



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

MONDAY 10TH JUNE 2019
AT 6.00 P.M.

PARKSIDE SUITE - PARKSIDE

MEMBERS: Councillors A. J. B. Beaumont, S. R. Colella, R. J. Deeming,
S. P. Douglas, S. G. Hession, C.A. Hotham, R. J. Hunter,
A. D. Kriss, J. Till, M. Thompson and C. J. Spencer

AGENDA

1. Election of Chairman
2. Election of Vice Chairman
3. Apologies for Absence and Named Substitutes
4. Declarations of Interest and Whipping Arrangements

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
5. To confirm the accuracy of the minutes of the meeting of the Overview and Scrutiny Board held on 8th April 2019 (Pages 1 - 10)
6. Bromsgrove Market - Update (Presentation)
7. Finance and Budget Working Group - Membership report (Pages 11 - 16)
8. Corporate Performance Working Group - Membership report (Pages 17 - 22)
9. Task Group Updates to follow

10. Worcestershire Health Overview and Scrutiny Committee

The Council has delegated the Overview and Scrutiny Board with the authority to appoint a representative to serve on the Worcestershire Health Overview and Scrutiny Committee (HOSC).

11. Overview and Scrutiny - Select Committee Findings and new Government Guidance (Pages 23 - 66)

12. Cabinet Work Programme - to follow

The next edition of the Cabinet Work Programme will be published on 3rd June, after the publication of the main agenda pack for this meeting. A copy of the work programme will therefore be included in an additional papers pack.

13. Overview and Scrutiny Board Work Programme (Pages 67 - 72)

14. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting.

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

30th May 2019



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BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

8TH APRIL 2019, AT 6.00 P.M.

PRESENT: Councillors L. C. R. Mallett (Chairman), S. A. Webb (Vice-Chairman), C. Allen-Jones, C. J. Bloore, S. R. Colella (from Minute No. 127/18 to Minute No. 128/18), R. J. Deeming, M. Glass, C.A. Hotham (from Minute No. 123/18 to part of Minute No. 127/18), R. J. Laight and M. Thompson

Observers: Councillor B. T. Cooper, Councillor G. N. Denaro and Councillor C. B. Taylor

Officers: Mr. M. Dunphy, Ms F. Mughal, Mr O. Paparega, Ms. J. Pickering and Ms. A. Scarce

123/18 **APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES**

Apologies for absence were received on behalf of Councillors P.M. McDonald and P.L. Thomas. Members were informed that Councillor C. Bloore was in attendance as a substitute for Councillor P.M. McDonald.

124/18 **DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS**

There were no declarations of interest or whipping arrangements.

125/18 **MINUTES**

The minutes of the Overview and Scrutiny Board meeting held on 4th March, 2019 were submitted for Members' consideration.

RESOLVED that the Minutes of the Overview and Scrutiny Board held on 4th March, 2019 be approved as an accurate record.

126/18 **FORMER MARKET HALL SITE REDEVELOPMENT - PHASE 2 - PRE-SCRUTINY**

The Head of North Worcestershire Economic Development and Regeneration (NWEDR) introduced the Market Hall Site Redevelopment report for Members consideration. The report highlighted the three main aspects of the current position; the legal agreement with the Hinton Group, the delivery options and the next steps for Phase 2 of the site.

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Members were informed that since completing phase 1, Hinton Group had been working to deliver a viable scheme for Phase 2 of the site. However, Phase 2 had not been delivered for a number of reasons. It was believed that retail was not necessarily the route to go down and the Head of NWEDR suggested that a change in policy usage in order to increase the footfall may be required. Full details were included within the report together with steps which could be taken to provide “meanwhile” uses for the site in the interim period.

Given the failure of the private sector developer to deliver a viable scheme, there were now a number of delivery options open for consideration and which were detailed within the report. There were as follows:

- Option A - Direct delivery of a redevelopment scheme by the Council
- Option B – Development agreement
- Option C – Joint Venture; and
- Option D – Do nothing.

Members were informed that officers would undertake a soft market testing exercise in order to consider the best options for improvements of the former Market Hall site redevelopment in Bromsgrove. The outcome and key findings of the soft market testing exercise would be presented to Cabinet and Council at a future meeting.

In the ensuing debate, Members highlighted the following points:

- It was recognised that, Bromsgrove Town Centre (as were many high streets across the country) was struggling. However, having further retailers was not necessary the right solution for regeneration. It was suggested that the Council could look at potential leisure facilities/ multi complex for the residents of Bromsgrove. Members were informed that this option had been outlined in the report;
- With regard to the Waitrose contract, it was clarified that there were restrictive covenants in favour of Waitrose which expired in February 2021. However, it was confirmed that this would not cause a significant issue in terms of delivery options going forward;
- Members considered that with hindsight, the Hinton Group had probably not been the best option to go with;
- Members were informed that any developers would normally seek 20% return on cost, however, the Council could negotiate this;
- The land value of the site could not be confirmed;
- Councillor K. Taylor stated that the Hinton Group was seen as the best option at the time;
- Discussions took place around the cost associated with the site and around the retained deposit, which it was anticipated would cover those costs;

- Members expressed concerns regarding the previous development, as they had been mindful that whilst the decision had appeared to be the right one at the time, with hindsight other areas could have been considered more fully.
- Members were keen that the Council considered the option of retained ownership of the site or looked at a joint venture;
- Members felt it was prudent that the Council set out its future visions for the site;
- Members acknowledged that Bromsgrove Town Centre needed regeneration for local residents.

The Executive Director for Finance and Resources clarified that as part of the soft market testing the Council would look at various schemes that would be viable, sustainable and beneficial for the local residents of Bromsgrove.

The Board requested that an update on the findings in respect of the soft market testing exercise for Bromsgrove Market Site Redevelopment be presented at a future meeting of the Board.

RESOLVED

- a) that the Market Hall Site Redevelopment – Phase 2 report be noted; and
- b) that any future reports on the site be pre-scrutinised by the Board prior to consideration by Cabinet.

127/18

TRANSPORT PLANNING REVIEW DRAFT REPORT

Members considered the draft report in relation to the Transport Planning Review which outlined the findings and recommendations from the Overview and Scrutiny Board's investigation.

The focus of the investigation had been to try and understand the problems and challenges faced in respect of the ongoing infrastructure problems in the district and how best to move forward in order to address these, with the support of Worcestershire County Council Highways. The ongoing problems had been well documented and the Overview and Scrutiny Board had been asked to carry out the investigation following detailed discussions at a number of Council meetings, going back as far as April 2017.

The Chairman informed Members that the Board Investigation had involved a number of meetings which had been held in both public and private session. The small sub group of Members who had attended the private meetings had been the Chairman, Councillors S. Colella, P. Thomas and S. Webb. The Strategic Planning and Conservation Manager had supported Members at all stages of the investigation. Councillor K. Pollock – Worcestershire County Council, Cabinet Member for Economy

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and Infrastructure had attended a meeting in order to answer the questions that Members had raised, together with a number of Worcestershire County Council officers. After much discussion it had been agreed that the best way in which to present the findings of those meetings was by preparing almost a “mini” task group report, which set out the details of the investigation together with the recommendations that were proposed.

The Strategic Planning and Conservation Manager explained to the Board that the Council was now in a different position to what it had been at the early stages of this investigation and had held detailed discussions with Worcestershire County Council (WCC) who were agreeable to a new way of working in order to address the issues which had been raised. The review of the District Plan would strengthen the Council’s position, as would the continued support the Council was receiving from Mott MacDonald.

Councillor K. Taylor, the Portfolio Holder for Planning and Strategic Housing said he believed that after much discussion, Worcestershire County Council were now taking seriously the concerns which had been raised by the Council.

Councillor Webb thanked everyone for their input into the investigation and gave particular thanks to the Strategic Planning and Conservation Manager for his time and patience in supporting Members at all the meetings.

Councillor S. Colella raised concerns and felt that Members of the Council should continue to put pressure on WCC to ensure that the recommendations were followed up. Councillor G. Denaro informed the Board that the Council had taken legal advice in respect of reimbursement of the costs of the work that Mott MacDonald were carrying out; however, this had not been deemed appropriate. Members requested that details of the response be shared with the Board.

The Board considered whether it would be appropriate to ask Councillor K. Pollock to add the Transport Planning Review and the recommendations from Bromsgrove District Council to WCC Cabinet’s Work Programme to ensure this was followed up. However, Councillor C. Bloore suggested that he could raise this at the next WCC Overview and Scrutiny Performance Board. Councillor C. Bloore further thanked the Strategic Planning and Conservation Manager, Councillor L. Mallett and Councillor Taylor for addressing the issues and recognising that the transport infrastructure for Bromsgrove needed to be fit for purpose. It was agreed that an additional recommendation would be added to the report to reflect this suggestion.

The Chairman and Vice-Chairman concluded by thanking everyone involved in the investigation.

The Board was advised that this report would be considered at Cabinet and Council in June 2019.

RESOLVED that the report and the recommendations included within the report be approved.

RECOMMENDED:

- 1(a) that Worcestershire County Council's Highways Team consults with the relevant County Councillor, when consulted with in respect of any planning applications. This should be done as a matter of course, as they may have more detailed local knowledge of a particular area.
- 1(b) that BDC Members would continue to receive the weekly list of all planning applications.
2. that as part of the response to a planning application the Worcestershire County Council's Highways Team should include a full breakdown of the costs of any infrastructure work which needs to be carried out and provide details of how this work would be funded.
3. that it was recognised that the relationship between Worcestershire County Council, this Council and its Parish Councils and residents had not been positive and that although the journey to improvement had begun, the improvements to the culture and ways of working needed to be ongoing to ensure that the improvements continued.
4. that Worcestershire County Council Highways Team recognised that there was no "one size fits all" approach. They should remain open minded and flexible in considering the approach to the analysis of planning applications before reaching any conclusions.
5. that at the earliest possible stage of the Strategic Transport Assessment the Project Officers from Worcestershire County Council and this Council arrange a briefing for Members in order to provide details of the scope of the Strategic Transport Assessment, the process and relevant timelines.
6. that this Council was fully represented on the Project Team of the Strategic Transport Assessment to be undertaken, by both officer and Member representation.
7. that, throughout the process of the Strategic Transport Assessment, the Strategic Planning Steering Group holds regular meetings dedicated to this with representatives of Worcestershire County Council in attendance, in order to provide updates and listen and take on board the views of this Council's Members.
8. that the Overview and Scrutiny Board recognised the current need for the additional transport support from Mott MacDonald. However it

requested that the Leader and Cabinet make every effort to seek reimbursement of those costs from Worcestershire County Council.

9. that the Overview and Scrutiny Board formally writes to the Chairman of the Worcestershire Overview and Scrutiny Performance Board requesting that the report be included on its agenda for future consideration to ensure that Members and Officers at Worcestershire County Council are aware of the issues and concerns of this Council.

128/18

WCC LTP4 ON THE DISTRICT OF BROMSGROVE

Members were reminded that a proposal had been received from Councillor S. Colella for a scrutiny review in respect of an investigation into the effect of WCC LTP4 on the District of Bromsgrove. Members were asked to consider whether this would be a suitable topic for further scrutiny.

Councillor Colella believed that the review was required as he was keen to understand the impact of the LTP4 for Bromsgrove. He further believed that the current LTP4 was not fit for purpose and that the main issues were problems with congestion and poor air quality.

The Strategic Planning and Conservation Manager advised the Board that the LTP4 was not a statutory document and this would be replaced with the Strategic Transport Assessment which was being carried out for Bromsgrove. The plan merely highlighted a proposed list of schemes for the future, but did not provide any detail around how and when those schemes would be implemented.

Members requested that this item be added to the Board's Work Programme for further consideration as they felt this topic was important to them and further work should be carried out, although it was confirmed that no work would commence on the matter until the new Municipal Year

RESOLVED that the proposed Task Group in respect of WCC LTP4 on the district of Bromsgrove be launched.

129/18

FINANCE AND BUDGET WORKING GROUP - UPDATE

Councillor L. Mallett reflected on the work carried out by the Finance and Budget Working Group and reminded Members that the Working Group had been set up nearly 3 years ago and had gone from strength to strength. This year had been another positive year and the working Group continued to play an important role in the scrutiny of the Council's financial position and had provided support and a sounding board for a number of business cases.

The Working Group had been presented reports at an early stage and was therefore in a position to highlight any issues before the reports were considered at Cabinet and Council. Councillor Mallett also took the opportunity to thank Councillor Cooper for his attendance at the majority of the Working Group's meetings

Councillor S. Webb expressed her gratitude to Councillor Mallett for chairing the Group and Councillor B. Cooper for his hard work.

The Board endorsed the positive work carried out by the Group.

The Executive Director of Finance and Resources concluded by thanking the finance team and Councillor B. Cooper for their contribution to the work of the Group.

130/18

CORPORATE PERFORMANCE WORKING GROUP - UPDATE

Councillor S. Webb reflected on the work carried out by the Corporate Performance Working Group. She stated that this had been a good insight into the performance of a number of services at the Council and thanked all of the Members for their contribution.

The Senior Democratic Service Officer (Bromsgrove) stated that the Council's Performance and the Corporate Dashboard would be included in the induction training and encouraged Members to review the Dashboard on a regular basis.

131/18

DRAFT OVERVIEW AND SCRUTINY BOARD ANNUAL REPORT 2018/19

The Board considered the Overview and Scrutiny Annual Report 2018/19. The Chairman's foreword was tabled at the meeting for Members' consideration.

Councillor C. Bloore requested that in relation to the Hospital Car Parking Charges Board investigation, where it had been recommended that Full Council wrote to the Secretary of State to suggest that NHS Trust owned hospital car parks should be made free of charge, that the actions taken following the recommendation should also be included in the report. It was suggested that this would be useful for all Task Groups in order to show that actions had been taken to ensure that the recommendations made were implemented.

The Board was asked whether there were any areas they wished to include under future plans. It was suggested that returning Members could potentially be involved in delivery of the induction training and work programme planning event which was planned for the new municipal year.

On behalf of the Board, the Chairman thanked Members and officers for all their help and contribution.

RESOLVED that the Overview and Scrutiny Annual Report 2018/19 be approved for submission to Council subject to the inclusion of those areas highlighted in the pre-amble above.

132/18

TASK GROUP UPDATES

Councillor M. Thompson provided the following updates:

- Bromsgrove Sporting Football Club Task Group – The Group had yet to meet, an update would be provided once the first meeting had taken place in the new municipal year;
- Business Rates Relief Short Sharp Review – The next meeting to be arranged in the new municipal year.

133/18

WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE - UPDATE

Councillor C. Bloore informed the Board that at the last meeting of the Worcestershire Health Overview and Scrutiny Committee there had been a discussion on the NHS Long Term Plan.

Councillor C. Bloore expressed his concerns that the scrutiny function of this Committee was not fit for purpose. Members were only limited to ask two questions at any one time and he felt that this did not represent Bromsgrove satisfactorily.

The Senior Democratic Service Officer (Bromsgrove) advised the Board that this item was included on its Work Programme and that the Chairman of the Worcestershire Health Overview and Scrutiny Committee would be invited to a future meeting of the Overview and Scrutiny Board to provide an update to Members.

Councillor Cooper shared his experience whilst he had previously represented the Committee and supported the observations made by Councillor Bloore.

The Chairman concluded by thanking Councillor Bloore as the representative on the Worcestershire Health Overview and Scrutiny Committee.

134/18

CABINET WORK PROGRAMME

Members considered the Cabinet Leader's Work Programme from 1st May to 31st August, 2019. The Senior Democratic Services Officer (Bromsgrove) provided the following update:

- Corporate Performance Reports would be considered by the Corporate Performance Working Group;
- All finance related reports would be considered by the Finance and Budget Working Group;
- Bromsgrove Enterprise Park – Build out was already on the Board's work programme and would now be considered at the Overview and Scrutiny Board in June, 2019.

RESOLVED that the Cabinet Leader's Work Programme from 1st May to 31st August, 2019 be noted.

135/18

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

Members considered the Overview and Scrutiny Board Work Programme, this would be amended subject to the discussion held under the previous agenda item.

As this was the last meeting of the Board for this current municipal year, the Chairman concluded the meeting and expressed his gratitude to all Members, including the Vice-Chairman, Councillor S. Webb for their participation and, in particular, thanked those Members who would be standing down for their service to the Board. He further expressed his thanks to the Democratic Services Team members and officers for their hard work and contribution to the Overview and Scrutiny Board.

Furthermore, the Vice-Chairman, Councillor S. Webb thanked the Chairman and all Members for their contribution.

RESOLVED:

- a) that the Overview and Scrutiny Board Work Programme be noted; and
- b) that the Overview and Scrutiny Board Work Programme be amended subject to the pre-amble, as detailed above.

The meeting closed at 7.40 p.m.

Chairman

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FINACE AND BUDGET WORKING GROUP

Relevant Portfolio Holder	Councillor G. Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	N/A
Ward Councillor(s) Consulted	N/A

1. SUMMARY OF PROPOSALS

- 1.1 The Finance and Budget Scrutiny Working Group was set up by the Overview and Scrutiny Board, a number of years ago, to carry out detailed scrutiny/pre-scrutiny of a number of Financial Reports (listed below) and the setting of the Council's budget.
- 1.2 The purpose of this report is to formalise the membership of that Group for the forthcoming municipal year and to confirm that the terms of reference remain relevant.

2. RECOMMENDATIONS

The Overview and Scrutiny Board is asked to:

- a) **Appoint a Chairman of the Finance and Budget Scrutiny Working Group;**
- b) **Agree the Membership of the Finance and Budget Scrutiny Working Group; and**
- c) **Confirm the Terms of Reference of the Finance and Budget Scrutiny Working Group.**

3. KEY ISSUES

3.1 Chairman

Historically the Chairman of the Working Group has been the Chairman of the Overview and Scrutiny Board. Members are asked to consider whether they are happy with this arrangement to continue for the forthcoming municipal year. If this is not the case then consideration needs to be given as to how a Chairman would be appointed.

3.2 Membership

It has been agreed within the terms of reference that the Working Group would be made up 5 Members of the Board with a quorum of 3. It is not specified as to whether that membership needs to be politically balanced, although it would be good practice to have each political group represented. Members are asked to

consider whether these current arrangements meet the needs of the Working Group and if not make alternative suggestions.

For any Member wishing to put his/her name forward for this Working Group s/he needs to be aware that it meets approximately every 6 weeks, but during the budget setting period meetings can be every 2-3 weeks. Approximately 15 meetings of the Working Group took place throughout 2018-19.

3.3 Terms of Reference

The terms of reference have been reviewed at the beginning of each municipal year since the inception of the Finance and Budget Scrutiny Working Group. Members are asked to consider whether they feel that these continue to be relevant or whether there is a need for any amendments to be made. The terms of reference are not exhaustive and from time to time the Working Group have considered a number of items at the request of the Portfolio Holder for Finance and this arrangement has worked well for all concerned. It remains at the discretion of the Working Group as to whether they carry out these additional pieces of work.

Financial Implications

- 3.4 There are no direct financial implications in respect of this report. Although it should be noted that there are resource implications in respect of officer time in attending and preparing for the meetings.

Legal Implications

- 3.5 There are no direct legal implications relating to this report, other than those in respect of the Overview and Scrutiny function as a whole. The Working Group is currently not constituted, but merely an arrangement set up by the Overview and Scrutiny Board to improve its working going forward in respect of scrutinising the budget and finances of the Council.

Service / Operational Implications

- 3.6 The work of the Finance and Budget Scrutiny Working Group contributes towards ensuring that the Council continues to provide appropriate services to its residents.

Customer / Equalities and Diversity Implications

- 3.7 There are no direct customer/equalities and diversity implications in respect of this report.

4. RISK MANAGEMENT

No specific risks have been identified.

5. APPENDICES

Appendix 1 - Terms of Reference of the Finance and Budget Scrutiny Working Group.

6. BACKGROUND PAPERS

Previous minutes and agendas of the Overview and Scrutiny Board when the setting up of the Finance and Budget Scrutiny Working Group was discussed and agreed.

7. KEY

N/A

AUTHOR OF REPORT

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OVERVIEW & SCRUTINY BOARD – Finance & Budget Scrutiny Working Group

Terms of Reference as at August 2016

The Finance & Budget Scrutiny Working Group has been set up by the Overview & Scrutiny Board to carry out detailed scrutiny/pre-scrutiny of a number of Financial Reports (listed below) and the setting of the Council's budget.

1. The Working Group be made up of 5 Members with a quorum of 3. The Working Group will meet throughout the year at intervals dependent upon the reports to be considered. It is anticipated that this will be most frequent during the budget setting period.
2. The Working Group will be a standing item on the agenda of the Overview & Scrutiny Board and either a verbal or written report will be provided at each of the Board's meetings.
3. The Working Group is able to make recommendations in one of two ways (dependent on the timescales of its meetings and the reports it considers); by reporting back to the Overview & Scrutiny Board who will then put forward its recommendations for consideration by Cabinet or directly to Cabinet/Council.
4. The work of the Working Group will be reviewed as part of the Overview & Scrutiny Board's annual report process.

The Working Group will scrutinise the following reports, which had previously been part of the Overview & Scrutiny Board's Work Programme:

- Finance Monitoring Report (on a quarterly basis)
- Write Off of Debts Report (received annually)

Budget Scrutiny

Scrutiny of the budget will cover the following areas, although this list is not exclusive.

- Full review of the cost centres for actual spend, involving comparable figures for consecutive years.
- Assessing income levels.
- Considering the quarterly budget monitoring report.
- Reviewing the capital programme and borrowing costs.
- Commenting on the report format for budget reports to Committee.
- Considering links to the strategic purposes.
- Addressing the S11 recommendations.
- Investigating new pressures on savings.
- Reviewing reserves and balances.
- Assessing any sources of external funding that has been received.

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CORPORATE PERFORMANCE WORKING GROUP

Relevant Portfolio Holder	Councillor G. Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	N/A
Ward Councillor(s) Consulted	N/A

1. SUMMARY OF PROPOSALS

- 1.1 The Corporate Performance Working Group (formally the Measures Dashboard Working Group) was established by the Overview and Scrutiny Board a number of years ago to carry out detailed scrutiny and monitoring of the Council's performance.
- 1.2 This purpose of this report is to formalise the membership of that Working Group for the forthcoming municipal year and to confirm that the terms of reference remain relevant.

2. RECOMMENDATIONS

The Overview and Scrutiny Board is asked to:

- a) **Appoint a Chairman of the Corporate Performance Working Group;**
- b) **Agree the Membership of the Corporate Performance Working Group;**
and
- c) **Confirm the Terms of Reference of the Corporate Performance Working Group.**

3. KEY ISSUES

3.1 Chairman

Historically the Chairman of the Working Group has been the Vice Chairman of the Overview and Scrutiny Board. Members are asked to consider whether they are happy with this arrangement to continue for the forthcoming municipal year. If this is not the case then consideration needs to be given as to how a Chairman would be appointed.

3.2 Membership

It has been agreed within the terms of reference that the Working Group would be made up 5 Members of the Board with a quorum of 3. It is not specified as to whether that membership needed to be politically balanced, although it would be good practice to have each political group represented. Members are asked to

consider whether these current arrangements meet the needs of the Working Group and if not to make alternative suggestions.

For any Member wishing to put his/her name forward for this Working Group s/he needs to be aware that it meets approximately every 6 weeks. Approximately 8 meetings of the Working Group took place throughout 2018-19.

3.3 Terms of Reference

The terms of reference have been reviewed at the beginning of each municipal year since the inception of the Corporate Performance Working Group. The name of the Working Group and the Terms of Reference were revised during the 2018-19 municipal year.

Members are asked to consider whether they feel that these continue to be relevant or whether there is a need for any amendments to be made. The terms of reference are not exhaustive and from time to time the Working Group have considered a number of other items, which the Working Group Members felt it would be appropriate to consider in more detail.

Financial Implications

- 3.4 There are no direct financial implications in respect of this report. Although it should be noted that there are resource implications in respect of officer time in attending and preparing for the meetings.

Legal Implications

- 3.5 There are no direct legal implications relating to this report, other than those in respect of the Overview and Scrutiny function as a whole. The Working Group is currently not constituted, but merely an arrangement set up by the Overview and Scrutiny Board to improve its work going forward in respect of scrutinising the performance of the Council.

Service / Operational Implications

- 3.6 The work of the Corporate Performance Working Group contributes towards ensuring that the Council continues to provide appropriate services to its residents.

Customer / Equalities and Diversity Implications

- 3.7 There are no direct customer/equalities and diversity implications in respect of this report

4. RISK MANAGEMENT

No specific risks have been identified.

5. APPENDICES

Appendix 1 - Terms of Reference of the Corporate Performance Working Group.

6. BACKGROUND PAPERS

Previous minutes and agendas of the Overview and Scrutiny Board when the setting up of the Corporate Performance Working Group was discussed and agreed.

7. KEY

N/A

AUTHOR OF REPORT

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OVERVIEW & SCRUTINY BOARD – Corporate Performance Working Group

Terms of Reference as at May 2018

The Corporate Performance Working Group (formally the Measures Dashboard) has been established to carry out detailed scrutiny and monitoring of the Council's performance on behalf of the Overview & Scrutiny Board.

One of the key roles of the Board under the Constitution is to monitor performance improvement and also help the Council to address the role that Overview and Scrutiny has to play in respect of performance management from a best practice perspective.

1. The Working Group has a maximum of 5 Members with a quorum of 3. The Working Group will meet throughout the year at intervals to be decided by the Group.
2. The Working Group will be a standing item on the agenda of the Overview & Scrutiny Board and either a verbal or written report will be provided at each of the Board's meetings.
3. The work of the Working Group will be reviewed as part of the Overview & Scrutiny Board's annual report process.

The Working Group will consider the performance of the Council against the key performance measures within the Council's strategy. As part of this work the Working Group will continue to monitor the effectiveness of the Corporate Measures Dashboard tool and will use the knowledge gained and information extracted from the Corporate Measure Dashboard, in a variety of ways, in order to hold the Portfolio Holders to account and inform the Overview & Scrutiny Board and assist it in its role. Its main aims and objectives are listed below, however it should be noted that these are not exhaustive.

- Develop familiarity and expertise in respect of using the Dashboard in order to review the measures currently used, with a possible view to widening its scope by suggesting content that would focus more on issues which mattered to local residents and be of best use for local Councillors.
- Critique of all the measures for each strategic purpose (both strategic and operational) seeking to ensure that if the Council were to perform well on all of those areas would we have achieved our aspirations as set out in the Council Plan
- Monitor and review service performance and identify key areas which might be considered suitable for further scrutiny by the Board or a task group.
- Hold Portfolio Holders to account for keeping the Corporate Measures Dashboard up to date and relevant in meeting the strategic purposes of the organisation.
- Challenge Portfolio Holders as to how they are using performance measures to inform service design and partnership working.

Agenda Item 8

- Challenge Portfolio Holders as to the action taken if performance is of concern and for any action taken to address this.
- Report recommendations back to the Cabinet via the Board by the Chairman of the Working Group and/or the Board.

DRAFT

Government Review – Overview and Scrutiny Guidance Report

Relevant Portfolio Holder	Cllr G Denaro
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report sets out the key points arising from the new Overview and Scrutiny Guidance published by the Ministry of Housing, Communities and Local Government in May 2019.
- 1.2 Members are invited to consider the guidance and to determine whether any changes to the current scrutiny procedures are necessary.

2. RECOMMENDATIONS

- 2.1 Members are asked to note the attached summary of the guidance and if appropriate make any necessary recommendations.

3. KEY ISSUES

Financial Implications

- 3.1 There are no direct financial implications in respect of this report

Legal Implications

- 3.2 This statutory guidance has been issued under Section 9Q of the Local Government Act 2000 and under paragraph 2 (9) of schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this Guidance.
- 3.3 The Statutory Overview and Security Guidance, whilst it sets out some of the key legal requirements of the process it does not seek to replicate legislation. Local Authorities are required to give due regard to the proposals which means that the Council must demonstrate it has considered the guidance and where appropriate implemented changes at a local level.
- 3.4 The Guidance does recognise the need for flexibility to ensure that Overview and Scrutiny arrangements in place at a Council meet the needs of that local authority.

Overview & Scrutiny Board

10th June 2019

Service / Operational Implications

- 3.5 The Overview and Scrutiny Board is invited to consider a report in respect of the guidance as it has clear implications in the ways in which Scrutiny operates at the Council.
- 3.6 It should be noted that many of the key principles of Overview and Scrutiny set out in the Guidance are already complied with in Bromsgrove. However, there are a small number of proposals that do require further consideration as these are not currently in place.

Customer / Equalities and Diversity Implications

- 3.7 There are no customer/equalities and diversity implications in relation to this report.

4. RISK MANAGEMENT

There is a risk that if the Overview and Scrutiny Board does not consider this Guidance and whether to amend its practices in response, that the Authority will not be demonstrating that it has given due regard to it.

5. APPENDICES

Appendix 1 - Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.
Appendix 2 – Local Analysis of the Guidance.

6. BACKGROUND PAPERS

N/A

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Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.



A handwritten signature in blue ink, appearing to read 'Rishi Sunak'.

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of 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.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.¹

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

Expiry or review date

This guidance will be kept under review and updated as necessary.

¹ A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers² to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

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.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

² Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
 - rights of access to documents by the press, public and councillors;
 - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
 - delegated decisions by the Mayor;
 - whistleblowing protections for both staff and councillors; and
 - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. 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.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,³ someone whose role is to:
 - promote the role of the authority's scrutiny committee;
 - provide support to the scrutiny committee and its members; and
 - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

³ Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- Committee – officers are drawn from specific policy or service areas;
- Integrated – officers are drawn from the corporate centre and also service the executive; and
- Specialist – officers are dedicated to scrutiny.

21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting Committee Members

23. Selecting the right members to serve on 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.

24. While there are proportionality requirements that must be met,⁴ the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny⁵.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.⁶ Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.

26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.⁷ This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. 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.

⁴ See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

⁵ See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

⁶ Section 9FA(3) of the Local Government Act 2000.

⁷ 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.
30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives⁸. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person⁹.
32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair¹⁰.

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.
34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

⁸ A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

⁹ See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

¹⁰ Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation¹¹. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

¹¹ Section 9FA(4) Local Government Act 2000

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information¹². In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision¹³. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

¹² Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹³ Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member¹⁴. When agreeing to such requests, authorities should:
- consider whether seeking clarification from the information requester could help better target the request; and
 - Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions¹⁵. It is the duty of members and officers to comply with such requests.¹⁶

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

¹⁴ Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹⁵ Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

¹⁶ Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

Following ‘the Council Pound’

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, 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.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. 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, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
 - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
 - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
 - Voluntary sector partners;
 - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
 - In parished areas, town, community and parish councils;
 - Neighbouring principal councils (both in two-tier and unitary areas);
 - Cross-authority bodies and organisations, such as Local Enterprise Partnerships¹⁷; and
 - Others with a stake and interest in the local area – large local employers, for example.

- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

¹⁷ Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal 'task and finish' groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short 'wash-up' meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.
66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:
- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
 - ii. the development of those findings, which will set out some areas on which recommendations might be made; and
 - iii. the drafting of the full report.
67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.
68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities 2019 Guidance

The statutory guidance in respect of Overview and Scrutiny was published in May 2019 by the Ministry of Housing, Communities and Local Government. The Council must have regard to this guidance in respect of local Overview and Scrutiny arrangements. This does not mean that the guidance must be followed in every detail but the Council should follow the guidance unless there is a reason not to do so in a particular case. The table below sets out the key points in the guidance and the implications, if any for Overview and Scrutiny locally. The guidance does recognise that local authorities are best placed to determine which Overview and Scrutiny arrangements should be in place at a local level so there is some flexibility in interpreting the guidance.

Statutory Guidance	Bromsgrove O&S - Implications
Culture recommendations	
<p>1. Recognising Scrutiny's Legal and Democratic Legitimacy (page 8)</p>	<p>Currently Officers and Members do recognise the legitimacy of O&S and provide evidence, attend scrutiny meetings and advise Members as and when required.</p> <p>Points to note / suggested action:</p> <p>No further action is required, other than continuing with current practice.</p>
<p>2. Identifying a clear role and focus (pages 8-9)</p> <p>a. Prioritisation of work in the O&S work programme.</p> <p>b. Clear separation of scrutiny and audit.</p>	<p>A work programme planning opportunity will be provided as part of O&S training at the start of the term of office. The Board also considers the content of the O&S work programme at each of its meetings throughout the year.</p> <p>O&S Members use SMART principles when selecting items for Task Group reviews.</p> <p>The S151 Officer and her Deputy support both the Audit, Standards and Governance Committee and Finance and Budget Working Group and advise Members in respect of the different roles for audit and scrutiny respectively whilst helping to avoid overlaps.</p> <p>Points to note:</p> <p>No further action is required, other than continuing with current practice.</p>

Statutory Guidance	Bromsgrove O&S - Implications
<p>3. Ensuring Early and Regular Engagement Between the Executive and Scrutiny (page 9)</p> <p>(The guidance emphasises that the Executive should not try to control the work of scrutiny)</p>	<p>Portfolio Holders are always invited to attend O&S Board meetings to help present reports within their remit. The Chairman of the Board controls who is allowed to speak and when, including Portfolio Holders.</p> <p>The Overview and Scrutiny Procedure rules, at Para 7.2, Part 12 of the Council's constitution, set out a provision for the Leader to meet on a quarterly basis with the Chairmen of the O&S Board and Audit, Standards and Governance Committee on a quarterly basis to discuss work programmes. This is not currently happening on a regular basis, though the relevant Members do talk informally.</p> <p>Points to note / suggested actions: It is suggested that these meetings are formalised during the coming year to provide an opportunity for dialogue to take place between the Leader and O&S Chairman about the O&S work programme generally, and it is understood that O&S will determine its own work programme.</p>
<p>4. Managing Disagreement including considering whether to introduce an 'Executive-Scrutiny' Protocol. (pages 9-10)</p> <p>(The guidance emphasises that the Executive and Scrutiny should work together to minimise the risk of the Executive rejecting recommendations on politically contentious points)</p>	<p>Members are always advised that O&S should be apolitical during training. Members are also always advised to base recommendations on the evidence that has been gathered and that these should be phrased in line with SMART principles.</p> <p>The involvement of the Portfolio Holder is seen as providing an opportunity to understand the thinking behind any proposals and to feed into that process and any recommendations' feasibility at an early stage.</p> <p>The political element is out of the control of Officers. The Council does not currently have a 'Cabinet-Scrutiny Protocol'.</p> <p>Points to note / suggested actions: Members may wish to consider this, however it should be remembered that the O&S Board currently has a good working relationship with Cabinet Members, who attend O&S meetings on a regular basis and with the reintroduction of the meetings detailed in 3 above, Members may feel that this is sufficient..</p>

Statutory Guidance	Bromsgrove O&S - Implications
<p>5. Providing the Necessary Support (page 10)</p> <p>(The guidance makes it clear that local authorities can determine what support and resources to provide to scrutiny)</p>	<p>The Democratic Services team provides direct support to the Overview and Scrutiny process, including research, minute taking, report writing and agenda preparation. The Senior Democratic Services Officer facilitates meetings of the O&S Board.</p> <p>The Executive Director of Finance and Resources attends meetings of the O&S Board as the lead senior support officer for O&S in Bromsgrove. All other senior and more junior officers attend scrutiny meetings as and when required to support the process.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>6. Ensuring Impartial Advice from Officers (page 10)</p>	<p>Senior Officers as well as the Democratic Services team already provide impartial advice to O&S Members on an ongoing basis.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>7. Communicating Scrutiny's Role and Purpose to the Wider Authority (Page 10)</p>	<p>Awareness of O&S is good amongst Members, who receiving training and senior Officers.</p> <p>Points to note / suggested actions: Information about the democratic process, including O&S, is in the process of being included in the new induction programme for staff.</p>

Statutory Guidance	Bromsgrove O&S - Implications
<p>8. Maintaining the Interest of full Council in the Work of the Scrutiny Committee (Pages 10 -11)</p> <p>(The guidance suggests considering submitting O&S reports to Council rather than solely to the Executive)</p>	<p>The O&S Board produces an annual report, outlining the work of the Board the previous year, which is presented at a Council meeting in June by the former Chairman.</p> <p>Council regularly suggest items for scrutiny. Scrutiny recommendations in respect of an item that has been pre-scrutinised are often raised at Council. Where O&S recommendations require Council approval these have been reported in the past. Portfolio Holders also tend to outline any O&S recommendations in relation to a particular subject and the response of Cabinet. The Portfolio holders also often mention input from scrutiny during their annual reports to Council.</p> <p>The Council does not, however, have a standard item providing an update in respect of the work of the O&S Board nor are all O&S reports necessarily considered at a Council meeting.</p> <p>Points to note / suggested actions: It is suggested that no further action is required</p>
<p>9. Communicating Scrutiny's Role to the Public (Page 11)</p>	<p>Bromsgrove issues press releases as a matter of course each time a Task Group review starts.</p> <p>Points to note / suggested actions: The Social media task group suggested that the Communications team should regularly promote O&S meetings through social media. This has tailed off and could be reintroduced.</p>
<p>10. Ensuring Scrutiny Members are Supported in Having an Independent Mindset (Page 11)</p> <p>(The guidance recognises that the need to manage potential for political conflict and to plan ahead requires action from the Chair / Chairman)</p>	<p>Members are always informed during training that O&S is an apolitical process. The Chairman reiterates this throughout the year where appropriate.</p> <p>Points to note / suggested actions: Members need to remain mindful of this.</p>

Statutory Guidance	Bromsgrove O&S - Implications
Resourcing	
<p>11. Statutory Scrutiny Officers (Page 13)</p> <p>(District Councils are still not legally required to have a statutory Scrutiny Officer but must consider whether it would be appropriate to do so to meet their Council's needs)</p>	<p>The Senior Democratic Services Officer acts as advocate for O&S as does the senior lead officer for the O&S Board, the Executive Director of Finance and Resources. This is the only BDC Committee which both the Senior Democratic Services Officer and a Democratic Services Officer attend due to the complexity of the role.</p> <p>Points to note / suggested actions: No further action is required.</p>
<p>12. Officer Resource Models (page 14)</p> <p>(The guidance states that safeguards may need to be built in to the way support is provided to scrutiny to ensure it remains impartial)</p>	<p>BDC has what the guidance defines as a Committee support structure, provided by Democratic Services. Every member of the Democratic Services team is employed in a politically restricted post to ensure impartiality.</p> <p>Points to note / suggested actions: No further action is required.</p>
Selecting Committee Members	
<p>13. Conflicts of interest including familial links (page 15)</p> <p>(The guidance requires Councils to set out in their constitution how to manage potential conflicts of interest arising when scrutiny members scrutinise family members on the Executive, including where Executive Members stand down on to O&S and vice versa)</p>	<p>There is nothing specifically addressing familial links in relation to conflicts of interest involving scrutiny of Cabinet Members, though Members are required to abide by the Code of Conduct.</p> <p>Points to note / suggested actions: This could be reviewed further at a meeting of the Constitution Review Working Group.</p>

Statutory Guidance	Bromsgrove O&S - Implications
<p>14. Selecting Individual Committee Members (Pages 15 - 16)</p> <p>(The guidance suggests that this should take into account the Members' experience, expertise, interests, ability to act impartially, ability to be part of a group and capacity to serve).</p>	<p>The political parties nominate Councillors to sit on the O&S Board based on the number of seats available to them.</p> <p>Points to note / suggested actions: Key skills can be highlighted during O&S training.</p>
<p>15. Selecting a Chair (Page 16)</p> <p>a. The Chair should have an ability to lead and build teamwork.</p> <p>b. The Chair should not preside over scrutiny involving their relatives.</p> <p>c. Every Council is urged to consider electing a Chair via a secret ballot.</p>	<p>Currently the Chairman of the Board is nominated by fellow councillors in an open vote and agreed at the first meeting of the O&S Board in the municipal year.</p> <p>There is not currently anything specific in the Council's constitution that stipulates that the Chairman of the Board should not preside over scrutiny of their relatives.</p> <p>Points to note / suggested actions:</p> <p>The Constitution Review Working Group could be asked to review the requirements in relation to Chairman not presiding over scrutiny of their relatives.</p> <p>Members may wish to consider whether they think a secret ballot would be appropriate.</p>
<p>16. Training for Committee Members (Page 16)</p> <p>(The guidance suggests that Members should be offered induction and ongoing training on becoming O&S Members. It suggests including consideration of external training providers)</p>	<p>The Council already provides O&S training at the start of a Members' term of office and additional training on an ongoing basis as and when required.</p> <p>External training has been provided in the past though budgets for training are restricted and Officers have received positive feedback about the in-house training that is provided.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>

Statutory Guidance	Bromsgrove O&S - Implications
<p>17. Co-option and Technical Advice (Pages 16 – 17)</p>	<p>The extent to which co-option or technical advice is appropriate is assessed on a case by case basis for a review.</p> <p>There is no specific budget for O&S to spend on technical advisors.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
Power to Access Information	
<p>18. Access to Information, including Exempt Information (Page 18)</p> <p>(The guidance suggests O&S Members should have access to information, including exempt information. Where information cannot be provided the Executive should provide a written statement setting out the reasons for that decision).</p>	<p>Officers provide Members with information when requested, including exempt information. The Cabinet has often been flexible in the past, in terms of sharing information prior to the publication of Cabinet agenda packs. There is not the problem in Bromsgrove, reportedly in place at other local authorities in the country, whereby information is only obtained as a result of a Freedom of Information request.</p> <p>Points to note / suggested actions: The Leader and Portfolio Holders may wish to consider how they report back to O&S when turning down a request for information.</p>
<p>19. O&S Members should have access to key information on performance management and risk and provided with information to understand it. (Page 18)</p>	<p>Members can access performance data on the dashboard and are considering the content of the quarterly performance reports. The Corporate Performance Working Group takes a lead on this and has been provided with training as well as ongoing support.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>

Statutory Guidance	Bromsgrove O&S - Implications
<p>20. Seeking Information from External Organisations (Pages 19 – 20)</p> <p>a. The guidance provides advice on best practice for engaging with service providers.</p> <p>b. The guidance also suggests Councils should consider whether to build requirements into contracts for external companies to provide information and appear before O&S Committees.</p>	<p>Bromsgrove O&S already complies with the best practice guide to engaging with external service providers in respect of invitations to provide evidence and attend meetings.</p> <p>Points to note / suggested actions:</p> <p>Requests to receive information from Council contractors are considered on a case by case basis.</p> <p>No further action required.</p>
<p>21. Being Clear about Scrutiny's Role (Page 21)</p> <p>(The guidance advises that when considering items for O&S to focus on Members should be supported by key senior officers).</p>	<p>The lead senior officer for O&S, the Executive Director of Finance and Resources, attends the O&S training when items for the work programme are discussed. She also attends meetings of the O&S Board during the year and can advise on items as and when suggested.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>22. Who to speak to (page 21 – 22)</p> <p>(The guidance suggests Members should consult the public, written information, partner organisations and the Executive, including through conversations with the Executive, when selecting items for scrutiny).</p>	<p>Members are already encouraged to consult with the public and partners when selecting items for scrutiny. Meetings between the Chairman of O&S Board and the Leader would help to provide an opportunity for conversations with the Cabinet about scrutiny topics. The Chairman of the O&S Board also regularly attends Cabinet meetings and has dialogue with Portfolio Holders then about the work of O&S.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>

Statutory Guidance	Bromsgrove O&S - Implications
<p>23. Information Sources (page 22 – 23)</p>	<p>Bromsgrove O&S Board already considers much of the information suggested in the guidance and selects information for scrutiny on a case by case basis.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>24. Shortlisting Topics (page 23)</p> <p>(The guidance notes Councils will shortlist topics often using scoring criteria and should be able to justify choosing some topics over others)</p>	<p>Bromsgrove O&S Members do use shortlisting criteria and always provide reasons for rejecting or accepting items for review.</p> <p>Points to note / suggested actions: No further action is required..</p>
<p>25. Carrying Out work – Types of Scrutiny (Pages 23 – 24)</p>	<p>Bromsgrove O&S already undertakes all of these forms of scrutiny.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice/</p>
Evidence Gathering	
<p>26. How To Plan (Page 25)</p> <p>(The guidance suggests evidence gathering should be planned in advance and the Chair should sum up at the end).</p>	<p>Bromsgrove Task Groups always plan their workload in advance. The Chairman would always be advised to sum up at the end.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>
<p>27. Developing Recommendations (Pages 25 – 26)</p> <p>a. These should be agreed by Members only, having regard to officer advice.</p> <p>b. Recommendations should be evidence-based and SMART.</p> <p>c. It is suggested 6 – 8 recommendations are often appropriate.</p>	<p>In Bromsgrove recommendations are always set by Members only. Democratic Services simply records the recommendations agreed by Members, though may help with the wording to best reflect what Members are proposing.</p> <p>Members are always required to ensure recommendations have an evidence basis and are set out in SMART terms. Members are also always encouraged to propose a reasonable number of recommendations.</p> <p>Points to note / suggested actions: No further action is required, other than continuing with current practice.</p>

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OVERVIEW AND SCRUTINY BOARD

WORK PROGRAMME

2019/20

RECOMMENDATION:

That the Board considers and agrees the work programme and updates it accordingly.

ITEMS FOR FUTURE MEETINGS

Date of Meeting	Subject	Additional Information
10th June 2019	Bromsgrove Market – update following bringing the running of the market back in house.	Presentation
	Working Group Updates <ul style="list-style-type: none"> • Finance and Budget Membership Report • Corporate Performance Membership Report 	
	Task Group Updates: Review of current Task Groups	
	Overview and Scrutiny – Select Committee Findings and new Government Guidance	
	Recommendation Tracker – Update on actions taken following recommendations made by the Board.	
	WCC Health Overview & Scrutiny Committee – Nomination of Representative	
	Cabinet Leader’s Work Programme	
	Overview and Scrutiny Work Programme	
8th July 2019	North Worcestershire Economic Growth Strategy – Pre-scrutiny	Picked up from the Cabinet Leader’s Work Programme 1 st April – 31 st July 2019
	The Board to receive regular updates in respect of the implementation and cost of the Enterprise Resource Planning System.	Requested at full Council on 27 th March 2019
	Bromsgrove Enterprise Park – Build Out Pre-scrutiny	Picked up from the Cabinet Leader’s Work

Agenda Item 13

	(Chief Executive/Head of Economic Development & Regeneration, NWEDR)	Programme 1 st Feb – 31 st May 2019
	Customer Services Protocol – Invite Customer Support Manager to provide an update	Arising following submission of topic proposal by Cllr S. Colella at meeting on 11 th February 2019
	Joint Staff Survey Task Group - Update on actions arising from the Survey and recommendations from the Task Group	Arising from discussions at the meeting held on 11 th February 2019.
	Working Group Updates <ul style="list-style-type: none"> • Finance and Budget • Corporate Performance 	
	Task Group Updates:	
	WCC Health Overview & Scrutiny Committee – update from Representative	
	Cabinet Leader’s Work Programme	
	Overview and Scrutiny Work Programme	
2nd September 2019	Scrutiny of the Crime and Disorder Partnership	There is a statutory requirement for the Board to carry out this piece of work at least once a year.
	Working Group Updates <ul style="list-style-type: none"> • Finance and Budget • Corporate Performance 	
	Task Group Updates: <ul style="list-style-type: none"> • • 	
	WCC Health Overview & Scrutiny Committee – update from Representative	
	Cabinet Leader’s Work Programme	
	Overview and Scrutiny Work Programme	
21st October 2019		
	Working Group Updates <ul style="list-style-type: none"> • Finance and Budget • Corporate Performance 	
	Task Group Updates: <ul style="list-style-type: none"> • 	
	WCC Health Overview & Scrutiny	

Agenda Item 13

	Committee – update from Representative Cabinet Leader’s Work Programme	
2nd December 2019		
	Working Group Updates <ul style="list-style-type: none"> • Finance and Budget • Corporate Performance 	
	Task Group Updates:	
	WCC Health Overview & Scrutiny Committee – update from Representative Cabinet Leader’s Work Programme Overview and Scrutiny Work Programme	
13th January 2020		
	Working Group Updates <ul style="list-style-type: none"> • Finance and Budget • Corporate Performance 	
	Task Group Updates: <ul style="list-style-type: none"> • 	
	WCC Health Overview & Scrutiny Committee – update from Representative Cabinet Leader’s Work Programme Overview and Scrutiny Work Programme	
10th February 2020		
	Working Group Updates <ul style="list-style-type: none"> • Finance and Budget • Corporate Performance 	
	Task Group Updates: <ul style="list-style-type: none"> • 	
	WCC Health Overview & Scrutiny Committee – update from Representative Cabinet Leader’s Work Programme Overview and Scrutiny Work Programme	
30th March 2020		
	Working Group Updates <ul style="list-style-type: none"> • Finance and Budget 	

	<ul style="list-style-type: none"> • Corporate Performance 	
	Task Group Updates:	
	<ul style="list-style-type: none"> • 	
	WCC Health Overview & Scrutiny Committee – update from Representative	
	Cabinet Leader’s Work Programme	
	Overview and Scrutiny Work Programme	
27th April 2020		
	Working Group Updates <ul style="list-style-type: none"> • Finance and Budget • Corporate Performance 	
	Task Group Updates:	
	WCC Health Overview & Scrutiny Committee – update from Representative	
	Cabinet Leader’s Work Programme	
	Overview and Scrutiny Work Programme	

Outstanding Items and Potential Items for pre-scrutiny

- Bromsgrove Sports and Physical Activity Strategy - Picked up from the Cabinet Leader’s Work Programme (item currently outstanding).
- Demonstration of modern.gov on an iPad together with data regarding paperless agendas.
- Worcestershire Health Overview & Scrutiny Committee (HOSC) – To investigate whether HOSC is fit for purpose (possibly invite the Chairman of HOSC to a future meeting.)

Updates Received – Monthly

The Council’s representative on the Worcestershire Health Overview and Scrutiny Committee provides a verbal update to the Board each month.

The Council’s representative on any Joint Scrutiny Task Groups will be expected to provide an update (verbal or written) on the work of that Group at each Board meeting.

The Chairman of any Working Group, Task Group or Short Sharp Review set up by the Board will be expected to provide a written or verbal update in respect of the work being carried out and progress of the investigation by the Group Members.

When considering topics for investigations Members may wish to take into account the Council's Strategic Purposes as detailed below:

Our Strategic Purposes for Bromsgrove



Help me to live my life independently

Help me to be financially independent

Keep my place safe & looking good

Help me find somewhere to live in my locality

Provide good things for me to see, do & visit

Help me run a successful business

Support services enable us to deliver our purposes

Bromsgrove District Council
www.bromsgrove.gov.uk

For more information view the Council Plan at:
<http://www.bromsgrove.gov.uk/cms/council-and-democracy/council-plan.aspx>

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