

Cheltenham Borough Council
Council
22 July 2013
Annual Report on Overview and Scrutiny

Accountable member	Chair of Overview and Scrutiny Committee, Councillor Duncan Smith
Accountable officers	Chief Executive, Andrew North and Democratic Services Manager, Rosalind Reeves
Accountable scrutiny committee	Overview and Scrutiny Committee
Ward(s) affected	All indirectly
Significant Decision	No
Executive summary	<p>In December 2011 Council approved the new arrangements for Overview and Scrutiny to be implemented following the elections in May 2012. Under the new arrangements scrutiny was required to produce an annual report for Council and this is contained in appendix 1. This report sets out the achievements of scrutiny over the last 12 months and in particular highlights the outcomes of a range of scrutiny task groups.</p> <p>As the arrangements have now been in place for over a year, it is an appropriate time to review their operation. A review was initiated with a questionnaire to members and officers and this report sets out the results together with other feedback received.</p> <p>Scrutiny welcomes the opportunity for Council to debate this report and give its views on the success or otherwise of the new scrutiny arrangements together with any improvements it would like to see. These can then be taken forward and used to enhance the scrutiny process.</p>
Recommendations	The Council is asked to note the Annual Report of Overview and Scrutiny and highlight any changes or improvements it would like scrutiny to consider.
Financial implications	<p>There no financial implications arising from this report.</p> <p>Contact officer: Mark Sheldon, mark.sheldon @cheltenham.gov.uk, 01242 264123</p>

Legal implications	<p>The Authority must have at least one Overview and Scrutiny Committee. Scrutiny committees may review both executive and non executive functions and can make reports and recommendations to the Council or the Cabinet on those functions and “on matters which affect the authority’s area or the inhabitants of that area”. A scrutiny committee may also take the role of the crime and disorder committee under the Police and Justice Act 2006.</p> <p>Contact officer: Peter Lewis, peter.lewis@tewkesbury.gov.uk, 01684 272012</p>
HR implications (including learning and organisational development)	<p><i>Officers and members may benefit from further training and development in scrutiny as highlighted in the results of the scrutiny review.</i></p> <p><i>The need for officer support for scrutiny has been endorsed by the experience of the first year of the new arrangements. It needs to be noted that the council has no dedicated scrutiny officers (as is the case in larger authorities) and the need for officer support needs to be factored into resource plans. Members involved will need to actively participate in the work of the task group.</i></p> <p>Contact officer: Julie McCarthy</p> <p>Julie.McCarthy@cheltenham.gov.uk 01242 26 4355</p>
Key risks	<p>The original risk assessment which accompanied the report to Council in December 2011 has been attached as appendix 1 with an additional column of comments on those risks.</p>
Corporate and community plan Implications	<p>An effective overview and scrutiny process can contribute to positive outcomes on any of the objectives in the Corporate Strategy.</p> <p>Increased public involvement in Overview and Scrutiny will support the corporate objective ‘Our residents enjoy a strong sense of community and are involved in resolving local issues’.</p>
Environmental and climate change implications	<p>None</p>

1. Background

- 1.1 Cheltenham Borough Council established its scrutiny function in November 2001, with three new committees being formed in October 2002 to mirror the new corporate structure at that time. These committees were the Economy and Business Improvement (EBI), Environment and Social and Community Overview and Scrutiny Committees.
- 1.2 In May 2011, the Group Leaders asked the Chief Executive to consider whether the current arrangements for scrutiny within the Council would be effective with the move to become a commissioning council. They agreed that a review should be carried out to identify what changes needed to be made, in time for their implementation following the borough elections in May 2012.
- 1.3 The final project brief was agreed in July 2011 with the following objective:

‘To ensure an effective scrutiny process operates in Cheltenham Borough Council which

supports commissioning and achieves positive outcomes for the town'

An emphasis was made in the brief that the new scrutiny arrangements should focus on outputs rather than inputs, that is achieving positive outcomes for the town. This was in line with the council's philosophy on commissioning.

- 1.4 The review reported to Council in December 2011 and the new arrangements were implemented following the elections in May 2012. These new arrangements focused on a managing and coordinating overview and scrutiny committee with scrutiny task groups carrying out the detailed work and reporting back to the main committee.
- 1.5 These new arrangements have now been in place for a year and so it is an appropriate time to review their operation and identify any improvements. Before reviewing this first year it may be helpful to remind Members of the aims of overview and scrutiny so that they can then take a view on whether these have been achieved.

2. The aims of overview and scrutiny

2.1 Effective Overview and Scrutiny aims to

- support the Council in achieving its vision and 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

2.2 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
- Enables the voice and concerns of the public and its communities
- Is carried out by 'independent minded' governors who lead and own the scrutiny process
- Drives improvement in public services

2.3 In this report the term "overview and scrutiny" is frequently abbreviated to "scrutiny" and some explanation may be helpful.

2.4 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 the 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".**

3. Feedback on Overview and Scrutiny

Scrutiny Questionnaire

- 3.1 A questionnaire was circulated in May this year to all members and officers who had been involved in the scrutiny process with a request that it be completed and returned to Democratic Services who would then collate the results. A number of the questions were identical to those asked in a previous survey in 2011 which facilitated some helpful comparisons between the two points in time.

- 3.2 29 Councillors and 10 Officers responded to the questionnaire and the results have been collated and analysed. A pictorial representation of the results is contained in Appendix 2.
- 3.3 This report builds on the responses to questionnaires from officers and the following Councillors: Steve Jordan, Garth Barnes, Nigel Britter, Andrew Chard, Barbara Driver, Bernard Fisher, Jacky Fletcher, Robert Garnham, Penny Hall, Tim Harman, Rowena Hay, Sandra Holliday, Helena McCloskey, Andrew McKinlay, Paul McLain, John Rawson, Anne Regan, Rob Reid, Diggory Seacome, Duncan Smith, Malcolm Stennett, Klara Sudbury, Jon Walklett, Andy Wall, Simon Wheeler, Les Godwin, Charles Stewart, Pat Thornton, Colin Hay and Roger Whyborn.

The following said they did not have enough knowledge of the scrutiny process to respond: Councillors Andrew Lansley, David Prince and Suzanne Williams. Councillor Chris Ryder only joined the Council in May 2013 so was not in a position to comment on the arrangements.

Is Scrutiny at Cheltenham Borough Council Effective?

- 3.4 In 2011 65% of Members responding suggested that scrutiny was less than effective – this figure has only marginally reduced in 2013 (to 52%). However, a greater number of Members now consider the new system to be effective as opposed to poor. Amongst officers, 89% of respondents believe scrutiny to be effective.
- 3.5 On the question as to whether the Cabinet are being held to account, 43% of Members feel that the Cabinet are being effectively held to account – this is a rise from 35%. However, 46% of Members feel Cabinet is rarely held to account. When questioned further, some Members believe that the Cabinet are not proactive in their approach to O&S recommendations. Many members feel they have lost the opportunity to question Cabinet Members at an O&S committee and would like this reintroduced in some form.
- 3.6 Members were asked if scrutiny is contributing to new policies and strategies. The majority believe that scrutiny is partially fulfilling this role. 25% of Members questioned believe that it is fulfilling this role – this is an increase from 5% in 2011. When asked how this could be improved, Members gave suggestions such as better leadership of scrutiny task groups but also suggested that Cabinet could embrace scrutiny recommendations more positively in some cases. Officers also agreed that scrutiny was partially fulfilling the role of contributing to new policies and strategies – there was only a marginal difference in results compared with 2011. There was some confusion about the role of Cabinet Member Working groups and how they fitted into the overview and scrutiny process. Several members commented on the lack of ‘overview’ in the new arrangements and this appeared to be carried out by the Cabinet Member Working groups. Clarity on roles was needed.
- 3.7 Members and officers were asked whether scrutiny was achieving positive outcomes for the residents of Cheltenham. 33% of Members said that scrutiny was not achieving positive outcomes for the residents of Cheltenham. This is in fact an increase from 2011. When asked to qualify their responses, Members suggested that at present there was not enough emphasis on the value that scrutiny can have to residents or how they can get involved. Members also suggested that with commissioned services, residents now have a more distant relationship with these services – such as with UBICO. A page on the council’s website could also keep the public more informed about the work of scrutiny.

How do the new scrutiny arrangements compare with the old arrangements?

- 3.8 When asked to compare the 2013 arrangements for scrutiny with 2011, 46% of Members agreed that there had been some improvements. 29% thought there was no change. Of officers questioned, 63% believed that there were some improvements to the scrutiny arrangements and 38% believed that the changes had been excellent and had seen a great improvement. One Member suggested that with a single committee structure there was less likely to be duplication. However, some Members suggested there was a lack of focus in the proceedings of scrutiny. The officer respondents suggested that the system was now more efficient.
- 3.9 Both Members and officers were asked to assess the effectiveness of the O&S Committee. 61%

of Members believed that the committee was 'ok but needed some improvement', whilst 78% of officers rated the committee as 'good'. Some Members suggested that the call in process could be improved. Another suggestion was made that there should be greater public involvement in the committee meetings.

- 3.10 Some members felt their knowledge of council activities was less under the new arrangements and they were missing the regular updates on service delivery and reports on numbers of complaints, the cost effectiveness of services etc.
- 3.11 Members were asked to give their own opinion on how the new scrutiny arrangements should be improved. A lot of Members suggested that the public should have a greater role in scrutiny and that they should be allowed to suggest topics for review. Scrutiny task groups should look for opportunities to involve members of the public in their work and involve partnerships at the appropriate time. Many Members commented that only a handful of Members commit to O&S and this had led to an unfair distribution of workload which needed to be addressed. A lot of Members said that they wanted to be able to question Cabinet Members at O&S Committee meetings. There were also a few suggestions that there should be a return to the old committee system and the Cabinet and Overview and Scrutiny system should be scrapped.

Scrutiny Skills

- 3.12 Members were asked whether they thought they had the skills to carry out their scrutiny task. A higher percentage (71%) believe they have the right skills to participate in scrutiny. This is an increase compared with 2011 when only 55% believed they had the right skills to participate in scrutiny. When asked to qualify their answers, Members said that scrutiny training had been useful. One Member suggested that it would be useful to know how other councils operated O&S. 56% of officers said they had the right skills and expertise to support the scrutiny process. Some suggested more training would be useful to better support Members in their scrutiny role.

Setting the scrutiny work plan

- 3.13 Members were asked how they think the scrutiny work plan should be determined. A number of innovative suggestions were received. One Member suggested that an agenda item should be included at Council to encourage Members to come up with suggestions for the work plan. Another Member suggested that the forward plan from Cabinet should be gone through 'with a fine toothcomb' to determine topics for scrutiny. A number of Members commented that the public should be asked to submit ideas. Some members suggested that they had not been involved in scrutiny because there were no interesting topics.
- 3.14 Officers were asked the same question. One officer commented that Cabinet should make suggestions to the O&S Committee. Another officer suggested that a review of the Council's Corporate Strategy and identification of issues in the public interest should prompt suitable topics for review.

Scrutiny task groups

- 3.15 Members were asked to rate the effectiveness of the task groups they had been involved in. The highest proportion, 43%, thought they had been very effective. Officer responses were split between effective and very effective. When asked how these task groups could be improved, Members said that stronger terms of reference would have helped. They also thought that the success of a task group depended on the strength of the chair.
- 3.16 Members were asked to rate the support given by officers to scrutiny task groups. In 2011, the highest proportion of Members said that officer support was 'OK' (50%). In 2013 the satisfaction with officer support has increased – 57% rated officer support as 'Excellent'. Members said that they thought officer support had been 'better than expected' and that officers were 'enthusiastic and hard working'. Officers were asked whether they thought scrutiny task groups were Member led. 50% agreed that they were Member led, whilst 25% suggested that the task groups were overly reliant on officers for a steer.
- 3.17 Finally, Members and officers were asked to give any additional comments. One Member

suggested naming and shaming Members who do not get involved in O&S. A strong theme which came through in the comments was the desire for the public to get more involved in O&S. Some Members suggested publicising the work of O&S on the Council website and inviting Members of the public to suggest topics.

Conclusions of the survey

- 3.18** Overall there have been some marginal improvements in the way O&S operates at Cheltenham Borough Council. There are a few common themes that can be picked out of the results from Members and officers. Some Members suggest that it is still early days and it may take a while for the new system to become effective. One theme which appears a lot in the responses from Members is that Cabinet Members should appear at the O&S committee and should be available to answer questions from Members. Another common theme running throughout the responses is that the public should be given a greater role in scrutiny with many Members suggesting that they should be invited to submit topics for scrutiny. One particularly positive result was the high regard Members hold for officers who have supported scrutiny task groups. This has seen a great improvement from 2011. Overall there have been some improvements to O&S although Members and officers believe there is still some way to go before they are the best they can be.

Other feedback on the new arrangements

- 3.19** During the Members seminar on Council size and electoral cycle, Members did raise a number of issues indirectly related to scrutiny. It was clear that with the abolition of the three former scrutiny committees, many members felt they had lost the opportunity to have updates and reports and question officers about their service. These would no longer be appropriate for the Overview and Scrutiny Committee whose focus is to manage and coordinate the scrutiny process and Members can always suggest a detailed topic for a scrutiny task group. If Members feel there is a gap this needs to be looked at outside the scrutiny process, possibly through member seminars or other forms of updates.

4. Roles on scrutiny and effective use of scrutiny resources

Scrutiny budget

- 4.1** There continues to be no dedicated budget for scrutiny and officer's time spent on scrutiny is absorbed within the Democratic Services team or by resources in other service areas.

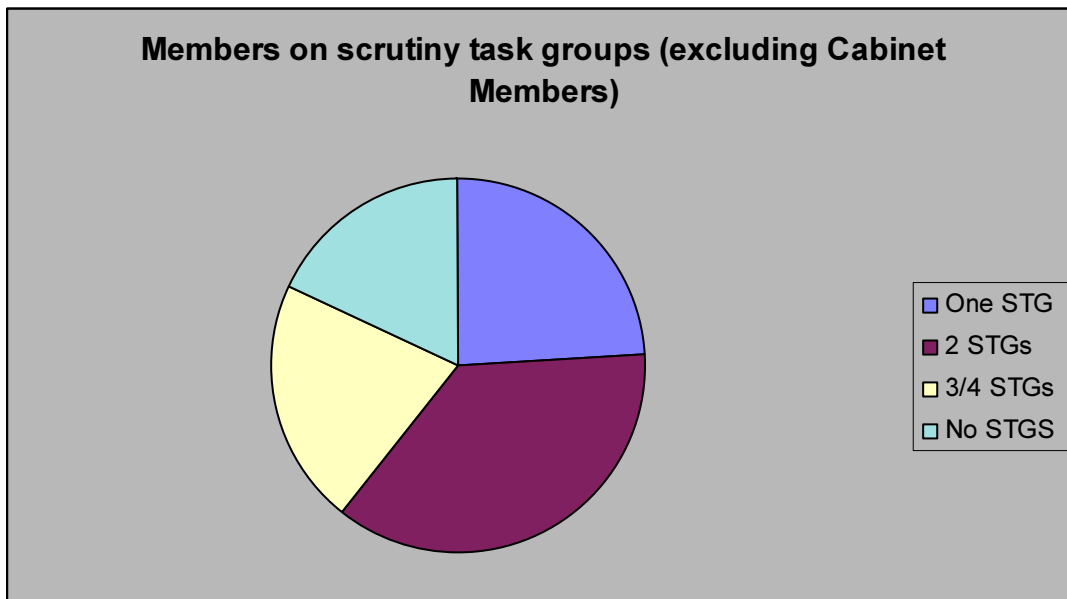
Officer resources

- 4.2** Experience has shown that the requirement for officer resources on any particular scrutiny task group can vary considerably with the nature of the review. For example the concentrated work necessary to support the scrutiny task group on household formation rates was estimated to have used 5 days of lead officer time from Pat Pratley, Executive Director in addition to 8 days of officer support for administering and facilitating meetings.
- 4.3** One of the intentions of the new scrutiny arrangements was to share the workload of supporting scrutiny task groups across the council. It is estimated that an average scrutiny task group requires on average 5 to 8 days of officer time to facilitate a review. In practice 70% of the scrutiny task groups have been facilitated by officers from Democratic Services. Experience has shown that it is far easier to monitor and track the progress of task groups when they are supported by Democratic Services. However it also became clear during the year that the team cannot effectively support more than three ad hoc scrutiny task groups at any one time alongside its ongoing support for the main committee and the budget scrutiny working group. It is still important to give officers across the council experience of supporting scrutiny task groups and this will continue to be our aim.
- 4.4** As well as the lead officer and facilitating role, a whole range of other officers have given their time to supporting scrutiny task groups by providing their specialist expertise and knowledge. This

has been invaluable to the working groups and this work needs to be acknowledged and planned for.

Scrutiny Member resources

- 4.5 Under the new scrutiny arrangements, members of the 'scrutiny pool' i.e the 33 elected members not on the Cabinet have been invited to volunteer to join a scrutiny task group where they have a particular interest.
- 4.6 Membership of task groups has been concentrated on a smaller group of members. 43% of the membership of scrutiny task groups has been made up by members of the Overview and Scrutiny Committee. 6 Members or 18% of Members eligible have not been on any scrutiny task groups. Similarly 7 Members or 21% have been on 3 or 4 scrutiny task groups. It is hoped that going forward all members will find a topic that interests them and be able to put themselves forward for a scrutiny task group.



- 4.7 Other Members have represented the council on other countywide scrutiny committees. Councillor Klara Sudbury represented the council on the Gloucestershire Health and Overview and Scrutiny Committee (GHOSC) up until May 2013 and her position has now been taken by Councillor Penny Hall. Councillor Helena McCloskey was on the Gloucestershire Crime and Disorder Overview and Scrutiny Committee (now disbanded) and the new Police and Crime Panel. The O&S committee valued their regular updates to the committee.

The Role of Cabinet and its relationship with Overview and Scrutiny

- 4.8 Some Cabinet Members have regularly attended meetings of the Overview and scrutiny Committee mainly as observers. Cabinet Members have also been invited to attend or contribute to a range of scrutiny task groups linked to their portfolio. This table shows the split of scrutiny task groups across the Cabinet portfolios.

Cabinet Member	Leader	Corporate Services	Sustain-ability	Housing and Safety	Built Environment	Finance	Leisure & Culture
No of scrutiny task groups related to portfolio	2	1	3	2	0	1	2
Attendance at 9 O&S committees	4	1	6	5	0	1	1
(Budget scrutiny – 4 meetings)	1	1				4	1

4.9 Officers met informally with the Cabinet in March this year to get their feedback on the new arrangements at a time when a number of scrutiny task groups were bringing their reports to Cabinet. A number of issues were highlighted at this meeting:

- Some Cabinet Members have sometimes found it difficult to dedicate time to scrutiny alongside their work in support of their portfolio and questioned the relative priority of some scrutiny topics with work that they were doing to support the corporate plan.
- They were unclear about the process for bringing recommendations to Cabinet and why task group reports were going to Council prior to coming to Cabinet.
- They felt that some scrutiny task groups extended beyond their original remit.
- There was concern about how the call in had operated
- The scrutiny workplan should be more aligned to the work of partnerships and the corporate strategy/risk register/audit plan

4.10 Experience has shown that the most effective scrutiny task groups involve the Cabinet Member at the start, during the process and provide them with the opportunity to comment on the draft report at the conclusion of the review. In this way they can develop a deeper understanding of the work of the task group and there are no surprises when it comes to the final report and recommendations.

4.11 Recently the Overview and Scrutiny Committee have raised some questions about the role of Cabinet Member Working Groups in relation to overview and scrutiny. They felt that in some instances when areas for scrutiny work had been suggested, it had been advised that an issue was already being looked at by a Cabinet Member Working Group and therefore it would be duplication if scrutiny looked at it as well. The role of such a working group is to assist the Cabinet Member in developing or reviewing policy and provides a cross party view. In contrast to scrutiny task groups these are led by the Cabinet Member and do not make any formal recommendations but informs the report that the Cabinet Member takes to Cabinet. When this was discussed at a recent chair's briefing for O&S it was suggested that in many cases these working groups were effectively carrying out the 'overview' role of Overview and Scrutiny. This needs to be reviewed and we should look to other councils for their experiences in this area.

Co-optees

4.12 Scrutiny task groups were encouraged to consider co-opting individuals to participate in the work of the committee when carrying out scrutiny of a particular topic where they have a particular

knowledge or expertise in the topic being considered. The JCS task group brought in two co-optees from Gloucester City and Tewkesbury Borough and the Community Governance Review had three parish councillors on its group. Apart from that the use of co-optees has been limited and this is something we would encourage all task groups to consider when deciding their method of approach.

5. Next Steps

- 5.1 The chair and vice-chair of Overview and Scrutiny will work with Democratic Services to develop and enhance the scrutiny arrangements taking on board the feedback set out in this report. An action plan will be drawn up in liaison with the Cabinet and the Senior Management team. If any changes to the Council's Constitution are required these will be forwarded to the Constitution working group for initial consideration and any changes would need to be approved by Council.

6. Alternative options considered

- 6.1 Not applicable.

7. Consultation and feedback

- 7.1 All members and officers were invited to participate in the review and a wide range of feedback was received and incorporated into the conclusions.

8. Performance management –monitoring and review

- 8.1 The progress of the new arrangements for overview and scrutiny will continue to be monitored by Democratic Services, the Overview and Scrutiny Committee and the Cabinet Member Corporate Services, Councillor Jon Walklett.

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Appendices	<ol style="list-style-type: none"> 1. Risk Assessment 2. Results of the scrutiny survey 3. Annual Report
Background information	Report to Council 12 December 2001 on the new arrangements for Overview and Scrutiny

The risk				Original risk score (impact x likelihood)			Managing risk		
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-4	Likelihood 1-6	Score	Control	Action	Comments as at July 2013
	If any new arrangements are not supported by a change in culture across members and officers they may not be successful in delivering the outcomes required,	Director Commissioning	27/9/11	3	3	9	Reduce	Get members and officers buy in during the review by seeking their views and ideas. Seek advice on cultural change during the next phase.	There is now a much better understanding of the new scrutiny arrangements by officers and members who have been involved in scrutiny task groups. However some culture changes are still needed and the relationship between Cabinet and scrutiny needs to be developed.
	If the council cannot appoint dedicated scrutiny officers to support the new arrangements they will not be fully effective.	Director Commissioning	1/12/11	3	3	9	Reduce	Optimise the use of existing resources in the new arrangements	The role of officers on scrutiny task groups has been clearly defined and the use of existing resources has been optimised. In the current financial constraints many councils are moving away from having dedicated scrutiny officers preferring instead to utilise their democratic services staff in multiple roles.
	If the task groups operate outside of the democratic process, then scrutiny could become disjointed and progress difficult to control	Director Commissioning	1/12/11	3	3	9	Accept	Guidance to officers supporting task groups on keeping documentation and reporting back to	Scrutiny task groups have been well organised with agendas and notes of meetings being kept. Task groups facilitated by officers outside democratic services have been more difficult to track progress but officers have been encouraged to adopt standard procedures and good practice. This has

	and track.							Democratic services.	been assisted by the production of a scrutiny guide available on the intranet.
	If members do not put themselves forward for task groups the workload could be unevenly shared across members and be a source of potential conflict or result in task groups not having the right skill mix.	Groups Leaders	1/12/11	3	3	9	Reduce	Utilise the skills audit Group Leaders to manage, monitor and encourage participation Task groups to maintain records of attendance	This has been an issue as has been demonstrated by the statistics in this report. There needs to be a better understanding of why some members are not engaging in the scrutiny process.
	If scrutiny does not have any dedicated budget it will be difficult to promote public involvement and engagement	Council	1/12/11	2	3	6	Reduce	Utilise relevant project budgets Consider allocating small budget to O&S as part of budget round	Scrutiny does not have a dedicated budget but this has not been a significant issue. Some limited underspend in the Democratic Services budget for 2012/3 has been carried forward to 2013/14 for the purposes of engaging the public e.g some public consultation may be appropriate.

Explanatory notes

Impact – an assessment of the impact if the risk occurs on a scale of 1-4 (4 being the greatest impact)

Likelihood – how likely is it that the risk will occur on a scale of 1-6 (6 being most likely)

Control - Either: Reduce / Accept / Transfer to 3rd party / Close