
Effective Organisation Overview & Scrutiny Committee

12 January 2009

Review of the Effectiveness of the Executive Forward Plan – Interim Report

Background to the Review

1. For some time, scrutiny Members have been expressing concern that their inability to carry out pre-decision scrutiny is due to the limited amount of time available between items appearing on the Executive Forward Plan and the relevant decision making meeting taking place. Many items appear on the Executive Forward Plan (FP) on average six weeks before the decision is required and this may be insufficient time to carry out any pre-decision scrutiny of the issues without requiring a deferral of the issue to a later decision meeting.
2. With this in mind, this Committee agreed to look in detail at the current use of the Council's FP in order to identify any methods for improving its use and effectiveness, and to agree a robust method for identifying issues suitable for pre-decision scrutiny.
3. In undertaking this review it is important that Members do not assume that the FP is the only tool available to assist in carrying out effective pre-decision scrutiny. There may be wider planning issues to be addressed which may provide greater assistance.
4. In November 2009, Members received a scoping report that presented information on the legislative and constitutional requirements associated with an FP. The report highlighted a number of requirements that were not currently being met and Members suggested that Democratic Services should make those necessary changes immediately to bring the Council's FP in line with legislation.
5. Having dealt with meeting the legislative requirements, the Committee identified a number of other issues to be addressed by this review:
 - the appropriateness of including only 'Key' decisions on the FP – it was recognised that should they recommend this change, it would limit the public's access to information on forthcoming 'Non-Key' decisions, thereby reducing their ability to participate in the decision-making process. They therefore agreed that if as a result of their review, they were to recommend limiting the FP to 'Key' decisions only, they would also need to make recommendations in regard to an alternative mechanism for identifying forthcoming non-key decisions, in order to ensure the same level of transparency and opportunity for participation by Members and the public.

- The inability to use the FP as a method of identifying issues suitable for pre-decision scrutiny, due to them appearing on the FP only 4/6 before the decision is required.
 - Whether the current format of the printed FP is overly complicated, and whether the information currently provided is relevant and/or sufficient
6. With that in mind, the Committee agreed to focus their review on the following issues:
- Should the Forward Plan be limited to 'Key' decisions only
 - The timing of Items appearing on the Forward Plan
 - Is the current format of the printed Forward Plan fit for purpose

Consultation

7. Both the Democratic Services Manager and the Monitoring Officer have been consulted in regard to the information gathered in support of this review. The Democratic Services Manager will be present at this meeting to answer any questions arising.

Information Gathered

8. Limiting the Forward Plan to 'Key' decisions only
 Since the introduction of Executive arrangements in York, the Council's FP has always included both 'Key' and 'Non-Key' decisions. The number of 'Key' decisions appearing on the FP is minimal in comparison to the number of 'Non-Key' decisions – as shown below:

Municipal Year	Number of Key Decisions	Number of Non-Key Decisions
2009 – 2010	1 (to date)	81
2008 – 2009	7	219
2007 – 2008	12	173

9. These figures suggest that items are not being correctly identified as either key or non-key. From a cursory examination of recent Executive agenda it appears that potentially more than one 'Key' decision has been taken this municipal year.
10. In the case of 'Non-Key' decisions, it is expected that the figures for 2009-10 will be lower than previous years following the introduction of a separate log for 'information only' reports, resulting in their removal from Executive Member agenda.
11. Council is exceeding its legislative requirement by including non-key decisions on its forward plan. Based on the number of 'Key' and 'Non-Key' decisions shown above, it is clear that there is an issue within the Council of identifying what is a 'Key' decision. This may be as a consequence of the Council's constitutional definition i.e.:

'A decision made in connection with the discharge of a function which is the responsibility of the Executive and which is likely to:

- result in the Council incurring expenditure, or making savings, which are significant having regard to the Council’s budget for the service or function to which the decision relates i.e.:
 - make a saving of more than 10% of the budget for a particular area - or be more than £500,000
 - require spending that is more than 10% of the budget for a particular area - or be more than £500,00
 - be significant in terms of its effects on communities ‘
12. Alternatively, it may be that there is a lack of understanding about the need to make this identification correctly, when the FP contains both ‘Key’ and ‘Non-Key’ items. If this is the case, the removal of ‘Non-Key’ items from the FP may encourage officers to correctly identify the type of decision they require.
13. There are some consequences to limiting the FP to ‘Key’ decisions only, e.g.:

Consequence	Effect / Available Solution
It would seriously reduce the amount of work involved and time taken to populate and publish each FP.	Effect - Reduced workload for: <ul style="list-style-type: none"> • Directorate based FP Contacts (currently the Director’s PAs act as FP Contact for their Directorate), • Forward Plan Administrator in Democratic Services.
It would require another mechanism for identifying ‘Non-Key’ decisions items for agendas	Available Solution - The Committee Management System provides a simple mechanism for addressing this issue e.g. <ul style="list-style-type: none"> • an officer writing a report which requires a ‘Non-Key’ decision can easily submit an agenda item onto the relevant draft agenda via the electronic system, well in advance of the meeting date. • Later, they can attach the associated report they’ve produced to that agenda item. • The Democracy Officer can see at a glance whether the report has been attached and can chase up the report as the report deadline approaches. • Once attached, the Democracy Officer can check the report in the usual way before publishing the agenda.
It would require more focus on correctly identifying whether an item is ‘Key’ or ‘Non-Key’	Effect – Introducing the above mechanism would involve establishing a separate procedure for ‘Non-Key’ decisions, which may be seen as an unnecessary complication

14. Timing of Items Appearing on the Forward Plan

The issue of deferring items on a FP has always been contentious, and many Authorities experience this. Historically in York, it has led to many items appearing on the FP only 4/6 weeks in advance of the decision being required. This is limiting the time available for scrutiny members to identify and carry out pre-decision scrutiny of the associated issues.

15. It should be noted that the longer the period between an item appearing on the FP and the decision date, the more likely it is that the decision date will change, as the entries become more speculative. A necessary consequence of including items early is that Members understand the need for flexibility around decision dates. It is therefore recognised that an important cultural change at the Council is required in order to ensure an environment exists in which officers work within guidelines on acceptable reasons for deferral of FP items, and where Members accept the necessity on occasion for deferral. The Committee Management System already provides a mechanism for recording reasons for deferral and enables those reasons to be visible online.

16. The alternative method for identifying forthcoming 'Non-Key' decisions outlined within the table at paragraph 8 above, would not restrict report writers from adding these well in advance of the decision being required, thus enabling their earlier identification by scrutiny, allowing more time for pre-decision scrutiny to take place where necessary.

17. Optimum Format of Printed Forward Plan

An example of this Council current FP format is shown at Annex A. Only some of the information contained therein is required by legislation, leaving some scope for simplifying the process by reducing the amount of information required per item. However, the current printed format of the Council's FP does not include all of the information required by legislation. Therefore, whatever changes this Committee recommends to the layout and format of the FP, they must allow for the inclusion of the following information:

- the members of the decision making body to be listed i.e. the names of the Executive Members (*in practical terms it would be better for this information to appear at the beginning of the printed FP, rather than on each FP entry*)
- the steps that may be taken by any person who wishes to make representations, and the date by which those steps are to be taken (again, *in practical terms it would be better for this information to appear at the beginning of the printed FP, rather than on each FP entry*)
- a list of the documents to be submitted to the decision maker for consideration, in relation to the matter in respect of which the decision is to be made (*this information would be specific to each individual entry therefore it would need to appear on each one*)

18. In addition, although the Council's Constitution states that details of any consultation taking place should be included (in line with the legislative requirement), in practice this does not happen in York. The Council's working practices therefore need revising to ensure this is done, where relevant.

19. There are over a hundred Council's nationally using the same Committee Management System we have here in York. Each of them produces a FP and many have chosen to adapt the style of their plan to best suit their individual needs. Many of these are much simpler and clearer than the format this council currently has in use – see examples shown at Annex B.

Conclusion

20. It is clear from the work of this review, that the FP is not the only tool for identifying forthcoming issues suitable for pre-decision scrutiny. What is clear is that following the recent restructure of the decision making process and the introduction of the new standing scrutiny committees, the Council now needs a cultural change in the way that scrutiny is supported within the organisation. It is felt that an improved level of support from Directorates, would help to ensure that the scrutiny committees were kept more informed of future work planned and developing policy changes, thus providing a working environment which would facilitate opportunities for carrying out pre-decision scrutiny. An optimum mechanism therefore needs to be identified.
21. The scoping report the Committee considered at their last meeting, outlined one possible alternative method for identifying forthcoming 'Non-Key' decisions suitable for pre-decision scrutiny. This suggestion involved the use of Directorate Business Plans populated with the planned work programming for the year - some of the Directorates already have an internal document which could perhaps be adapted for purpose. Members would need to recognise that these documents were subject to change and not hold officers to account about the slippage or movement of items (as in the case of deferred items on the FP) The adapted Business Plans would need to identify items requiring decisions and generate the population of the Executive Forward Plan.
22. There are a number of negative consequences associated with this suggestion:
- revising the layout of the Directorate Business Plans to ensure they capture all the relevant information and populating those Business Plans would be labour intensive and would cancel out the saving in officer time gained through removing 'Non-Key' decisions from the FP.
 - The Business Plans would have to be made available publicly to retain the same level of transparency and opportunity for public involvement in the decision-making process, which may affect the information it could include i.e. only non confidential information. This would reduce its current use and effectiveness within Directorates.
 - It sets up another procedure which may increase the complexity of the current arrangements
23. Simultaneously to the work on this review, the Monitoring Officer has been considering how scrutiny and the support given to it might be improved. This could include:

- The identification of a CMT member as lead for scrutiny to provide 6-monthly reports to relevant scrutiny committees on possible scrutiny topics suggested by CMT members/Senior Officers arising from future work planned within the Directorates (enabling pre-decision scrutiny)
 - Appropriate engagement between each Scrutiny Chair, relevant Executive Member and the CMT scrutiny lead.
 - Scrutiny leads within each Directorate to work with the relevant Scrutiny Committees, their Chairs and the Scrutiny Officers.
 - Officer agenda planning process for each scrutiny Committee akin to process for Executive
24. The benefits of these changes might be:
- improved buy into the role of scrutiny amongst senior officers across all directorates
 - an improved working relationship between the Executive and Scrutiny
 - improving scrutiny's ability to undertake constructive challenge and enhance their role in policy development
25. If these changes were successful, it is hoped Members would need to be less concerned with using the FP as a tool for identifying pre-decision scrutiny issues. Essentially, this is more about working together effectively across the organisation to identify real opportunities for scrutiny to assist in future policy development.

Consultation on the Information Gathered

26. At the meeting in November 2009, Members recognised it would be beneficial to seek the views of Executive Members, Group Leaders, Directors, Senior Officers, and FP Contacts on the suggested changes to the FP and options for earlier identification of topics for pre-decision scrutiny.
27. To support Members consideration of the issues being addressed by this review, the relevant parties have been consulted on the information contained within paragraphs 6 - 25 above, and feedback from that consultation exercise is shown at Annex C (to follow).

Analysis

27. A brief analysis of the feedback received from the consultees is included in Annex C. As a result of this review Members will be looking to make recommendations on improvements required to the layout and content of the Forward Plan, in order to maximise its effectiveness. Members may choose to invite some of the consultees to attend a future meeting of the Committee to discuss further their consultation responses.

Corporate Strategy

28. This scrutiny review is in line with the Council's aim to improve the Council's organisational effectiveness i.e. 'we shall be a modern council with high standards in all we do, living up to our values and be a great place to work. As members of

the public are entitled to participate in the Council's decision making process, it is important that the Council's Forward Plan is robust and fully informative.

Implications

29. **Legal** - The Council's Constitution will need to be updated to reflect any changes approved by the Executive as a result of this review.
30. **Human Resources** – If a decision is taken to limit the FP to 'Key' decisions only and use the alternative mechanism outlined within the table at paragraph 9 to identify forthcoming 'Non-Key' decisions, this would result in a significant amount of officer time being saved through the reduction in time spent populating and administering the Forward Plan.
31. There are no known Financial, Equalities, Crime & Disorder, ITT, Property or Other implications associated with the recommendations in this report.

Risk Management

32. If the changes needed to ensure the Forward Plan is meeting the legislative and constitutional requirements are not made, there is a risk to the Council that the Forward plan will remain organisationally ineffective and moreover, not be operating in accordance with statutory requirements.

Recommendations

33. Members are asked to agree:
 - i. who they would like to speak to about the operation of the FP, in light of the consultation responses
 - ii. what further information they would like to receive (if any) regarding the content or format of the FP

Reason: to progress the work of this review

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Wards Affected:

All

For further information please contact the author of the report

Background Papers: Scoping Report dated 24 November 2009

Annexes:

Annex A – Current Printed Format of York’s Forward Plan

Annex B – Examples of Alternative Formats for Printed Forward Plans

Annex C – Consultation Feedback Form Members & Officers (to follow)