

A guide to Overview & Scrutiny in Cheltenham

Purpose of this guide

This guide provides a comprehensive, informative resource for understanding how Overview & Scrutiny operates in the Borough – it is intended for Councillors, officers and members of the public alike.

More information and advice about specific aspects of Overview & Scrutiny is available as appendices to this document (please see contents below) or on the website – www.cheltenham.gov.uk

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Foreword – Andrew North, Chief Executive (2006-2016)

Since 2000 we have seen a number of different models for overview and scrutiny emerge from the local government sector, and have learnt a fair amount about what works and what doesn't. As we moved to become a commissioning council, it was the right time to build on this learning and initiate a review of our scrutiny arrangements. Effective challenge of the Cabinet is a crucial part of scrutiny's role but we also wanted scrutiny to enable members to tackle issues of local concern and achieve positive outcomes for local people.

This guide captures some of that best practice as well as explaining our own arrangements here in Cheltenham. However, I am sure we would all recognise that processes and structures do not guarantee success. Success will ultimately be down to the enthusiasm and commitment of councillors to add value to policy development and constructively challenge the Cabinet when necessary. Strong officer support is also essential and successful scrutiny should also seek to involve the public in its work. This is an essential guide for everyone involved in carrying out this vital task and will help members provide robust review and constructive challenge."

What is overview & scrutiny?

Overview and Scrutiny aims to:

- support the Council in achieving delivery of its Corporate Strategy
- promote open and transparent decision-making, democratic accountability and to hold the Cabinet to account for its actions
- achieve positive outcomes for the people of Cheltenham by monitoring and challenging service delivery to ensure it meets customer needs and encourage innovation and good practice
- be a member-led, non party-political review mechanism that works to improve the quality of life for Cheltenham residents
- play a central role in ensuring open and accountable democratic arrangements for the town

It will support the four principles of effective scrutiny advocated by the Centre for Public Scrutiny.

The Overview and Scrutiny Committee will:

- Provide constructive 'critical friend' challenge to the executive;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role;
- Drive improvement in public services in Cheltenham

When overview and scrutiny was first introduced, overview was often referred to as policy review. It seeks to involve itself before a decision is made, to bring information and ideas to the table to help improve decision making. It gave members a role in policy and decision making far earlier than had previously been possible. It also involves monitoring of on-going actions to ensure they are delivering the intended and best outcomes. Similarly a definition of scrutiny was defined. The scrutiny of decisions takes place after decisions have been made. It is an opportunity to question why a course of action was taken, and if necessary propose an alternative. Decisions can be monitored over a longer period of time to ensure that the intended outcomes are realised. In its strongest form it can stop a decision being implemented until it has been scrutinised using a mechanism called 'call-in'. In practice the two areas can often overlap.

In this guide the term 'overview and scrutiny' is frequently abbreviated to 'scrutiny'.

Scrutiny should be a member-led, non party-political review mechanism that works to improve the quality of life for Cheltenham residents. It should play a central role in ensuring open and accountable democratic arrangements for the town.

How does scrutiny work in Cheltenham?

Cheltenham has one scrutiny committee: the Overview and Scrutiny Committee (O&S), which manages and co-ordinates the scrutiny function in general and the work of the scrutiny task-groups. O&S is made up of 10 non-executive members (non-Cabinet Members) and is politically balanced. It is chaired by a member from a party not forming part of the ruling administration. O&S does not have decision-making powers, but can make recommendations on policy and service improvement to the Cabinet, Council, officers and partners. More information can be found on the committee pages on the Cheltenham Borough Council website and the council's Constitution (Part 3C). Scrutiny task-groups are established by O&S where it identifies topics/areas for in-depth investigation and review. Meetings of O&S are generally open to members of the public and media to attend.

The 5 main roles for Overview and Scrutiny are;

1. Holding decision makers to account

This can be either scrutinising decisions before they are taken, using the call-in process to scrutinise decisions before they are implemented or scrutinising decisions after implementation. These decisions can be those relating to both the Executive and non-executive functions i.e. this could be decisions taken by Cabinet, Cabinet Members, or officers under delegated powers.

2. Policy review

This can take many different forms, for example; examining the implementation of a policy or the co-ordination of policies across the council.

3. Policy development

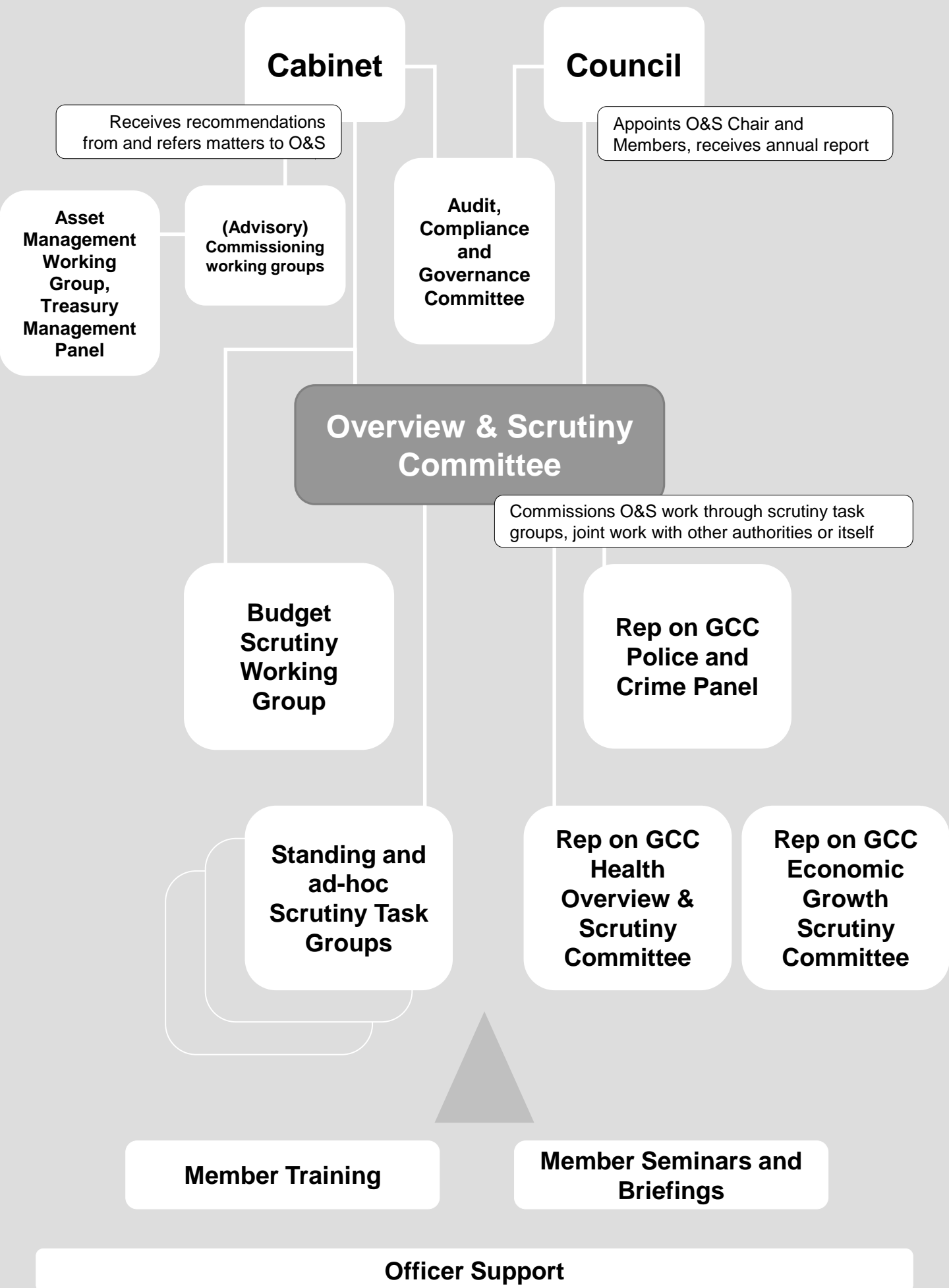
Although there is not always a clear distinction between reviewing and developing policy, the scrutiny process can be successful in finding and seeking to fill gaps in policy. In both cases Cabinet could request O&S to undertake such a review in support of the Council's overall work programme.

4. Performance management

O&S should include an element of performance management in their work plan to complement other forms of performance management already operating across the council. This will include performance management of commissioned services where the principles of scrutiny still apply and these services will consider any recommendations and feed back if they don't accept them.

5. External scrutiny

Scrutiny bodies are not limited to examining the council's own functions, but can consider anything which they feel affects the local area or residents. External bodies have no obligation to participate in a scrutiny review or take note of its recommendations, with the exception of health scrutiny, but are generally willing to participate.



Methods of conducting scrutiny

Scrutiny is undertaken using a number of methods in Cheltenham, as listed below;

- Reporting to or attending a scheduled meeting of the Overview and Scrutiny Committee (which meets at least seven times per year) or a scrutiny task group. Issues considered at scheduled meetings are determined by the committee's work programme. This is set by the committee at the beginning of the municipal year with in-year changes made as issues emerge. Committee meeting agendas will normally contain a number of items, which are considered by way of formal written report/discussion papers and dialogue with officers at meetings. The committee usually set out what they aim to achieve when they request a report/discussion paper and the kind of information they would like included. However, officers are expected to include any information that in their professional opinion would facilitate the committee achieving its aims. Under the new scrutiny arrangements, these detailed reports are more likely to be requested by a scrutiny task group rather than O&S.
- Scrutiny task-groups – O&S identifies areas for in-depth investigation and review. For each of these topics a scrutiny task-group with non-executive members (non-Cabinet Members) is established. For more information please see 'A guide to scrutiny task groups' (Appendix 4).
- Briefing notes and Member seminars – it is generally accepted that items on the agendas of O&S should be those that will enable members to contribute and add value to council activity. However, on occasions, members may require information on, for example; emerging priorities or new legislation, where the committee may not choose to undertake formal activity. Officers may be asked to present this information through a briefing note or a member seminar to respond to members' queries and to help build their understanding and awareness.
- Call-in – when a decision is taken by the Cabinet collectively, a Cabinet Member or by an officer, any member may 'call-in' that decision for consideration by O&S within five days of the decision being made. If, having considered the decision, O&S is still concerned about it, they may refer it to a scrutiny task group, who may in turn refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to full Council. No decision should be implemented before the call-in period has expired. This is particularly important for controversial decisions. Importantly, it is the decision making process rather than the decision itself that is the justification for call-in.

- Public Notice questions – are a mechanism by which members of the public or councillors can submit questions to the council. Questions may be referred to O&S for consideration if they are strategic in content and fall within the O&S terms of reference (please see the Council’s constitution). The question will appear on the next available O&S agenda and the questioner will be invited to ask a concise supplementary question. Officers may be asked to attend the meeting to answer questions and assist members in any resulting discussions.
- Petitions – one of the methods available to the Council as part of its Petition Scheme is to refer it to O&S for consideration. In such instances officers may be required to attend to respond to members’ questions and/or prepare a report. Furthermore petitions of more than 750 signatures can call for a senior officer to be ‘held to account’ at an O&S meeting. In addition, if a petitioner feels that the council has not dealt with their petition properly, he/she has the right to request that O&S reviews the steps that the council has taken.
- Councillor Call for Action – the Councillor Call for Action (CCfA) is a mechanism that can be used by councillors to resolve issues of local (ward level) concern that have defied resolution elsewhere. If deemed to be valid by the Chief Executive and O&S Chair, the CCfA will be referred to the O&S for consideration and/ or further action. Officers of the Council and/or partner authorities may be requested to prepare and finalise an O&S report within the necessary timescales, and provide other technical and background information to enable O&S to respond to and participate in the discussion.

Democratic Services

There are no dedicated resources for scrutiny, instead it is supported by a team of officers within Democratic Services. The team promotes the scrutiny function generally within the authority and provides advice and support to councillors, officers and members of the public. This may include research, analysis of data and support for task groups. The team also liaises with officers to request information and reports, and can offer advice and assistance throughout.

To find out more about the work of the scrutiny committee and/or task groups, or for advice and guidance, please do not hesitate to contact a member of Democratic Services:

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