor to, such a Group.
- 5.4 Any Working Group set up by the Scrutiny Committee to investigate a particular topic should be required to submit for approval of the Committee a detailed remit in advance of its work. This will ensure that the Committee can check that the Working Group has not strayed from its original remit.
- 5.5 The breadth of some reviews will need to be taken into consideration, as will the number of reviews being undertaken at any given time, to ensure that members do not become over-burdened and resources are not stretched too thinly. Depending on the subject matter, officers from various Services of the Council can provide support to Scrutiny hearings and Working Groups.

6 PREVIOUS SCRUTINY REVIEWS

- 6.1 At its meeting on 16 August 2012, Scrutiny received a briefing note listing the subject areas which had been included on the Scrutiny Work Programme for 2013. Given the forthcoming change to the committee structure at that time, Scrutiny agreed actions for each of the subject areas. Details are given in the Appendix to this report of the actions taken or outstanding on the previous items included in the last Scrutiny work programme.
- 6.2 Members are now asked to consider how they wish to take forward a future programme of work for the new Scrutiny Committee.

7 IMPLICATIONS

7.1 Financial

There are no costs attached to any of the recommendations contained in this report.

7.2 Risk and Mitigations

There is a reputational risk to the Council should the Scrutiny Committee adopt a programme of work that is either too onerous and risks not being completed, or that it focuses on 'soft' subjects or easy options so that the programme fails to deliver sufficient independent scrutiny of the particular

subject matter. Establishment of a realistic, appropriate programme of work is thus essential. Another risk could be if any outcomes or recommendations arising from reviews are too impractical or unrealistic e.g. for financial or service resources available, to be taken up or put into effect. This risk is addressed through the Scrutiny Code of Practice.

7.3 Equalities

In developing a programme of work, the Scrutiny Committee will take into account any potential impact on any particular group of clients, residents or staff by ensuring that any subsequent recommendations do not discriminate on the basis of age, disability, gender, race, sexual orientation, pregnancy and maternity or religion and belief and where possible promote equality and good relations with equality groups.

7.4 Acting Sustainably

There are no specific economic, social or environmental effects of the proposals in this report.

7.5 Carbon Management

There is no impact on the Council's carbon emissions.

7.6 Rural Proofing

Rural proofing is not required as these proposals apply to all areas of the Borders.

7.7 Changes to Scheme of Administration or Scheme of Delegation

No changes are required to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals contained in this report.

8 CONSULTATION

8.1 The Council's Corporate Management Team, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, and the Chief Officer HR have been consulted on the contents of this report.

Approved by

Name **David Cressey** **Signature**
Title **Service Director Strategy and Policy**

Author(s)

Name	Designation and Contact Number
Jenny Wilkinson	Clerk to Council - 01835 825004

Background Papers: Previous Scrutiny reports

Previous Minute Reference: Scrutiny, 16 August 2012

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Source	Issue / Description	Action
Innerleithen and District Community Council	The condition of main roads in the Borders and the effect on public safety and vehicles.	<i>Take forward by appropriate committee within new structure: Environment and Infrastructure Committee:</i> 23 October 2014 – Road Safety Annual Position Statement; Future Funding Strategy for Roads. 18 December 2013 – Road Asset Management Plan 16 May 2013 – Road Safety Annual Position Statement
Scrutiny Panel	Environmental Health: food standards and inspections of premises selling food.	<i>Hearing by Scrutiny – 4 October 2012 ✓</i>
Scrutiny Panel	The process for Social Work Serious Case Reviews	<i>Take forward by appropriate committee within new structure. Not specifically considered by Social Work and Housing Committee but Director of Social Work gave an update on current critical areas of work in private at most Committee meetings.</i>
Etrick and Yarrow Community Council	The impact of afforestation in the Scottish Borders area. Potential questions: <ul style="list-style-type: none"> • What is seen as the ideal mix of broad-leaved trees and conifers? • What is the value of forestry to the Borders economy, including recreational use as well as commercial timber production? • What is the policy on public access - i.e. walkers, mountain bikes and picnickers? • What steps are taken to ensure biodiversity in woodland, particularly with regard to birdlife? • Is there/ should there be a "good practice guide" to forestry in the Borders? 	<i>Take forward by appropriate committee within new structure.</i> <i>Members recommended an initial hearing with consideration given to setting up a working group and/or linking with Dumfries and Galloway to look at issue across whole South of Scotland region.</i> Not specifically taken forward.
Scrutiny Panel	Details of the new Welfare Advice Service and the Impact of the Welfare Reform Bill	<i>Hearing by Scrutiny – 13 September 2012 ✓</i>
Scrutiny Panel	How to promote and support the use of empty High Street shops	<i>Take forward by appropriate committee within new structure as a matter of priority.</i> Recognised specifically within Scottish Borders Economic Strategy and action plan
Scrutiny Panel	The effect of wind farms on tourism	<i>Remove from programme. ✓</i>

Scrutiny 08/09/2012	The suitability of play parks and other Council facilities for disabled people in the Scottish Borders.	<i>Take forward by appropriate committee within new structure. Not specifically taken forward but considered as part of design for new or refurbished play areas.</i>
Scrutiny 21/04/2012	Scottish Borders Council , Register Social Landlords and Letting Policy An update on the relationship between Scottish Borders Council and Registered Social Landlords and the Concordat between Scottish Borders Council and Scottish Borders Housing Association and the protocols in relation to the alleviation of homelessness and the delivery of sustainable and affordable housing development opportunities appeared to be effective.	<i>Take forward by appropriate committee within new structure.</i> <i>Members recommended including in the review smaller Registered Social Landlords and other private landlords, particularly in respect of enforcing landlords' responsibility for upkeep of rented property.</i> Section 5 Protocol Agreement on referral mechanism between Council and RSLs signed.
Scrutiny 09/06/2011	Procurement practice within Scottish Borders Council	<i>Update to be heard by Scrutiny if possible – 4 October 2012.</i> √ <i>Noted that Executive would also be receiving an update.</i>
Scrutiny 30/06/2011	Stimulating Affordable Rural Housing in the Borders An update on progress and an invitation to the Chairman of the Working Countryside Group to attend the meeting when the report would be considered.	<i>Take forward by appropriate committee within new structure.</i> <u>Social Work and Housing Committee:</u> 4 November 2014 – Council Led Affordable Housing Update 5 June 2014 – Strategic Housing Investment Plan 2013/18 progress report (includes affordable housing) 14 March 2013 – Strategic Housing Investment Plan 2012/15 progress report
Scrutiny 20/10/2012	The Cheviot Project Update on progress.	<i>Take forward by appropriate committee within new structure. This should take the form of a report on conclusions of pilot project and implications across Borders.</i> Considered as part of move towards Health and Social Care Integration.
Scrutiny 03/11/2012	Heart of Hawick An update including financial information.	<i>Take forward by appropriate committee within new structure. Not specifically considered.</i>
Scrutiny 19/01/2012	Review of Vocational Training Opportunities An update on review's recommendations	<i>Take forward by appropriate committee within new structure. Taken forward as part of Curriculum for Excellence and Borders Youth Guarantee.</i>