
Discussion Paper

Overview and Scrutiny Committee 1 April 2019

Overview and Scrutiny Review

1. Why has this come to scrutiny?

- 1.1 Effective Overview and Scrutiny (O&S) is a vital part of local democracy as it plays a key role in holding the Cabinet, officers and the wider council to account. The last review of Overview & Scrutiny was held in 2013 following the implementation of the new scrutiny arrangements where the structure changed to one O&S Committee from three, with the introduction of scrutiny task groups.
- 1.1 Since then O&S has taken on board a specific recommendation from the LGA peer review of 2014 relating to how scrutiny might reappraise its work programme with particular reference to the opportunity to play a part in scrutinising the progress of critical projects. More recently O&S has considered the recommendation from the LGA peer review of 2018 to strengthen the role of Members which included reviewing the role of backbenchers.
- 1.2 Members of O&S have now expressed a wish for a further review of the work of Overview and Scrutiny and this meeting provides Members with an initial opportunity to discuss their views on how overview and scrutiny is working now and how it could be improved. This will then inform, along with the forthcoming training, the scope of any review of the committee if that is something that Members wish to pursue.

2 Background

- 2.1 The specific functions of Overview and Scrutiny are set out in Part 3 C of the Constitution which is attached to this report at Appendix 1. The role of the committee is to plan and coordinate the overview and scrutiny function across the authority. It commissions scrutiny task groups to carry out the detailed work ensuring that they have clear terms of reference. It is also responsible for receiving and determining how call-ins of Cabinet decisions should be dealt with.
- 2.2 Scrutiny should be a powerful tool to enable all Members of the Council who are not part of the Executive to hold the Cabinet to account on behalf of the electorate but also to act as a critical friend in helping to develop new policies and ideas. It is important that scrutiny makes a difference and achieves positive outcomes for the people of Cheltenham.
- 2.3 Overview and Scrutiny has brought together cross party scrutiny task groups on a range of different topics such as the recent Urban Gulls scrutiny task group. These task groups have each met over a series of months with a lead officer and facilitating officer supporting them at every stage. The different task groups have engaged a number of people who have a close understanding of what is happening in our local community. The groups have compiled evidence from these witnesses, collected statistics, considered similar reports prepared by other councils and deliberated over options for improvement. They have been able to scope out the problems and come up with suggested solutions to the issues which face our communities to create a comprehensive report to Cabinet.

Working arrangements

- 2.4 A new Chair of O&S was appointed at Annual and Selection Council in May 2018 and as Members are aware the Chair is always held by an opposition Member. O&S committee is supported by a dedicated democracy officer. Where scrutiny task groups are set up these are supported by a lead officer and facilitating officer (the latter being a democracy officer). Other relevant officers are invited to attend scrutiny task groups where necessary.
- 2.5 The work plan is considered by the Chair, Vice Chair and a Member from the PAB group (Chair's group) prior to each O&S meeting from which the agenda for subsequent meetings are shaped. The Chair's group also considers directly any Scrutiny Registration Forms and the Cabinet Forward Plan. The Chair's group is supported by the dedicated Democracy Officer.
- 2.6 The Chair's group has recently raised concerns specifically with regard to resourcing (outside of the DSU team) and the capacity within the authority to support the work of O&S, in addition, the recent LGA Peer review report also recommended that a review of the role of backbenchers should take place as it *"could add political capacity"*. As a first step to providing additional capacity/support to O&S, and to bring about consistency in lead officer support for the Chair's Group and the committee, Executive Leadership Team (ELT) support will be provided by the Executive Director – People and Change, substituted by the Executive Director – Finance and Assets when required. This will come into effect from 1 April 2019.
- 2.7 It is proposed that the ELT lead will be able to provide a level of organisational oversight which is missing from the current arrangements. It is accepted that this single change will not address the resourcing issues entirely but the role will include working with the O&S Chairs group to ensure that the agreed work plan is comprehensive and deliverable and any potential issues with regard to resourcing from across the council are highlighted and addressed at the earliest opportunity.

3 Approach

- 3.1 In order to properly scope a review of Overview and Scrutiny, the initial views of the committee Members will be sought at this meeting. The Chief Executive will be present for the discussion as will the Leader and both will be invited to contribute.
- 3.2 In order to inform the scope of any review it would be helpful for Members to consider and discuss :
- What they believe currently works and why
 - What they believe does not work and why
 - What improvements/outcomes would they wish to see following the conclusion of any review
- 3.3 It is proposed that the training arranged for 1 May 2019 will also inform the scope of the full review and members of the committee may also wish to consider who the council might approach to conduct such a review with the LGA being happy to support the Council in the implementation the peer review recommendations.

4 Consultation

- 4.1 In undertaking any review the proposal would be that O&S Committee Members, Group Leaders, Leader/Cabinet Members and other council members would be engaged with to understand their views on O&S.

Training

4.2 The Chair of O&S has put in place arrangements for an external provider to deliver specific O&S training to Members of the committee and this has been arranged for 1 May 2019 to cover :

- practical work e.g. to consider the criteria used to develop work programmes;
- explore when to use task and finish groups;
- prepare a typical project scope and put together a questioning strategy on a possible piece of work
- possibly use a previous agenda item to reflect on their experience and develop their approach based upon information and insights shared by the facilitator
- possibly explore cultural and behavioural issues, as appropriate, perhaps when exploring challenges for Scrutiny in relation to party politics, holding to account and scrutiny of policies and performance

It could also incorporate any training requirements raised by Members in this initial discussion.

Appendices	1	Overview and Scrutiny Functions Part C of the Constitution
	2	Corporate Plan
Contact Officer	Bev Thomas, Democracy Officer democratic.services@cheltenham.gov.uk	
Accountability	Cabinet Member Corporate Services	
Scrutiny Function	Overview and Scrutiny Committee	

Specific functions set out in Part 3 C of the Constitution

Table 3

OVERVIEW & SCRUTINY COMMITTEE
Functions
General
Agree the Overview & Scrutiny (O&S) workplan taking into account corporate priorities, the forward plan, issues of local concern and available resources
Establish standing or ad hoc sub-committees as required and set the size and high level terms of reference
Establish time-limited scrutiny task groups (STGs) to carry out in-depth reviews of a particular issue, set the size and high level terms of reference and agree reporting lines (to the Committee or its sub-committee) for recommendations
Establish the Budget STG, set the size and high level terms of reference and agree reporting lines (to the Committee, its sub-committee or Cabinet) for recommendations
Nominate Members to Cabinet working groups when representatives of O&S are requested
Receive recommendations from STGs and forward to Cabinet, Council, committee or the appropriate body (including commissioning boards)
Promote good practice for O&S across the Authority
Promote the development of member skills and competencies in O&S
Scrutiny
Consider call-ins ¹ , including call in of any decisions under Joint Arrangements and decide appropriate action (including the establishment of STGs) and carry out any other actions covered by the Overview and Scrutiny Rules
Receive any councillor calls for action and petitions referred to O&S and decide appropriate action
Question Cabinet Members, committees, the Chief Executive, Executive Directors, Directors or representatives under joint arrangements regarding decisions taken, service delivery, initiatives or projects
Question, call for and gather evidence from any external person or organisation (with their consent)
Make reports and recommendations to Cabinet, Council, a committee or an external body arising from the outcome of the scrutiny process
Policy review and development
Receive and comment on plans, strategies, policies and budget proposals that comprise the Budget and the Policy Framework ²
Contribute to the monitoring, review and ongoing improvement of services provided either directly by the Authority or on behalf of the Authority (using sub-committees or STGs as appropriate)
Monitor the implementation of any O&S recommendations accepted by Cabinet or other bodies
Build appropriate relationships with other parts of the Authority, external bodies and the public to facilitate effective scrutiny
Participate in joint scrutiny with other authorities and work with other authorities in Gloucestershire to strengthen the scrutiny role in respect of partnerships
Crime and disorder
Consider any crime and disorder matters ³

¹ Rule 14 Overview & Scrutiny Rules (see Part 4D)

² In accordance with Rule 2 Budget & Policy Framework Rules (see Part 4G)

³ Under s19 Police and Justice Act 2006 the Authority must specify a committee to deal with such matters