

**audit** 2001/2002

## Follow-up Review of the New Democratic Arrangements

# Bury Metropolitan Borough Council

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#### Follow-up review of the new democratic arrangements



**DISTRICT AUDIT**

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## Key issues

This brief review has been undertaken to follow-up our initial assessment of Bury MBC's [the Council] new democratic arrangements carried out in Autumn 2001. The aim of the review was to assess progress and developments and to ensure that the key issues highlighted by the initial review are being addressed.

The review indicates that the Council has made significant changes to its democratic arrangements and that they are working well in a number of areas. The key points are:

- re-shaping of the Executive and Scrutiny portfolios
- clear links between Executive portfolios and the Council's corporate aims
- positive lessons learnt approach to issues arising from implementation of the new arrangements
- clearer member structures for performance management
- increased frequency of Executive meeting to fortnightly
- clear Guidance Notes for officer and members
- revision of the scheme of delegation
- purchase and imminent implementation of a new computerised decision recording system
- amendment of the Constitution in recognition of a changing and widening role for scrutiny
- publication of a member officer protocol
- development of an Elected Member Training and Development Plan.

Our work also highlighted some issues that the authority needs to consider further which are set out in the following table.

	Finding	Further issues being considered by the authority
Decision making	<p>Officer management arrangements are still split between Democratic Services and Policy Unit.</p> <p>A decision is awaited on additional dedicated resources for all elements of the new arrangements.</p> <p>The 'lead member' role is still in operation and whilst senior members see them as excellent senior officers and members are aware that the quality of the lead members' input and support for the Executive portfolio can be very variable.</p> <p>A new computerised decision recording system, based on the model used at Trafford MBC is being introduced. The system currently only holds details of some executive meetings. Initial plans to roll out the system to cover all of scrutiny and the area boards by early November 2002 have had to be delayed. A revised target for implementation is the end of the year.</p>	<p>Resolve the issue of dedicated officer resourcing for all elements of the new arrangements as soon as possible.</p> <p>Review the performance, role and responsibilities of lead members.</p> <p>Ensure that the recording system is operational on the widest basis possible ie taking in scrutiny and area boards as well as the executive, as soon as possible.</p>

	<b>Finding</b>	<b>Further issues being considered by the authority</b>
Scrutiny	<p>The Constitution has been amended to take out the phrase, 'the primary role of scrutiny is to hold the Executive to account'. This is in recognition of a changing and widening role for scrutiny.</p> <p>The key role of scrutiny is not clear to all members and officers.</p> <p>Scrutiny has been restructured as at 1 September 2002. There are now three scrutiny commissions (outward looking thematic based on corporate objectives) and two scrutiny panels (inward looking).</p> <p>Arrangements around Best Value are seen by senior officers and members as being much clearer.</p> <p>Scrutiny chairs have had the option to increase the frequency of their meetings to once per month, as have Area Boards. This brings the council into line with most Metropolitan Councils.</p> <p>Scrutiny Management Committee is retained with its co-ordinating and managing role.</p> <p>Senior members feel that scrutiny is still reactive. The Forward Plan is not being used proactively.</p> <p>Scrutiny meetings do not yet have a strategic performance management focus.</p>	<p>Confirm the role for scrutiny, whether it is scrutiny for or by the committees and ensure that there is authority-wide understanding of this role and the implications the role has on resources.</p> <p>Review the current format, means of publication and use of the Forward Plan to ensure that it can be used as a tool by scrutiny.</p> <p>Ensure that all officer reports comply with the standard format set out in the Guidance Notes.</p> <p>Ensure that members are clear about the options for agenda planning and how it should relate to their work programme and the Forward Plan.</p>
People and Relationships	<p>The new Constitution now contains a member-officer protocol.</p> <p>The council has published an 'Elected Member Training and Development Plan 2001 - 2004' with a foreword by Councillor Briggs, who is the Lead Member for training.</p> <p>The training programme has been built on an analysis of the findings from a skills audit conducted by North West Employees.</p> <p>Little action has been taken to date to encourage and facilitate members in carrying out their community representation role.</p> <p>The council is aware that the requirements of the new arrangements have impacted on officers. There has been no assessment to date.</p>	<p>Consider how members can be further supported in their community representative role.</p> <p>Further work is required to improve officers' awareness and compliance with the new arrangements.</p>

	<b>Finding</b>	<b>Further issues being considered by the authority</b>
Area Structures	<p>The Chairs of the Area Boards do meet regularly with Executive members and an Executive Member has been given the responsibility for overview of the operation of the area boards as part of their portfolio.</p> <p>The relationship between the Area Boards and scrutiny is an area that the members have highlighted as being keen to improve. Currently there are no referrals from Area Boards to Scrutiny for resolution of local issues.</p> <p>The Boards have generated a large volume of highways issues and could prove to be a significant draw on the capital programme. This may be a candidate for referral to scrutiny.</p> <p>The Council is currently conducting a review of the area boards. This review has also been aligned with the review of Local Community Plans.</p>	<p>Ensure that arrangements have been put in place so that members can declare an interest and appropriate action can be taken to deal with these conflicts of interest where they occur.</p> <p>Review the current arrangements for referral from scrutiny to the Area Boards for the resolution of local issues.</p>

SECTION 1

Issue	Finding	Conclusion/ issue for consideration
<b>Decision-making</b>		
Structures	<p>Since the adoption of the Constitution in November 2001 there have been quite a few changes/amendments. The big changes are the re-shaping of the executive and scrutiny portfolios. Smaller 'revisions' include new key decision definition and urgency provisions procedures. These changes and other important items have been presented in the format of Guidance Notes. These have covered aspects of the decision making process and have incorporated key decisions, urgency provisions, officer delegation and report formats. The Guidance Notes are for both officers and members.</p> <p>Executive portfolios have been amended and 'renamed'. This process includes some re-allocation of workloads eg culture, recreation and sport goes from lifelong learning to community services. A cross-party element has still been retained.</p> <p>There are now clear links from the portfolios to the Council's corporate aims.</p> <p>Best Value (BV) portfolio has been revamped into the Performance Management portfolio which raises the profile of the issue within the authority considerably. Senior members are clear that delivery of BV and clear service improvements are critical from a political perspective.</p> <p>Senior members view the changes positively as a rationalisation and equalisation of workloads.</p> <p>Officer management arrangements are still split between Democratic Services and Policy Unit (scrutiny support is the responsibility for the Policy Unit). A decision is awaited on additional dedicated resources for all elements of the new arrangements.</p> <p>Senior officers feel that clarity of roles and responsibilities is improving, as yet members are still not clear exactly who to approach for support but that this will develop as members get more involved in the process.</p> <p>Both senior members and officers highlight a new 'leadership' and profile for the new arrangements. One of the key drivers for the changes is 'lessons learnt' from the initial rushed introduction of the Constitution and the influence of the Chief Executive.</p> <p>Senior members feel that members generally are now clearer about the new arrangements and their respective roles.</p>	<p>Key issues raised by the initial review were:</p> <ul style="list-style-type: none"> <li>• a lack of clarity about internal arrangements</li> <li>• a lack of understanding of new arrangements by all members.</li> </ul> <p>The Council has made considerable changes which have positively impacted on the profile of the new arrangements and the clarity of roles. Resourcing in the form of officer support remains an unresolved issue.</p> <p><b>Issue for consideration: resolve the issue of dedicated officer resourcing for all elements of the new arrangements as soon as possible.</b></p>

Issue	Finding	Conclusion/ issue for consideration
<p>Operation of the Executive</p>	<p>The Executive has increased its meeting frequency and now meets every fortnight.</p> <p>Key issues from an observation of the Executive meeting, 23 October 2002:</p> <ul style="list-style-type: none"> <li>• Meeting was long, over 1.5 hours, much of which was due to length of public question time (PQT) which was particularly contentious over closure of Elderly Persons' Homes (45 minutes).</li> <li>• Of the four items on the agenda after PQT, two items on the agenda were not key decisions and one had an exception notice. Only one item was in the Forward Plan (see section on scrutiny for further comments on Forward Plan).</li> <li>• Reports were presented by members.</li> <li>• A question about how to make a declaration of interest made it apparent that members needed further guidance.</li> </ul> <p>Constitutional Working Group has been disbanded; monitoring the new arrangements will now be the responsibility of the Standards Committee and the Audit Sub Committee.</p> <p>The council has agreed a formal five year review of the arrangements. Scrutiny development issues would go through the Scrutiny Management Committee as previously.</p> <p>New guidance has been issued on report writing for all reports not just executive reports (see above on Guidance Notes). The standard format includes reference to whether a key or non-key decision and cross-reference to the appropriate elements of the policy framework. There is agreement from officers and members that report writing is still not as good as it could be (see further comments on report writing in scrutiny section).</p> <p>The 'lead member' role is still in operation and some senior members see them as excellent and crucial to the effective running of the portfolio. However, officers and members are aware that the quality of the lead members' input and support for the Executive portfolio can be very variable and that this it is an area that the council has highlighted as in need of review.</p>	<p>Key issues raised by the initial review were:</p> <ul style="list-style-type: none"> <li>• the Constitutional Working Group was picked out as an element of notable practice</li> <li>• the role of lead members.</li> </ul> <p>The Council's changes have positively improved the 'business-like' nature of the operation of the Executive. There are areas to address that could enhance the effectiveness of the Executive even further particularly around agenda management and definition of the role for lead members.</p> <p><b>Issue for consideration: ensure that members have further training on how to declare an interest and review the performance, role and responsibilities of lead members.</b></p>

Issue	Finding	Conclusion/ issue for consideration
Scheme of Delegation	<p>The Constitution makes provision for single member decision making (p129) but delegation has not yet been sanctioned.</p> <p>New guidance has been issued for officers on the operation of the new Scheme of Delegation. The key point is the empowerment of officers 'by exception', that is the delegation of everything that can be to Directors/Chief Officers. The guidance also covers details of recording of decisions for Directors/Chief Officers.</p> <p>Senior members feel that the delegation arrangements are good, that members are involved at the right level and at the right time and are not getting dragged down into detail.</p>	<p>A key issue raised by the initial review was:</p> <ul style="list-style-type: none"> <li>the need to revise the scheme of delegation to ensure that it complied and supported the new arrangements.</li> </ul> <p>The Council has revised its scheme of delegation to comply with the new arrangements and has ensured that both members and officers are well informed about the new scheme.</p>
Recording of Decisions	<p>A new computerised system, based on the model used at Trafford MBC is being introduced. The system currently only holds details of some executive meetings. Initial plans to roll out the system to cover all of scrutiny and the area boards by early November 2002 have had to be delayed due to resourcing problems. A revised target for implementation is the end of the year.</p> <p>The new system will have 150 key word search, one of which will be by ward name. This will act as a trigger to alert all ward members when issues arise concerning their ward.</p> <p>Executive decisions will be published in a 'Digest of Decisions' which will be made available to all members.</p>	<p>A key issue raised by the initial review was:</p> <ul style="list-style-type: none"> <li>the requirement of ensuring that members received information as quickly as possible.</li> </ul> <p>The council has resourced and implemented a new system. Once fully operational, the new system will firmly address the issue of information requirements that was raised as an area of concern by the initial review.</p> <p><b>Issue for consideration: ensure that the recording system is operational on the widest basis possible ie taking in scrutiny and area boards as well as the executive, as soon as possible.</b></p>

Issue	Finding	Conclusion/ recommendation
Scrutiny/ Overview		
Role of Scrutiny	<p>The Constitution has been amended to take out the phrase, 'the primary role of scrutiny is to hold the Executive to account'. This is in recognition of a changing and widening role for scrutiny.</p> <p>Senior scrutiny members feel that one of the main impacts of the restructure of the function (see below) is that the role of scrutiny is now much clearer. However, Chair of Scrutiny Management Committee confirms that all key players are still not clear whether the role is scrutiny by committee (where the committees carry out the reviews themselves) or scrutiny for committee (where the committee commissions scrutiny to be done). The different roles had different requirements for the frequency of meetings and the level of resources with the scrutiny by committee requiring less frequent meetings with more time to do the scrutiny work.</p> <p>Arrangements around BV are seen by senior officers as being much clearer. Officer responsibility now sits with the Deputy Chief Executive. Scrutiny panels have a clear role in scoping BV reviews, by using scoping model, but have much less old-style committee involvement in the day to day management of the Best Value Reviews (BVRs).</p> <p>Officers expect that the Panels and Commissions will feel much less overwhelmed by BVRs. Also, having moved to larger thematic reviews has helped with more reasonable work programming.</p> <p>BVRs are scheduled alongside scrutiny work programmes which are drawn up at the beginning of each year. All work programmes are overseen by the Scrutiny Management Group.</p> <p>Senior members confirm that their involvement in BVRs has improved. That there is now more clarity about how and when members are to be involved.</p>	<p>Key issues raised by the initial review were:</p> <ul style="list-style-type: none"> <li>• clarification of the role of scrutiny</li> <li>• linkages with Best Value.</li> </ul> <p>The recent changes, particularly the links between scrutiny and Best Value should address our previous areas for concern. There is greater clarification about the role of scrutiny but this could be improved further.</p> <p><b>Issue for consideration: confirm the role is 'scrutiny for' or 'scrutiny by' the committees and ensure that there is authority-wide understanding of this role and the implications the role has on resources.</b></p>



Issue	Finding	Conclusion/ recommendation
<p>Structure of Scrutiny</p>	<p>Scrutiny has been restructured as at 1 September 2002. There are now three scrutiny commissions (outward looking thematic based on corporate objectives):</p> <ul style="list-style-type: none"> <li>• Healthier and Safe Communities [Health Scrutiny]</li> <li>• Quality Neighbourhoods and Better Futures</li> <li>• Economy, Environment and Transport.</li> </ul> <p>And two scrutiny panels (inward looking):</p> <ul style="list-style-type: none"> <li>• Resources</li> <li>• Performance Management.</li> </ul> <p>The panels and commissions have been given the opportunity to increase the frequency of their meetings to once per month, as have Area Boards. This brings the Council into line with most metropolitan authorities.</p> <p>Scrutiny Management Committee is retained with its co-ordinating and managing role.</p> <p>The rationale for the changes was to improve;</p> <ul style="list-style-type: none"> <li>• links with community and corporate planning frameworks</li> <li>• thematic approach</li> <li>• internal challenge and PM</li> <li>• links with partnerships</li> <li>• to accommodate new health scrutiny role.</li> </ul> <p>The driver for change came from members and was acknowledged by the Management Board.</p> <p>The Opposition chair one Commission and one Panel.</p> <p>The Chair of Scrutiny Management Committee confirms that scrutiny is now being taken seriously by the Council. That the restructure has given a new focus to scrutiny and that this has assisted in raising its profile and equalising workloads.</p>	<p>Key issues raised by the initial review were:</p> <ul style="list-style-type: none"> <li>• the Scrutiny Management Committee was picked out as an element of notable practice</li> <li>• the need to review the structure of scrutiny in terms of workload and impact.</li> </ul> <p>The restructure of scrutiny should improve the focus and impact of the scrutiny function. The issue of the structure of scrutiny is linked with the earlier point about the need for greater clarity about the role of scrutiny.</p> <p><b>Issue for consideration: ensure that the structure of scrutiny supports the agreed role of the function.</b></p>

Issue	Finding	Conclusion/ recommendation
<p>Making Scrutiny work</p>	<p>The Chair of Scrutiny Management Committee is now much less concerned about the resourcing arrangements than he was at the time of our initial review. He sees greater clarity about the level of resources available and is also very positive about senior officer suggestions to use a more flexible approach e.g. setting up a small member panel with officer support.</p> <p>The current resources for scrutiny include:</p> <ul style="list-style-type: none"> <li>• a senior lead officer designated for each panel from CPU</li> <li>• a dedicated officer in Democratic Services.</li> </ul> <p>Senior members see scrutiny as not being there yet but having travelled a long way in the right direction. eg tough decisions have been worked through on school and elderly people’s home closures.</p> <p>One of the key weaknesses recognised by senior officers is that scrutiny is not proactive. It still tends to be reactive.</p> <p>Scrutiny is not getting involved in using the Forward Plan and the linked area of policy formulation is recognised as an underdeveloped area.</p> <p>Chair of Scrutiny Management Committee feels that the first service based call-in, over a primary school review, proved to be a huge learning curve for the council. The timing of the call-in coincided with local elections and caused major difficulties in complying with the constitutional requirement to hold a meeting within five days. As a result the Constitution is being amended.</p> <p>Member attendance on scrutiny can be very poor. The Chair of Scrutiny Management Committee recalled a number of occasions where more than half the elected members were not in attendance. It is seen as such an issue he is considering options for forcing members to attend.</p> <p>A recent illness of one of the Chairs of Scrutiny (Healthier and Safer Communities) highlighted the issue of the council not having ‘deputies’ for scrutiny. The Charring arrangements were resolved by Labour Group. Our observation of Healthier and Safer Communities Scrutiny Committee 14 November 2002 (see more detail below) revealed that there is still some disquiet amongst members about revised charring arrangements.</p> <p>Chair of Scrutiny Management Committee sees the best piece of work done by scrutiny as the review of ICT provision.</p>	<p>A key issue raised by the initial review was:</p> <ul style="list-style-type: none"> <li>• clarification of resourcing arrangements</li> </ul> <p>There have been significant changes since our initial review and many of the changes are already showing positive outcomes and clear benefits. The council is taking a constructive ‘lessons learnt approach’ to dealing with scrutiny issues as they arise. One of the key development issues is to turn scrutiny from reactive to proactive in approach.</p> <p><b>Issue for consideration: review the current format, means of publication and use of the Forward Plan to ensure that it can be used as a tool by scrutiny.</b></p>

Issue	Finding	Conclusion/ recommendation
<p>Making Scrutiny work (Continued)</p>	<p>The observation of Healthier and Safer Communities Scrutiny Commission 14 November 2002 also included an observation of training for scrutiny members on scoping reviews by North West Employers. The example picked for the training session was recycling targets. Key issues from Scrutiny Commission observation:</p> <ul style="list-style-type: none"> <li>• The meeting looked, sounded and behaved like an old fashioned committee meeting – the meeting was agenda driven rather than facilitative, the new replacement ‘deputy’ Chair insisted that all responses go through the Chair, there was a significant amount of political posturing.</li> <li>• The meeting lasted two hours.</li> <li>• The focus of members was on operational issues and detail rather than on the strategic issues eg on the report on position statement for social services budget the discussion/focus was on the smaller issue of home care vacancies rather than on the considerable overspend. The Chair did attempt to keep the focus of the meeting on the key issues but was not successful.</li> <li>• Of the three reports on the agenda, two were presented by officers (the social services budget report was presented by the Executive Member).</li> <li>• The reports were long and did not comply with the new report writing guidance. Social services budget report was 23 pages long plus a four page appendix. There was a comment from member at the meeting that they were confused by the amount of detail and lack of analysis/direction. The other two reports on the agenda were 10 pages long with appendices.</li> <li>• No decisions were made at the meetings. All reports were noted and/or called for further reports.</li> <li>• Although it is still very early days, the focus of the discussion around the new powers to scrutinise health focussed on the performance and attitude of local health bodies rather than issues relating to the wider health economy, as stipulated in the Guidance.</li> <li>• Under the ‘urgent business’ item, a member raised their concern that the committee was ‘treading water’ and was not working through its agreed work programme. This was accepted by the Chair with suggested resolution for them to meet with Director of Social Services to progress the work programme.</li> <li>• At least three people from 10 making up the committee had no input at all during the course of the meeting.</li> </ul>	<p>Scrutiny is being taken much more seriously with many of the key building blocks either in place or being put in place. However, whilst the framework is improving the actual practice is still not good. Members and officers require further support and assistance to ensure that scrutiny is strategically focussed and likely to have an impact.</p> <p><b>Issues for consideration:</b></p> <ul style="list-style-type: none"> <li>• <b>Ensure that all reports comply with the standard format set out in the Guidance Note.</b></li> <li>• <b>Ensure that members are clear about the options for agenda planning and how it should relate to their work programme and the Forward Plan.</b></li> <li>• <b>Ensure that the focus of health scrutiny is on issues rather than individual health bodies.</b></li> <li>• <b>Consider hosting a brief planning session for the Chair and key members [not Executive Members] prior to the start of each meeting.</b></li> </ul>

Issue	Finding	Conclusion/ recommendation
People & Relationships		
Officer-member relationships	<p>The new Constitution now contains a member-officer protocol. The protocol covers all the areas set out in the Guidance and has been highlighted as an example of good practice.</p> <p>Senior officers and members see relations between members and officers as generally positive and improving with a generally supportive environment.</p>	<p>A key issue raised by the initial review was:</p> <ul style="list-style-type: none"> <li>The need for a member officer protocol.</li> </ul> <p>This has been fully addressed with the production of the protocol.</p>
Training & Development	<p>The council has published an 'Elected Member Training and Development Plan 2001 – 2004' with a foreword by Councillor Briggs, who is the Lead Member for training.</p> <p>The training programme has been built on an analysis of the findings from a skills audit conducted by North West Employees. Training requirements highlighted as 'high need' in the analysis are included in the programme.</p> <p>The council is aware that member training is an area for continued monitoring as the new arrangements continue to 'bed down' and members' training requirements change. The council is considering establishing core competencies for members.</p> <p>Senior members report that there is a lot of training on offer and are very positive about the training at Warwick</p> <p>Training is being planned for Standards Committee and the new regulations once they are published.</p> <p>The council recognises that to date, little action has been taken to encourage and facilitate members in carrying out their community representation role. Prioritisation has initially been given to supporting the operation of the decision-making process.</p>	<p>A key issue raised by the initial review was:</p> <ul style="list-style-type: none"> <li>the need for further training for members.</li> </ul> <p>This has been addressed by the development of the training programme for members. The role of the Lead Member for training should ensure that training issues retains a high profile.</p> <p><b>Issue for consideration: think about how members can be further supported in their community representative role.</b></p>
Impact on officers	<p>The council is aware that the requirements of the new arrangements have had considerable impact on officers. There has been no assessment of the impact but the council is considering including a question in the up-coming 100% staff survey.</p> <p>Legal Services report that officers are rushing to get reports onto agendas by the deadline and that reports are not getting onto the Forward Plan. See comments above on report writing issue.</p> <p>Some training has been carried out by Democratic Services but there is a recognition that further training is required.</p>	<p><b>Issue for consideration: further work is required to improve officers' awareness and compliance with the new arrangements.</b></p>

Issue	Finding	Conclusion/ recommendation
Area Structures		
Relationship with the Executive and Overview and Scrutiny	<p>The Chairs of the Area Boards do meet regularly with Executive members.</p> <p>An Executive Member has been given the responsibility for overview of the operation of the area boards as part of their portfolio.</p> <p>The relationship between the Area Boards and scrutiny is an area that the members have highlighted as being keen to improve. There is currently no examples of issues being sent to scrutiny from the Area Boards</p> <p>The Monitoring Officer highlights that the relationship between members of Area Boards and scrutiny members could become an issue for the Grants to Voluntary Sector panel.</p>	<p>A key issue raised by the initial review was:</p> <ul style="list-style-type: none"> <li>The integration of Area Boards.</li> </ul> <p>Whilst the Area Boards appear to be better integrated with the Executive, there is further work to do to improve links with scrutiny and to ensure that any conflicts of interest are properly declared.</p> <p><b>Issue for consideration: ensure that arrangements have been put in place so that members can declare an interest and appropriate action can be taken to deal with these conflicts of interest where they occur.</b></p>
Capacity & officer support	<p>Additional resources in the form of Area Co-ordinators, have been recruited to support the Area Boards. The Area Co-ordinators roles are currently predominantly focussed on servicing the meetings but can include providing a research capacity.</p> <p>The Boards have generated a large volume of highways issues and could prove to be a significant draw on the capital programme. Traffic calming measures have proved to be very popular with local residents. This may be a good example of an issue for referral to scrutiny for resolution.</p> <p>The Council is currently conducting a review of the area boards. This review has also been aligned with the review of Local Community Plans. The timescale has been set as January 2003 for completion of the review to ensure that it is as robust as possible.</p>	<p>The Council have made additional resources available to support this element of the new arrangements. The overall view is that the Boards have been successful.</p> <p><b>Issue for consideration: review the current arrangements for referral from scrutiny to the Area Boards for resolution of local issues.</b></p>

