

# **A guide to overview & scrutiny in Cheltenham**

## Purpose of this guide

This guide provides a comprehensive, informative resource for understanding how Overview and 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 and Scrutiny is available as appendices to this document (please see contents below) or on the website – [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)

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## Foreword – Andrew North, Chief Executive

"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:-

- Provides 'critical friend' challenge to Executive policy makers and decision makers
- Reflects the voice and concerns of the public and its communities
- Is carried out by 'independent minded' members who lead and own the scrutiny process
- Drives improvement in the delivery of public services

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 (OSC), which manages and co-ordinates the scrutiny function in general and the work of the scrutiny task-groups. The OSC 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. The OSC 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 the OSC where it identifies topics/areas for in-depth investigation and review. Meetings of the OSC 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**

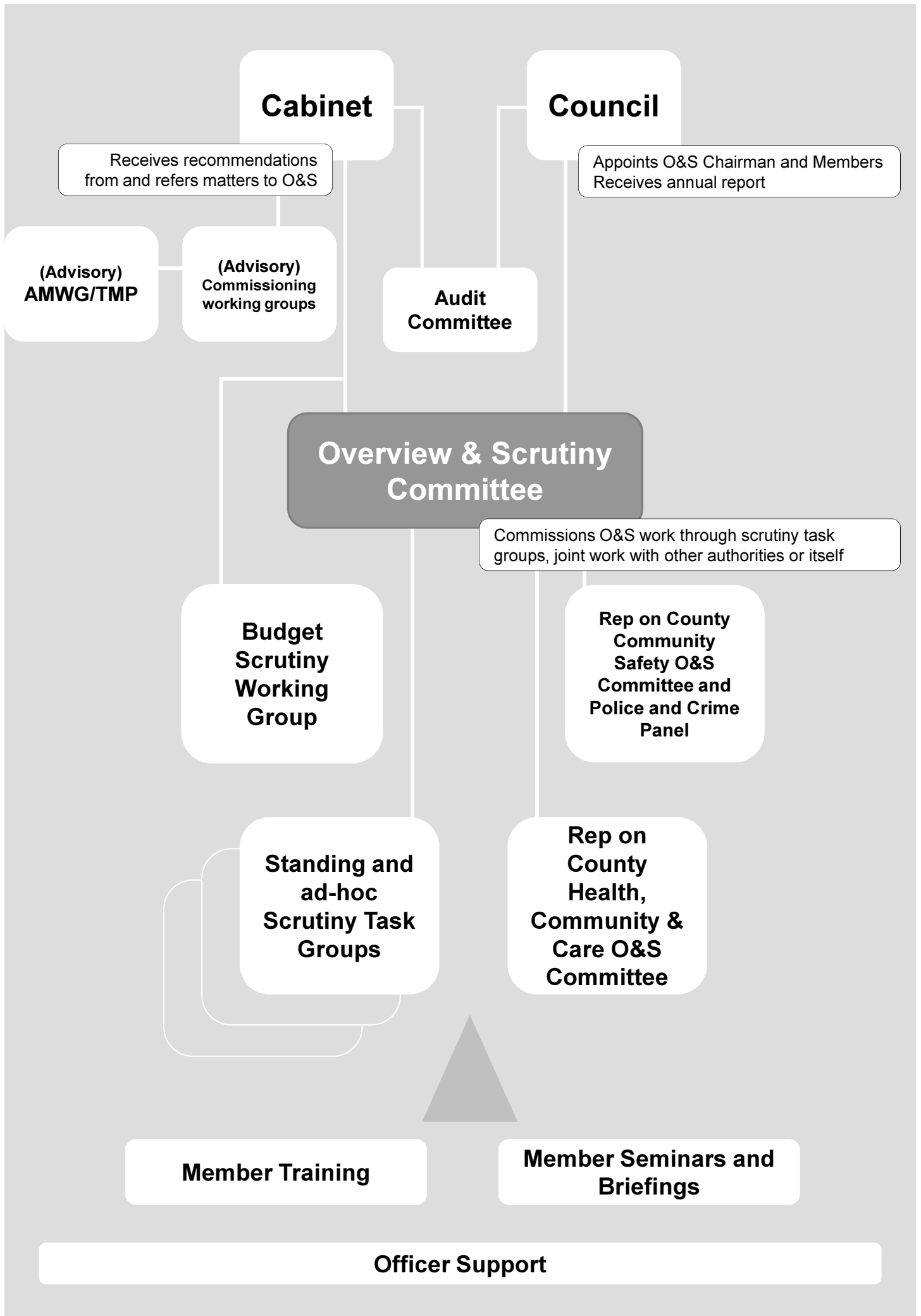
Although there is not always a clear distinction between reviewing and developing policy, the scrutiny process can be successful in finding and seeking to fill gaps in policy. In both cases Cabinet could request the OSC to undertake such a review in support of the Council's overall work programme.

### **4. Performance management**

The OSC 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 (OSC) (the OSC 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 the OSC.
- Scrutiny task-groups – the OSC identify 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 the OSC 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 the OSC within five days of the decision being made. If, having considered the decision, the OSC 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 the OSC for consideration if they are strategic in content and fall within the OSC terms of reference (please see the Council’s constitution). The question will appear on the next available agenda of the OSC 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 the OSC 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 OSC 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 the OSC review 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 OSC Chair the CCfA will be referred to the OSC for consideration and/ or further action. Officers of the Council and/or partner authorities may be requested to prepare and finalise an OSC report within the necessary timescales, and provide other technical and background information to enable the OSC 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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# A public guide to scrutiny

## **How might I be involved?**

The Overview and Scrutiny Committee (OSC) is responsible for ensuring that the overview and scrutiny process is operating effectively and making a difference for local people. As such, the people of Cheltenham (public) have a role to play and are encouraged to get involved.

## **Attending meetings of the Overview and Scrutiny Committee**

The OSC will meet at least seven times a year and these meetings are open to the public; except where confidential (exempt) information is likely to be disclosed and the item(s) will be considered in private – this will be clearly set out on the agenda for the meeting in question, along with the reason why and these items will be marked 'Not for Publication'. Public participation at these meetings is at the discretion of the chairman.

## **Asking questions in advance of a meeting of the OSC**

Any person registered as a local government elector for the Borough of Cheltenham may ask written questions to the Chairman about any matter falling within the terms of reference of the OSC (please see the Council's constitution).

Notice of questions must be received no later than 12 noon on the fourth working day before the day of the meeting. Each question must give the name and address of the questioner and confirm whether or not the questioner intends to attend the meeting.

No person may submit more than two questions (including sub-questions) at any one meeting and no more than two questions (including sub-questions) may be asked on behalf of one organisation.

More information about public questions is contained within the Council's constitution.

## **Co-opted Members**

Scrutiny task-groups will sometimes draw on the experience and knowledge of people in the community and organisations by co-opting them to help with a review and to enable local people to have an active input into the scrutiny process.

The scrutiny task-group is responsible for the appointment and selection of co-opted members depending on the expertise needed to assist the scrutiny process.

Co-optee's have no voting rights but their views and opinions will be considered by the task-group when agreeing the recommendations. Once co-opted onto a group co-optees are entitled to claim expenses (travel, parking, etc).

### **Witnesses**

Witnesses are essential to the overview and scrutiny process as they provide opinions and specialised information which help enable informed decisions that can ultimately benefit the people of Cheltenham. Being a 'witness' simply means coming along to answer some questions and telling Councillors what you think about a particular issue. A Witness Charter has been produced to guide witnesses through the process.

### **Raise a topic with your Ward Councillor**

If there is a topic that you feel scrutiny could add value to then you can raise this with your Ward Councillor who can in turn suggest it for inclusion on the OSC work plan.

### **Petitions**

If you have submitted a petition it may be referred to the OSC for consideration and as a petition organiser you would be invited to attend the meeting(s) and have your say. In addition, if you feel that the council has not dealt with your petition properly, you have the right to request that the OSC review the steps that the council has taken.

# A councillor guide to scrutiny

## How might I be involved?

The proper and effective scrutiny of the Council's policies and delivery of services is a crucial responsibility of democratically elected members and this guide aims to advise councillors in the exercise of this function.

## Attending meetings of the Overview and Scrutiny Committee (OSC)

Members of the OSC must be free to carry out their work with the maximum independence and freedom to challenge and monitor Council policies and service delivery, they should not be subject to pressure from Cabinet Members on the nature or outcomes of their reviews, monitoring and other duties. However they must be aware of resource and budgetary constraints when determining their work plan and regular dialogue between members of the OSC and Cabinet Members is important for effective working.

Non-members of the OSC - meetings of the OSC are open to all councillors and non-members are welcome to attend, though non-member participation at these meetings is at the discretion of the Chair.

Cabinet Members – are free to attend meetings of the OSC and may from time to time request or be asked to provide an update on a particular topic or issue. They may be invited to attend meetings of a scrutiny task-group on a regular or ad-hoc basis.

## Member of a scrutiny task group

All non-executive members (non-Cabinet Members) will be invited, by email or discussions within political groups, to form part of any task-groups which are established and these groups need not be politically proportionate. Members are encouraged to put themselves forward for topics in which they have a particular interest. Members of scrutiny task groups will be expected to take an active role in the work of these groups. More information about scrutiny tasks-groups is set out in the scrutiny task group guide (Appendix 4).

## Proposing a topic for scrutiny

Any member can nominate a topic for scrutiny. Issues can also be referred to the OSC from Council and Cabinet or other bodies within the council. They may ask the OSC to undertake a review of a particular policy area as part of the Council's overall work plan. You may be approached by a member of the public regarding particular topics which you can put forward on their behalf for consideration for inclusion in the work plan. If a member wishes to nominate a topic for inclusion on the OSC work plan they must complete the scrutiny topic registration form.

# An officer guide to scrutiny

## How might I be involved?

Scrutiny is member led but the effectiveness of overview and scrutiny relies on the support of officers from across the council. Whilst some dedicated support is provided by Democratic Services, the in-depth information, expertise and experience in relation to services can only be provided by officers responsible for those services. If you work in a service area which is subject to scrutiny you may be asked to contribute in one or more of the following ways;

### Attending meetings of the Overview and Scrutiny Committee

Often the Overview and Scrutiny Committee (OSC) will request written information and will ask an officer to come and present it to members. You will be informed of this request in advance, what the content should focus on and the deadlines by which it needs to be produced. If invited to attend the meeting you will be asked to make a short introduction and members of the committee will have the opportunity to ask you questions about the matter(s) under discussion.

Report using the template for Cabinet reports – this is relevant where the author is asking the OSC to formerly note a report, agree some recommendations or comment on a report which is going to Cabinet. The report should spell out in the summary why the report is being brought to the committee e.g. endorsing or commenting on the recommendations being made to Cabinet.

A template is available on the intranet and on the shared directory.

Discussion paper format – in this case the author is presenting some information to the OSC but not asking for any recommendations to be agreed. The information is presented under four main headings:

1. Why has this come to scrutiny
2. Summary of the issue
3. Summary of the evidence / information
4. Possible next steps for the committee

The aim is for the discussion paper to be brief and summarise the information in an easily readable form e.g. use of bullet points / tables, etc.

A template is available on the library drive on the intranet and shared directory.

### **Being involved in scrutiny task groups**

There are a variety of ways in which you could be involved in scrutiny tasks groups and these are set out in detail in the scrutiny task group guide (Appendix 4). Generally these meetings will be less formal and reports will also be more informal.

### **Keeping members informed**

On occasions, officers will be asked or will deem it necessary to provide members with information to respond to members' queries or to help build their understanding and awareness of a particular issue.

Briefing notes – provide information on a particular matter and can be circulated by email or in paper copy. Briefing notes do not form part of the formal OSC agenda and would therefore not be discussed.

A template is available on the library drive on the intranet and shared directory.

Member Seminars and Briefings – member seminars can be used or briefings arranged to communicate with members on a particular issue. Nine 'Member Seminars' are scheduled throughout the year, they are allocated on a first come basis and it is the responsibility of the organiser to make all arrangements and communicate these to members. Please refer to the intranet for more information. Any additional member briefings should also be listed in the Corporate Diary.

### **Being called to account**

A petition may be submitted requiring an officer to be 'called to account'. The grounds for such a petition must relate to the officer's duties and not be personal.

Officers who can be called to account in this way include the Head of Paid Service, the statutory Finance and Monitoring Officers, the Executive Directors and the Directors. If such a petition is received the officer and any other officer the OSC considers appropriate will be required to attend a meeting of the OSC to answer questions. The OSC meeting will be in public and the organiser of the petition will be invited unless confidential information would be revealed. Any report or recommendations arising from it will be communicated to the petition organiser and placed on the Council's website.

# A guide to scrutiny task groups

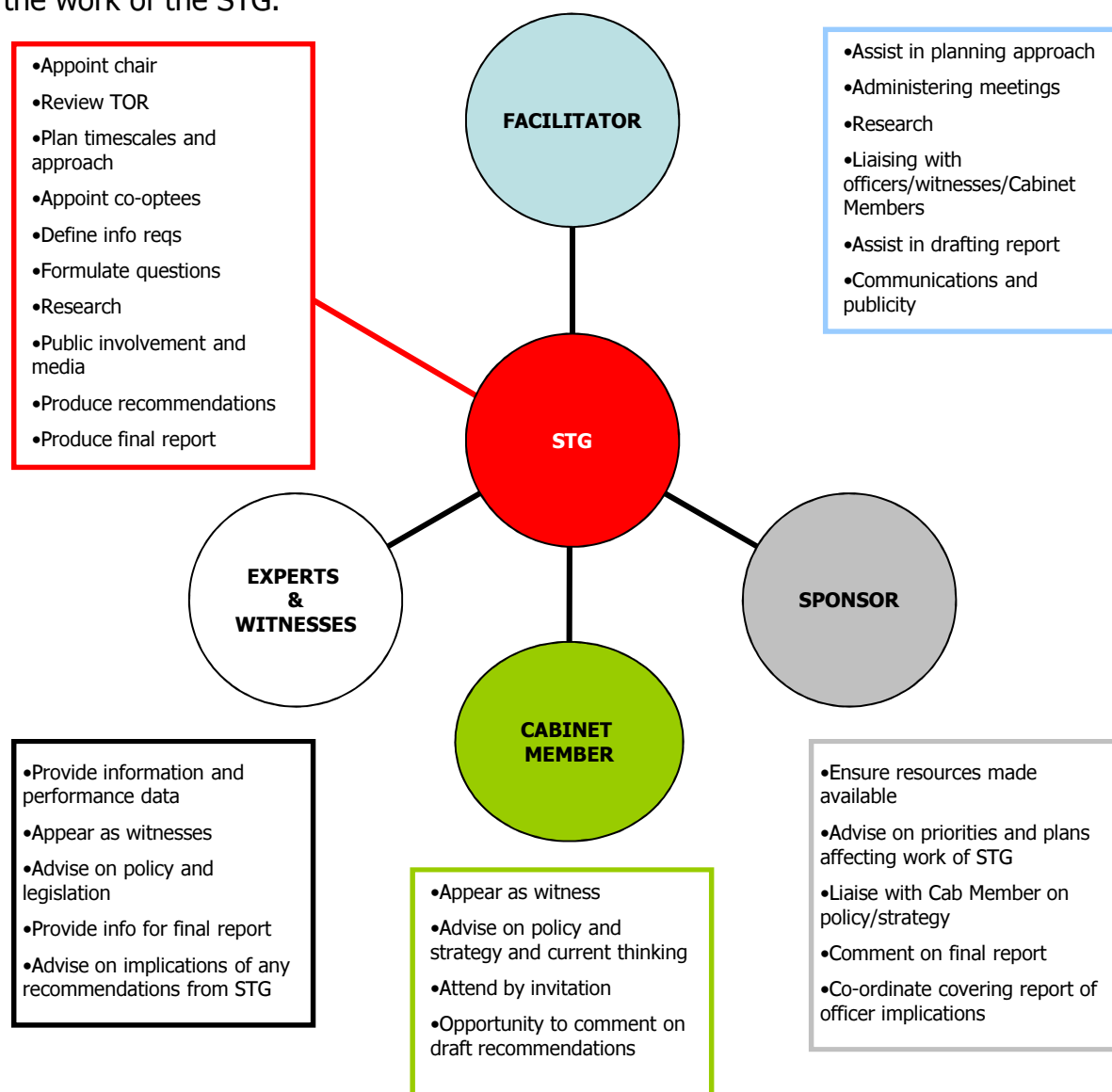
## What is a scrutiny task group?

Scrutiny task groups (STG) are smaller than committees and are set up by the Overview and Scrutiny Committee (OSC) to examine specific issues in detail and they tend to work more flexibly and informally. The review could be of an existing policy or service but scrutiny task-groups can also look to develop new policies. Generally they have a fixed time frame and are dissolved once they have completed their work.

## How does it work in Cheltenham?

### Who is involved?

Scrutiny task-groups are made up of non-executive members (non-Cabinet Members) and this is not restricted to members of the OSC. Officers will support the work of the STG.



### **How do they gather information?**

When establishing a STG the OSC will set it clear terms of reference. The STG will then develop their 'one page strategy' which will set out how they plan to approach the review. The STG can obtain information through many different media, including face-to-face interviews; questionnaires; focus groups; site visits; reports; and written submissions. The most common witnesses are Council Officers, representatives from partner agencies and service users.

### **How do they report their findings?**

When the STG has finished gathering information, it will draft a report and agree its recommendations. Officers will support the STG and at the same time draft a covering report which includes HR, Legal and Financial implications associated with the recommendations being made by the STG. The STG will also consult on their report and give others such as the Cabinet Member, the opportunity to comment and suggest any corrections. The report will be considered by the OSC who will be asked to endorse the recommendations of the STG before the report is considered by Cabinet or other body.

### **What happens next?**

The STG recommendations will be considered by Cabinet or other body and will either be agreed or rejected.

If the recommendations are agreed the OSC will monitor the implementation and outcome of the recommendations and review them, typically in 6 months time.

If the recommendations are rejected the reasons will be reported back to the STG and OSC.

