

## **Cherwell District Council Overview and Scrutiny Support Guide.**

This document is designed to be used as a support guide alongside the detailed section of the Constitution Part 4a.

### **What is Overview and Scrutiny? (OSC)**

The purpose of scrutiny is to ensure that decision-making in local government is efficient, transparent and accountable and that all decisions are taken in the interests of the residents of Cherwell. Scrutiny has the power to look at any issue which “affects the area or the area’s inhabitants” and this gives it a unique legitimacy to examine those cross-cutting issues in a way that no other individual or organisation could.

Cherwell District Council operates an Executive/Cabinet and scrutiny system, based on the central government model. Scrutiny is independent and it holds the Executive to account by acting as a critical friend.

### **What are the aims of scrutiny?**

The aims of scrutiny are:

- **Challenge** the Council’s performance so that we can improve and raise standards.
- **Undertake scrutiny** on matters of concern.
- **Make recommendations** for action and change.

Scrutiny meets these aims by carrying out independent and in-depth reviews of topics and services. These are carried out either as a full Committee or by a small group of Members in a time-limited group.

### **What are the benefits of scrutiny?**

The benefits include:

- Gives non-Executive Members the opportunity to hold the Executive to account.
- Provides non-Executive Members with an opportunity to examine the Council’s current services, review issues of member or public concern and drive improvements to the services the public receives from the Council
- Enables members to assess the performance of other providers
- Gives officers an external and independent view of their service, its strengths and weaknesses. It is a ‘critical friend’.

## **How does scrutiny work at Cherwell?**

### **Structure**

Every local authority is required to put in place arrangements for overview and scrutiny; however the detail is for individual authorities to decide. In Cherwell, scrutiny undertakes the majority of its investigations via a combination of working groups and one-off reports to the formal OSC prior to Executive consideration (pre-decision scrutiny).

### **Scrutiny in Cherwell**

- The Committee is politically proportionate and meets roughly six times a year. The remit for the Committee is: Decisions made by and on behalf of the Council or its Executive.
- Any operational or policy aspect of the Council's business

Scrutiny is outcome focused and concentrates on the impact for residents. This includes services provided by, or on behalf of the Council; or by external agencies

Regulatory decisions, i.e. those relating to planning or licensing applications, are not within the remit of OSC.

Section 5 of the OSC Constitution gives more detail on the specific functions of Committee.

### **How do I 'call in' a decision?**

The Local Government Act 2000 allows non-Executive members of the Council to ask that a key decision which has been taken by the Executive or a key decision made by officers, but not yet implemented, be reviewed.

Unless it meets exemption criteria (detailed in paragraph 13.1 of Part 4a the Constitution), any Executive or key officer decision can be called by noon within 4 working days of publication of a key decision made by the Executive or by an officer (Executive decisions will be published as soon as practicable after the Executive meeting). A key decision can be called in for scrutiny by five Non-Executive members specifying the reason or reasons for the proposed call in.

A meeting of OSC will be held within 10 working days. Implementation of the decisions will be delayed while OSC meets and considers the decision.

One of the councillors who submitted the call-in notice would be expected to address the committee and, for key decisions made by Executive, the relevant Executive Member will respond on behalf of the Executive.

Having considered the decision, OSC can

- (a) Determine that it has no objection to the called-in decision being implemented
- (b) Determine that the called-in decision should be referred back to the Executive or officer (as the case may be) for re-consideration
- (c) Determine that the called-in decision is one which is contrary to the policy framework or to the budget; in this instance the called-in decision will be referred to Full Council for consideration. Decisions referred for further consideration remain suspended until redetermined.

Call-in should not be used on a subject that has previously been considered by OSC.

Sections 13 to 17 of the OSC Constitution give more detailed information and guidance on the call-in process at Cherwell.

## **1. Process of appointing Chairman and Vice-Chairman**

A separate meeting of the Overview and Scrutiny Committee will be scheduled as soon as possible after annual council, when Committee appointments have been approved, to allow Committee members to make their case for being appointed Chairman and vice-Chairman.

Prior to the meeting, those wishing to stand for Chairman/vice-Chairman will have an opportunity address fellow committee members, explaining their reasoning for being considered for the role(s). The expectation is that an informal session will take place shortly before the formal Committee meeting to facilitate discussions between members who wish to be considered for the role of Chair and vice chair.

The Chairman of OSC has a responsibility for establishing the profile of the committee, its influence across the council and its ways of working, as well as ensuring that the scrutiny process is managed in a fair and balanced environment, is free from political point scoring and allows for effective scrutiny of all issues presented for consideration. Members putting themselves forward for the role may wish to use these points as guidance for the basis of their discussions with the committee.

Committee members will have the opportunity to ask questions of the prospective chairs and vice-chairs before the formal meeting.

The appointment of Chairman will take place at the formal meeting in the usual way.

The Monitoring Officer or his representative will call for nominations to the position of Chairman of the Committee, with seconders as appropriate. Voting will take place for each nominated candidate, via a show of hands, in line with section 4, paragraph 4.24 of the Constitution, with steps repeated as necessary until one candidate is successful.

The newly appointed Chairman will then take the chair, and preside over the appointment of the vice-Chairman, which will follow the same process.

Once the vice-Chairman has been appointed, the meeting will be brought to a close.

Note – those wishing to stand as Chairman/vice-Chairman will be expected to attend in person. If a prospective Chairman or vice-Chairman is unable to attend the meeting, the Monitoring Officer may use their discretion to determine whether or not a nomination can be made in the members' absence on their behalf.

## **2. Allocation of resources/committee time**

The Chairman and Vice-Chairman of the Committee will be responsible for allocating the Committee's time to each work programme item, to ensure the best approach to each subject.

There are six formal committee meetings scheduled throughout the year. In addition, OSC can appoint working groups to carry out detailed research and enquiries on behalf of the formal Committee (as detailed in Constitution section 4a).

Initial subjects for consideration will be taken from the Committee via a work programme planning session, with committee members given the opportunity to request subjects for inclusion on the annual work programme.

An important document the Committee may wish to refer to during the planning session is the Executive Forward Plan (also known as the Executive work programme), the statutory document that is published on a monthly basis covering a rolling four-month period. More detailed information on the requirements of the Forward Plan can be found in section 6 of the Constitution, paragraph 6.1.

OSC may find it useful to refer to the latest version of the Forward Plan during the work programme planning session, to consider upcoming items for the Executive and whether they would benefit from detailed discussion by OSC.

After the planning session, the Chairman and vice-Chairman will meet with officers from the Democratic and Elections Team to propose which subjects will be taken forward for the formal work programme and what style of scrutiny (from the options below) would best suit each subject. The proposed work programme will be presented to OSC at the next meeting, for discussion and approval.

As well as being responsible for scrutinising services provided or commissioned by the Council, and external agencies it reviews the overall work programme ensuring that work is timely, adds value and does not duplicate activity already underway or undertaken by external regulators. The working group scoping document ensures that the key questions that members want to address are listed.

### **How do Committees choose what to scrutinise?**

Scrutiny is a member led process and topics are usually identified by members acting in their capacity as democratic representatives of the community. Additionally,

suggestions can be made by officers, partner organisations or the public. Effective scrutiny requires a balanced work programme, which examines the most important challenges facing the district and responds to the concerns of residents.

It is important to remember that scrutiny is a member-led process and it is the responsibility of the chairman and their committee to determine what is scrutinised and when.

Appendix A explains some of the key factors in determining whether an issue should be scrutinised.

Here are a few key points to remember when choosing subjects to scrutinise:

- It is not possible to scrutinise everything that might be suggested by other councillors, officers or the community. Therefore, a rigorous approach is taken to choosing which topics are scrutinised.
- Increasingly, OSC is thinking about the work of commissioned organisations and the monitoring other public bodies, and how its activities will engage partner organisations
- The Committees have to be realistic about what can effectively be scrutinised and needs to be prepared to say 'No' to some suggestions and be able to explain why they will not be scrutinised.
- It is also important to consider what the best method to deal with any given scrutiny topic is. The choice may depend on the nature of the activity and the capacity of members and Officers to conduct further topic groups within the suggested timeframe.

Further items can be added to the work programme during the year, with additional meetings between the Chairman, vice-Chairman and officers being scheduled as necessary.

### **What methods are there to conducting scrutiny?**

Effective scrutiny is creative. It uses a range of approaches depending on the issue being scrutinised. An important part of the work planning process is deciding on how a topic will be examined. Using the full range of methods open to it, scrutiny will be able to mix in-depth and searching inquiries with concise and effective reviews.

Here are some examples of different methods open to committee, some of which are discussed in more detail below:

- Whole committee  
scrutiny working groups
- Single issue meetings
- Calling witnesses or experts to provide specific information to members at committee Site visits / observations
- Seminar
- Bulletins

## **Options regarding scrutiny reviews**

### **Working Groups**

Working groups involve a small number of councillors looking at an issue in great detail, in some cases over a day. This process is more time-consuming for councillors and officers than other scrutiny activities. Consequently, issues for topic groups are carefully prioritised. In order to make sure that the review is as effective as possible, it is vital that the scope of the review is well-defined.

For this reason each review starts with the completion of a scoping template (see appendix B) which outlines the key questions, outcomes and constraints, time-scale, key sources of information and principal witnesses.

At its meeting, the working group will hear from a range of witnesses and the lead officer. Depending on the topic this may include expert witnesses and stakeholders, service users, managers and the relevant executive member/s. Councillor questioning skills are a significant element of the scrutiny and the quality of the questions is instrumental to achieving clear outcomes and strong recommendations. A short report containing the recommendations and the evidence to substantiate those recommendations is made publicly available. The relevant Executive member is required to respond to the report and its recommendations within two months. Six months following the scrutiny, the OSC will monitor implementation of the recommendations.

### **Single item on a committee agenda**

This may offer 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.

### **At a single meeting - 'scrutiny day' or 'challenge panel'**

Either a formal committee meeting or an informal working group or briefing session. This could 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 appropriate officers or subject matter experts.

### **At a task and finish review of two or three meetings - 'light touch' review**

A shorter scrutiny review may be most effective even for complex subjects. Properly planned and focused, they allow members to swiftly reach conclusions and make recommendations, over a short time period such as a couple of months.

### **Via a longer-term task and finish review - 'full length' review**

The 'traditional' task and finish model, with multiple meetings spread over a number of months, is appropriate when scrutiny needs to dig into a complex topic in

significant detail. This may be suited to the most complex subjects, due to the length of time and wider resource implications for a long review.

### **By establishing a ‘standing panel’**

If Committee feel they need to keep a watching brief over a particular issue, meeting regularly to carry out detailed oversight, this may be the best approach.

### **What is the best way to make sure our recommendations are implemented?**

A scrutiny will conclude by making recommendations to decision-making bodies, such as the Council’s Executive.

The following tips can help ensure that scrutiny recommendations are implemented:

- Recommendations that are short, achievable and few in number
- Recommendations exert most influence if they are based on logical argument drawing on evidence gathered over the course of a review.
- Ensure those responsible for implementing recommendations are aware of what the topic group is proposing and can suggest modifications to wording if that is going to make it more likely that the recommendation will be implemented.
- Recommendations will be written and presented clearly by the working group as part of its final report. Executive, via the appropriate Executive member, will provide a response to all recommendations explaining the reasons for accepting or not accepting any of the recommendations.
- Implementation of recommendations will then be monitored.

### **How are recommendations monitored?**

Six months after a review has made recommendations, progress on the implementation of those recommendations will be reported to OSC. The format of the monitoring may differ from subject to subject, but may include:

- A table listing each recommendation with a ‘progress’ column
- A written report from relevant Executive member/officer
- A presentation

OSC may wish to evaluate and assess the impact of their previous recommendations, referring back to the initial scoping document and compiling a brief evaluation summary for publication.

### **3. Co-opting of external people to assist with specific reviews**

The constitution allows co-option of external people to assist with specific scrutiny reviews (section 4a, paragraph 6.9). Such co-options can be made to the formal OSC, however it is more likely that committee will want to appoint short term co-optees to informal task and finish groups that are established for specific reviews.

Once a task and finish group has decided to co-opt members, the following steps should be followed.

Advertisement of the co-option opportunity, summarising:

- the subject under review
- an indicative timeframe for the whole review
- an estimate as to the number of meetings that the co-optees will be expected to attend
- The format and anticipated location of the meetings, i.e. online via MS Teams, in person at Council offices, or a hybrid approach
- How interested parties should make their application, i.e. via a CV and covering letter, email or application form
- The deadline for applications/expressions of interest

Members of the task and finish group will consider expressions of interest received, creating a short list for interview. Shortlisted candidates will be invited to attend a meeting, and the task and finish group will decide who to appoint.

The task and finish group will reserve the right to not appoint any co-optees following interview.

Any appointments made will be for a specified time period, likely to coincide with the estimated timeframe for the full review.

Once the recruitment process has completed, meetings of the task and finish group will take place in line with the process detailed at paragraph 6.6 of the Constitution.

#### **4. Role Profiles**

The role profiles shown below highlight the key elements of each role within OSC, to inform members ahead of their involvement with the Committee. They are not exhaustive or prescriptive, and are for guidance only.

##### **OSC Chairman**

The OSC Chairman (or vice-Chairman in their absence) may be required to:

- Chair the formal Committee meetings.
- Provide leadership and direction to the Committee.
- Lead the committee in prioritising its work so as to ensure effective scrutiny
- Encourage all members of the Committee to engage with the scrutiny process.
- Develop a constructive relationship with Executive.
- Develop a constructive relationship with the Corporate Leadership Team
- Meet with officers as required to receive agenda briefings, plan scrutiny reviews (as detailed in section 2 above) and to discuss possible future additions to the work programme, i.e. from the Executive Forward Plan.
- Where the Committee has been asked to provide comments or feedback to a decision maker, i.e. Executive or Full Council, the Chairman will be expected



to attend the relevant meeting to provide feedback on behalf of the Committee.

- Be prepared to brief their wider political party or group on the business to be considered by the Committee.

### **OSC Vice-Chairman**

The OSC Vice-Chairman will be expected to deputise for the Chairman should they be absent or unavailable. The vice-Chairman is to mirror the chair and act as advisor and second set of eyes over the Chairman role.

The Vice-Chairman can chair in full or parts of a committee meeting as determined by the Chairman.

Where officer meetings/agenda briefings are arranged, the Vice-Chairman will be invited as a matter of course.

The Vice-Chairman should ensure they are familiar with the Chairman role profile above.

### **OSC Committee member**

OSC Committee members are encouraged to:

- Assist with the development of an effective work programme during work programme planning sessions.
- Engage with all stages of the scrutiny process.
- Participate in scrutiny in an impartial manner.
- Analyse and if necessary challenge information presented to the Committee.
- Read agendas in advance of formal Committee and submit questions to officers in advance, to assist them with their pre-meeting preparation.
- Make recommendations based on the Committee's deliberations.
- Conduct independent research/reading outside formal committee meetings if required.
- Brief their wider political party or group on the business to be considered by the Committee.
- Act as a point of contact for members of the public, external organisations and other members.

### **Working Group members**

If OSC decide to establish a working group to review a particular subject, any member from across the council can be appointed to sit on that group.

Executive Members are not allowed to sit on OSC or take part in formulating recommendations, however they can contribute to reviews in their capacity as Portfolio Holders and provide useful background information.

If appointed to a working group, members may be required to:

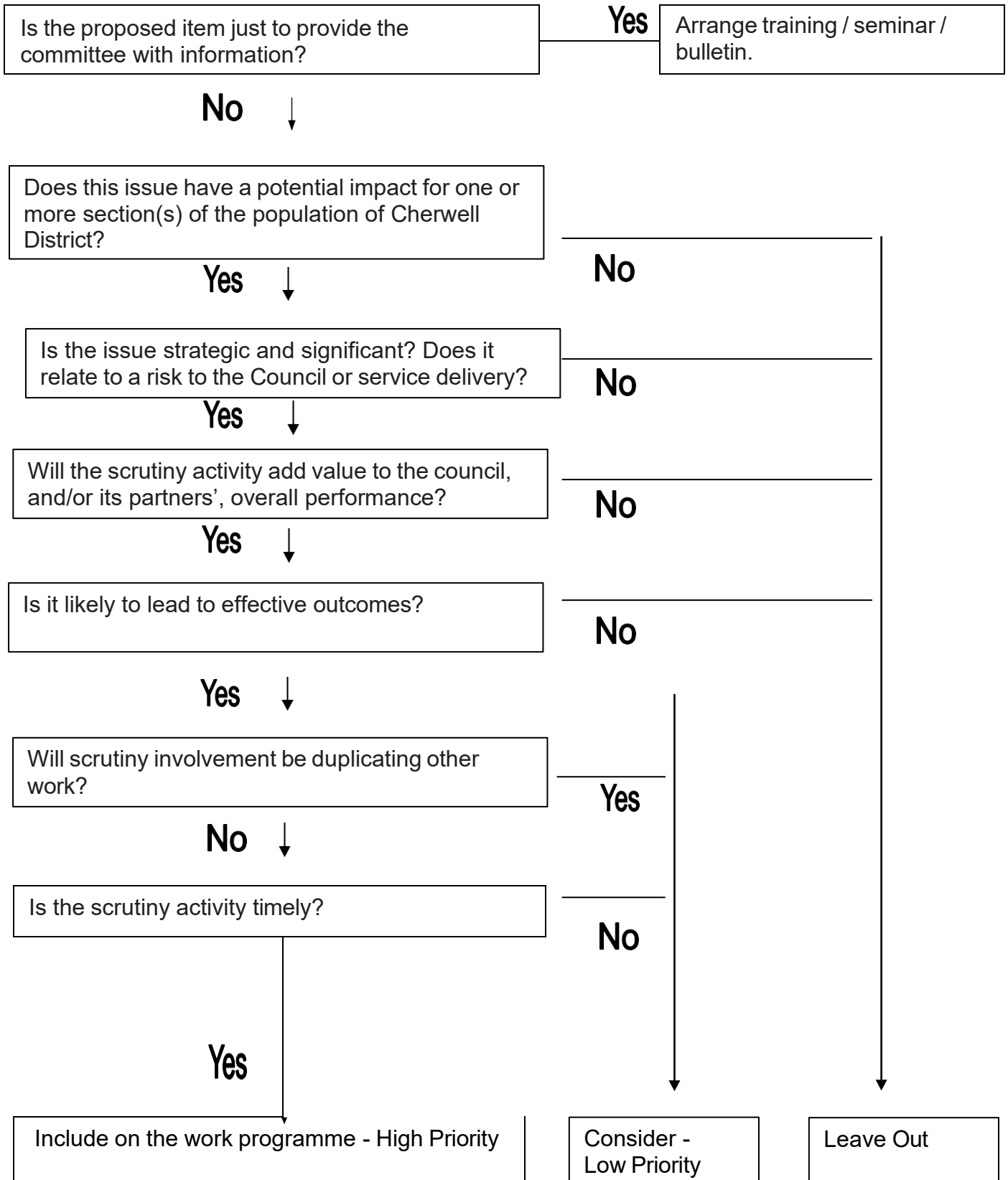
- Contribute to the scoping stage of a review, to help determine the best approach to the subject under review.
- Attend additional meetings to progress work in relation to the review (timetable to be determined by each working group).
- Take responsibility for one or more areas of the agreed scope of the review, conducting independent research/reading/visits/discussions as necessary.
- Contribute to the end of review report and recommendations, and support the presentation to the full Committee at the conclusion of the review.

## **5. Further resources and reviewing and updating of this guide**

The Monitoring Officer and Democratic and Elections Team will periodically review this guide with the Chair and Vice Chair, gathering feedback from OSC as required, to ensure it remains up-to-date and appropriate.

In addition to this guide and the formal CDC Constitution, OSC members may wish to consult further resources, such as the LGA's Councillor Workbook on Scrutiny - <https://www.local.gov.uk/publications/councillors-workbook-scrutiny> (updated September 2023) which gives more detailed information about possible approaches to Scrutiny.

## Criteria for selecting scrutiny topics





This scoping template is designed to assist councillors and officers in establishing the focus of a scrutiny review group. It emphasises the need for scrutiny review groups to have a clear purpose, rationale and focus for their work, and to make the best use of the resources available within a given time frame. This document will act as a reference guide throughout the review process to ensure the does not deviate from its intended purpose.

<b>Review Group Overview &amp; Scrutiny Committee Member Lead</b>	<i>The name of the Member(s) suggesting the subject.</i>
<b>Membership</b>	<i>This would be the working group working on the review – not necessary at initial suggestion stage.</i>
<b>Officer Support</b>	<i>Anticipated officer involvement, e.g. departments with knowledge of the subject</i>
<b>Background</b>	<i>What has led to the subject being suggested for review</i>
<b>Rationale</b>	<i>What is the justification for the subject being suggested for review</i>
<b>Indicators of Success</b>	<i>Potential outcome of the review, e.g. a new policy being drafted, a new process being adopted etc.</i>
<b>Out of Scope</b>	<i>What will not be considered during the review</i>
<b>Method / Approach</b>	<i>A brief outline of how the review would be completed</i>
<b>Guest speakers / Witnesses / Experts</b>	<i>Brief outline of any specialists or experts who may be invited to take part in the review</i>
<b>Evidence required and documents</b>	<i>Brief outline of information</i>
<b>Site Visits</b>	<i>Subject to covid restrictions, if any visits are anticipated.</i>
<b>Risks</b>	<i>Availability of councillors and officers to progress the work</i>

<b>Projected Start Date</b>		<b>Draft Report Deadline</b>	
<b>Meeting Frequency</b>		<b>Projected Completion Date</b>	

<b>Approved by Overview &amp; Scrutiny Committee</b>	<b>Date:</b>
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### **Draft Outline of meetings**

(Review Group members are reminded that they will be required to undertake evidence gathering and work outside of the meetings detailed below to ensure that the Review completion date is met)

Meeting 1 –
Meeting 2 –
Meeting 3 –
Meeting 4 –
Meeting 5 –