

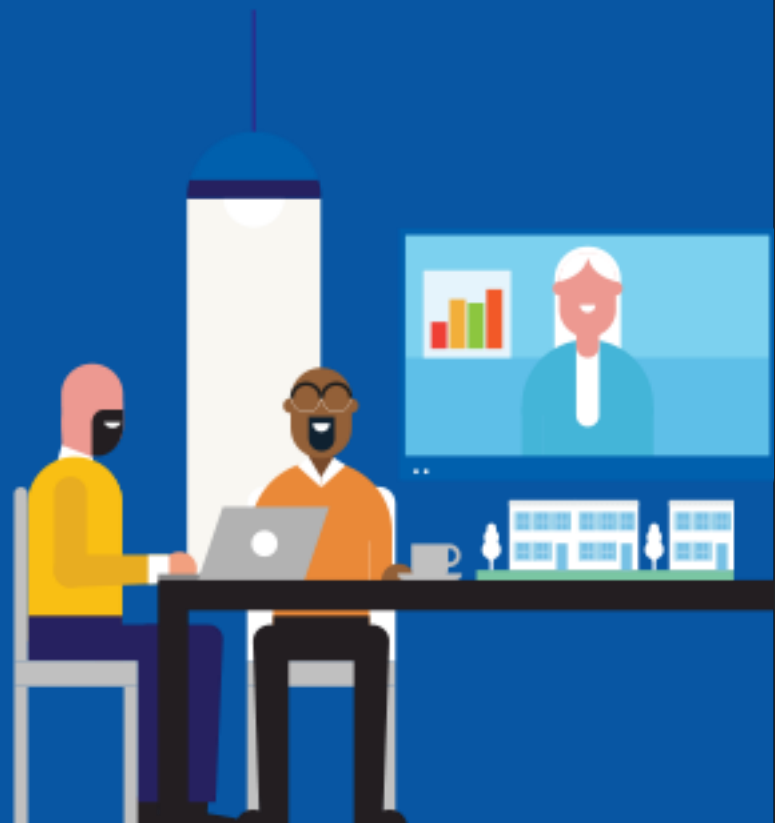
CAMPBELL
TICKELL



Review of Overview and Scrutiny Committee

Report

February 2020



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1. Introduction and Overview

- 1.1 Campbell Tickell was commissioned to undertake a review of Cheltenham Borough Council's (CBC) Overview and Scrutiny Committee in July 2019.
- 1.2 The council's approach to Overview and Scrutiny was restructured in 2011, when the number of committees was reduced from three to one. The current structure was last reviewed in 2013.
- 1.3 The key aim for the current review has been to make recommendations as to how the Overview and Scrutiny Committee can become more effective. In particular, we have considered/what changes could be made to help improve the effectiveness of scrutiny to ensure it makes a tangible difference to the work of the council. We have also considered whether allocated resources are sufficient to support effective scrutiny.
- 1.4 The review was conducted through a combination of a desk-top review of governance and constitutional documentation; interviews with council officers, committee members and the leader of the council; and observation of the Overview and Scrutiny Committee on 21st October 2019. We would like to thank everyone for their open, honest and positive response to our field work.
- 1.5 The current overview and scrutiny legislation recognises that local authorities are democratically-elected bodies which are best placed to determine which overview and scrutiny arrangements best suit their own needs, and there is flexibility to decide which arrangements work best.
- 1.6 The Ministry of Housing, Communities and Local Government has, however, recently published *Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities* (May 2019, referred to hereafter as 'the guidance'). The guidance states that effective overview and scrutiny should:
 - Provide constructive 'critical friend' challenge;
 - Amplify the voices and concerns of the public;
 - Be led by independent people who take responsibility for their role; and
 - Drive improvement in public services.
- 1.7 The guidance is statutory, but its precise status is described as follows: 'local authorities... must have regard to it when exercising their functions. [This]... does not mean that the sections of the statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case'.
- 1.8 Our review has concluded that while the council has appropriate and functioning overview and scrutiny arrangements in place, the potential value of the Overview and Scrutiny Committee is not being realised and, in some instances, practice does not follow the statutory guidance. As there is no single description of the committee's role or the benefits scrutiny should deliver, it has been difficult to demonstrate or evidence tangible outcomes: or as one interviewee described it, 'a lot of effort for what?'

- 1.9 Ultimately, when testing against the four strands listed above from the guidance, it is not possible to demonstrate conclusively that the council's overview and scrutiny function is fully effective. We found in the course of our review, however, that there is a genuine desire to improve and to ensure that scrutiny is as effective as possible and has real impact.
- 1.10 We presented our findings and recommendations to the committee on 13th January 2020 and these are set out in detail below.

2. Findings and Observations

- 2.1 We have set out our findings and observations against the themes which structure the guidance. Each theme is headed by a relevant extract or extracts from the guidance. A short summary of our general observations, including those from our review of governance documentation, follows our thematic observations.

Culture and Ways of Working

'The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails'.

'Scrutiny works best when it has a clear role and function. This provides focus and direction'.

- 2.2 Culture can most simply be described as 'the way we do things round here'. The findings from our review indicate a culture at Cheltenham Borough Council which tends towards promoting an uncertain and unconfident attitude to Scrutiny.
- 2.3 The written description of the role and purpose of the committee is fragmented across a number of parts of the council's Constitution (and elsewhere on the council's website). There are a number of different descriptions of its role and purpose, running the risk (as evidenced in our interviews) that the bigger picture of the committee's value is lost. While those interviewed could describe fairly consistently what they saw as the role of Overview and Scrutiny (e.g. formal scrutiny of Cabinet decision making; a development arena and/or sounding board for development of council policy; providing a spotlight on issues of concern to their constituents through the establishment of committee working groups), all admitted that others within the wider council would be unlikely to be able to do this and that the 'wider membership are not clear on what [the committee] does'. The sentiment behind this comment would appear to apply across members and staff: recognition of the committee's role and worth within the overall structure seems generally to be weak.
- 2.4 The Overview and Scrutiny Committee is rarely referred to in Council, it has a very low profile compared to other committees, and when challenged as to whether the committee delivers anything, one interviewee commented 'I don't think they do'.
- 2.5 While the committee is recognised as a legitimate part of the democratic process, interviewees struggled to articulate the value it adds to this process. They could provide few tangible examples of work the committee had done to benefit the wider authority; the

report on Urban Gulls was the most commonly cited example, although it is fair to say that there were a mixture of views expressed as to the level of value even this detailed report had really added for the council and public.

- 2.6 A common theme emerging from the review was that the political make-up of the council (with one political party with a large majority) is a significant factor in the committee not being as effective as it could be. While we recognise that this does indeed present some challenges, it should not mean that there is no role or mechanism for effective scrutiny.
- 2.7 Effective scrutiny will be supported by strong communication channels between the relevant constituent parts of the council's governance structure. In practice, however, we did not see particularly effective communication between the committee and the Cabinet, as evidenced both in our document review and from the interviews and committee observation. We could see little evidence of a two-way flow of communication and feedback: for example, a clear mechanism to determine how committee observations and recommendations on cabinet papers, and feedback from Cabinet, are communicated and tracked.
- 2.8 We understand that the Leader of the Council does regularly attend committee meetings and that there is a specific standing item on the agenda listed as 'Cabinet Briefing'. It is not clear, however, what his contribution to the meeting is supposed to be and therefore if it is being maximised. At the meeting we attended, for example, committee members were given the opportunity to ask the leader questions, but none were raised. Without a specific focus for conversation and feedback, it can be difficult to generate an effective dialogue.

Resourcing

'The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority'.

- 2.9 We identified that the primary resource to the committee is delivered through the council's Democratic Services team. There is a Democracy Officer within the team (working three days a week) who has responsibility for the overall servicing of the committee. The Executive Director of People and Change, a role we understand was introduced in the summer of 2019, has executive responsibility for the committee. Individual officers within the wider council provide additional support to the committee through production of reports and information used by the committee and any working groups which the committee establishes from time to time. The dedicated Democracy Officer and Executive Director of People and Change attend all meetings and a range of council officers attend meetings as required to present their reports and/or answer members' questions.
- 2.10 At the time the review was commissioned, we understand there had been some pressure on resources due to a key staff member being on maternity leave and difficulty in sustaining interim support during this period. It was clear from our interviews, however, that without exception everyone agreed the situation was now much improved; the introduction of an executive lead was also welcomed. Taking into account resource and budget challenges that

all local authorities have to manage, the level of dedicated resource the committee has at its disposal is now felt, we were told, to be satisfactory.

- 2.11 If this existing support is used to best advantage its level should not be a barrier to the committee being successful or adding value to the work of the council. This does not, however, negate the potential need for additional and specialist support – for example, to deliver an ongoing programme of committee member training and development, which is one of the recommendations we make at the end of this report.
- 2.12 As a further, nuanced, observation, we would add that there is perhaps an over-reliance on the dedicated Democracy Officer both from the committee itself and also other officers within the council. We heard from some interviewees that officers often prioritise other commitments over the work of the committee, meaning that the Democracy Officer has to chase reports to meet agenda dispatch deadlines. In some instances we heard comments that although the committee is an ‘accepted part of the democratic process’, some officers question the value it adds to the work of the council (as above) and it appears that this impacts on the time and effort they are willing to put into supporting the committee.
- 2.13 We heard, too, that sometimes it is not clear why particular reports are on the committee agenda, nor what is expected from officers’ or indeed members’ input – something our meeting observation confirmed. This can make it very difficult for officers (as well as members) to feel that there is value arising from their support for a committee, or indeed that their input is valued. In this context we observed that, at the meeting we attended, the Democracy Officer had produced briefing notes to support key members which seemed to be largely disregarded.

Selecting Committee members

‘Selecting the right members to serve scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority’.

‘When selecting individual members to serve on scrutiny committees, an authority should consider a member’s experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve’.

- 2.14 We found that committee members are committed to their role and have largely been appointed on a self-selection basis. We understand that all council members are required to serve on either the planning, licensing or overview and scrutiny committee and at ward level we understand that there are ‘informal discussions’ about how committee membership is distributed.
- 2.15 Members agreed that they are not required to evidence any specific skills before being appointed to the committee. One member we interviewed argued strongly that in his opinion the most important skill was being able to represent the views of constituents and

support them if they have concerns about the success (or otherwise) of council policy, but we would suggest that there are some other core skills which are likely to be at least helpful, and probably essential, in order to conduct effective scrutiny.

- 2.16 Despite skills not playing a part in selection and appointment of committee members, we found that there is little specific and effective ongoing training and development offered to members to help them maximise their contribution and thus improve the functionality of the committee and its decision making. This in turn could help increase perceptions of the credibility of the committee and the value it is felt to add to the council.
- 2.17 Our document review has highlighted that there is no role description for committee members and only a limited role description for the committee chair: the description makes no reference to the skills and attributes required for an effective chair. While we are not suggesting that the current chair is not effective (and indeed we heard many positive comments about the him), a clear role description for both the chair and individual members would help the committee and its members more easily understand and demonstrate effectiveness.

Power to access information

'A scrutiny committee needs access to regularly available sources of key information about the management of the authority, particularly on performance, management and risk'

- 2.18 Our review of documents and field work suggested there is no resistance to members having access to the information they need. Whether the committee is clear about the information it requires and why was, however, less obvious. Much of the meeting we observed on 21st October (which we were told was a 'typical' meeting in terms of agenda items presented) involved the presentation of papers for information/discussion with no clear objective set for the committee to achieve. This risks the committee spending time and energy on issues without clear benefit to the authority. It also makes it difficult for individual members to be as effective as they might be in framing questions or asking for information. We saw evidence of these issues in much of the meeting we observed.
- 2.19 For example, there was an agenda item titled 'Indices of Deprivation'. This was a 10 page, very detailed report, which was further augmented at the meeting itself by a very long and detailed PowerPoint presentation conveying different information, much of the detail of which was too small to be easily read by members. Although the report indicated that it was for information and discussion, and it clearly included some very interesting and important information about the levels of inequality and deprivation in Cheltenham, linking to one of the council's key objectives, both the paper and presentation were poorly presented and lacked focus and clarity. The item ran over the time allocated to it within the agenda and there was no clear summary of what the committee had understood from the information; the suggestions made in the report weren't reviewed systematically and it was unclear what had been agreed or recommended.

- 2.20 The agenda for the meeting we observed on 21st October included few specific reports focusing on the key performance, management and risk information highlighted in the statutory guidance, although we recognise that the committee work plan does provide for this to occur at specific meetings. Even in those reports where financial information was included, this was not obviously scrutinised by committee members. An example of this would be the item on the crematorium programme. This involved a paper and presentation on the outcome of the new crematorium project which included its ongoing financial performance. That part of the paper was not discussed by members and there was no evident scrutiny or challenge of the figures presented. This could have been due in part to member fatigue, as this item was reported under 'exempt information' at the end of the meeting, which had already run for over two hours.
- 2.21 The report on the Gloucestershire Health and Wellbeing Strategy presented at the same meeting was simply a copy of a power point presentation (it was not clear who the original audience was) with no covering report; it was impossible to understand what the committee was being asked to do. Our interviews correspondingly revealed that there was confusion as to why this item was on the agenda at all: officers thought members had asked for it, members said they hadn't – but no one challenged this at the meeting.
- 2.22 In contrast, the report on Public Conveniences considered at the start of the meeting was a good report and well presented by the officer present. This was a draft copy of a report due to go Cabinet on 5th November and the committee were being asked to comment and scrutinise the report to enable their views to be included before the report was presented to Cabinet members. It was very clear what was being asked of members of the committee and this in turn engendered a good level of debate and questions from members. It is also worth noting the standard of this report, with a clear executive summary, recommendation and wider implications for the council drawn out - for example around finance, risk, etc. This supports our impression that officers give more attention to Cabinet reports. In turn this may be indicative of the relative value placed upon the committee within the council.

Planning work

To make a tangible difference to the work of the authority... scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year'.

'While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary'.

- 2.23 Our review of the committee work plan, agenda and papers, together with our meeting observation, suggests that the lack of focus in defining the committee's role and purpose has fed through into how it operates: we could not see that it has applied an obvious or clear strategic lens or prioritisation to its work programme.

- 2.24 The current terms of reference for the committee provides for it to agree its work plan taking into account ‘corporate priorities, the forward plan, issues of local concern and available resources’. This did not seem to us to be happening consistently or in a way that could easily evidence the work and role of the committee. While some items were clearly listed in the work plan, there seemed to be little understanding (certainly among some of the members we interviewed) as to why other items arrived on an agenda.
- 2.25 The meeting we observed covered a very wide range of topics but it was not clear what priority the committee should be giving each topic or how they fitted with the council’s corporate objectives.
- 2.26 Agenda planning for each meeting is carried out by the Chair, Vice Chair and an additional member of the committee, supported by the Democracy Officer. There is a Scrutiny Work Plan which covers a rolling 12-month period. This includes a number of annual items, for example budget and end of year performance review. Other regular items are also included in the plan, such as quarterly performance review. Some items are included as a response to the Cabinet Programme along with other more specific items which officers or members suggest the committee may wish to consider. If the committee have set up a scrutiny task group to look at a particular issue in detail, feedback and progress from any evidence sessions held are also reported. The Democracy Officer is then charged with producing and distributing the draft agenda and ensuring all reports are received with the timescales set out for dispatch.
- 2.27 In our interviews we asked members to tell us about a particular piece of committee work which they felt had made a difference. The majority of members talked about the scrutiny task groups; in November 2018 a task group produced a report on the issue of urban gulls, and a task group has recently been established to consider in detail how the council manages large scale events. We understand topics for these more in-depth scrutiny exercises are agreed by the committee based on concerns raised by constituents. As previously described, however, when questioned interviewees could provide few examples (the report on Urban Gulls above was the most commonly cited) of work the committee had done to benefit the wider authority.
- 2.28 While the statutory guidance recognises that the scrutiny function has the power to look at anything which affects the local area, it also recognises that in practice authorities cannot resource exhaustive scrutiny and therefore that prioritising is key. It was clear from our conversations that there may be some degree of tension or frustration in relation to how scrutiny topics are agreed and the resources the council have to provide by way of producing evidence, etc., to support these task groups. In our feedback session to the committee on 13th January, for example, one member expressed support for more focus on council priorities rather than perhaps on members’ personal interests or passions. We would agree that, with finite resources, and mindful of the guidance, it is sensible that the committee should focus its time and effort on providing overview and scrutiny of the council’s agreed priorities and objectives – while not precluding other matters if resources allow and value arising from scrutiny can be demonstrated.

General feedback from meetings and evidence sessions

- 2.29 Our field work included observing the Overview and Scrutiny meeting on 21st October. There were good behaviours evidenced throughout the meeting, and members were respectful of each other's contributions. There was no evidence of 'party political' comments in any discussion or decisions made.
- 2.30 Contribution from committee members was, however, inconsistent and patchy. The majority of contributions were made by two members; one member did not contribute at all and another only asked one question.
- 2.31 The meeting was generally chaired well. It was evident, however, that everyone's energy levels, including the Chair's, started to flag after the meeting had been running for over two hours. This was of particular concern as the two exempt agenda items were at the end of the agenda and members' contribution, challenge and discussion on these two items was noticeably weaker. In our interviews, members commented on the length of meetings, and we were told there had been an earlier agreement to manage the meeting agenda within two hours; the agenda for the meeting on 21st October was timed to finish within two hours. We were told that although there had been some initial noticeable improvement on meeting management this had not been maintained.

Governance documentation

- 2.32 We reviewed a range of governance documents, including the council's Constitution, focusing only on content of relevance to the Overview and Scrutiny Committee. Our overall view of the Constitution is that while it is for the most part clearly written, there are a number of different descriptions of the role and purpose of the Overview and Scrutiny Committee. This is potentially confusing and also presents the risk of errors and inconsistencies developing as updating occurs. The documents we reviewed were not consistently dated, which makes it difficult to know if they are current and up to date.
- 2.33 Our overall sense from the document review is that the role and hence potential value of the committee is not clearly documented. We have produced a detailed RAG-rated critique of the documents, supplied separately for officer consideration. This includes some recommended actions with a view to getting the committee's governance documentation (and therefore practices) into the best possible shape. The more substantial findings and recommendations from our document review are incorporated into this report. The issue for the committee to consider is that improving governance documentation is only one tool for improving effectiveness; our other recommendations around culture and ways of working are equally, if not more, important.

3. Conclusions and Recommendations

- 3.1 Our review has concluded that it is currently difficult to evidence how the Overview and Scrutiny Committee contributes substantially and tangibly to overall democracy and accountability within the wider council. We therefore suggest that current ways of working

should be strengthened in order to evidence that the committee (and indeed the wider council) have paid regard to and are working within the spirit of the guidance.

- 3.2 In particular, we feel that the role and potential value of the committee is not clearly documented or understood within the council; that while the committee is an accepted (and required) part of the democratic process within the council, it is not held in high regard, nor does there seem to be a properly functioning or effective relationship between the committee and the council; and that substantial debate and discussion is lacking at meetings – at least in part because many of the papers provided to the committee lack focus and any clear ‘ask’ of the committee. The majority of those we interviewed agreed that it was hard to articulate to any great extent what value the work of the committee adds to the council’s delivery of its corporate objectives.
- 3.3 We feel the level of resources made available to the committee is adequate (although additional specialist resources may be required if the committee undertakes the training we recommend), but in some cases it needs to be better focused and organised, particularly within the wider council.
- 3.4 While these are challenging findings, there is plenty of scope for improvement, building on the commitment of both officers and members to maintaining an effective scrutiny function. We were particularly encouraged by the open and receptive approach with which our review and our findings were welcomed both by officers and by the committee and its Chair.
- 3.5 In summary, we believe that the change required to make the council’s scrutiny function fully effective includes a re-focusing of the committee’s purpose and the resourcing and delivery of a number of practical actions, as well as the introduction of a bespoke training/coaching programme to help members become more effective in carrying out their responsibilities. We would emphasise that members need to take responsibility for and ownership of ensuring these recommendations are implemented and embedded.
- 3.6 It is important to note that our recommendations are not just about showing adherence to the statutory guidance. They are more than that: if accepted and delivered they will help make the committee more effective and members feel valued, and will improve the standing of the committee within the wider council. And, of course, a better performing Overview and Scrutiny Committee should deliver benefits for the performance of the council as a whole.

Our recommendations

- 3.7 Our recommendations fall under three broad themes as set out below.

Culture and Ways of Working

- Develop and agree a single, clear and measurable definition of the role and purpose of the committee, used consistently in all documentation;
- Develop a specific role description for the committee chair to include skills, attributes and key responsibilities;

- Consider how members of the committee can be suitably supported and trained to be skilled and effective in their role and clearly understand the purpose of the committee and their contribution to it;
- Arrange focused training for all members, perhaps within a scheduled meeting, specifically on how to be an effective Overview and Scrutiny Committee member. Possible areas for training include how to promote and build visibility of scrutiny, and how to effectively challenge and scrutinise information and decisions;
- Introduce a formal feedback loop/link from Cabinet to Overview and Scrutiny Committee to make best use of the council leader's attendance at committee;
- Review and determine how enquiry topics are to be identified; should they be focused on the delivery of the council's corporate plan? This would make better use of finite resources and help negate possible tension between Cabinet and the committee;
- Consider how the Chair and committee members can extend the committee's visibility within the council.

Resources

- Although dedicated resource to the committee has improved and is valued, general officer support needs to be better focused and respect demonstrated for the role and value of the committee;
- All members should take ownership of their contribution at meetings, including reading briefing notes in full;
- Report writers and presenters need to be given clearer briefs, expectations and time frames – and this needs to be robustly adhered to and managed by the Chair;
- Consider introducing a maximum page limit for reports with use of appendices by exception;
- Consider training for officers on PowerPoint presentation in order to maximise the benefit obtained by the committee;
- The Chair should sense-check all papers before dispatch.

Effective meetings

- Ensure that all committee members are encouraged to contribute and feel comfortable doing so;
- Introduce a front cover sheet for each committee report/agenda item to provide clarity on the purpose of the report, why it is coming to committee and what action the committee is being asked to take. This should be made available to report authors after agenda planning meeting. The Chair should use this to 'top and tail' each agenda item at meeting and can also be useful for minutes;
- Introduce an action tracker so that all decisions/actions made by the committee can be tracked at each meeting. This should also include tracking of recommendations to Cabinet or other committees/groups;

- Re-order agenda (recognising issues with public attendance) between items for scrutiny and items for overview in order to make better use of meeting time and member energy;
- Re-introduce maximum meeting time of two hours, attending carefully to agenda planning, quality of reports, length of presentations, management of external speakers, etc.;
- Introduce a wrap up session at the end of each meeting to consider 'positives and negatives' from meeting.

APPENDIX 1 - INTERVIEWS CONDUCTED

Members and Officers interviewed

1. MEMBERS

Chris Mason: Chair

Klara Sudbury: Vice Chair

Dennis Parsons

Jo Stafford

John Payne

Steve Jordan: Council Leader

2. OFFICERS

Richard Gibson: Strategy and Engagement Manager

Saira Malin: Democracy Officer

APPENDIX 2 - DOCUMENTS REVIEWED

- Constitution
- A guide to Overview and Scrutiny in Cheltenham
- Committee Chair's role description
- Agendas and papers for Overview and Scrutiny Committee meetings 19 August 2019, 9 September 2019
- Minutes for Overview and Scrutiny Committee meeting 19 August 2019
- Urban Gulls Report, 2018
- Overview and Scrutiny Committee work plan 2019/20 (dated August 2019)

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