

## **Cherwell District Council Overview and Scrutiny Process.**

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

It builds upon the Cherwell Council Scrutiny Guide February 2025.

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## **1. Introduction**

### ***What is Overview and Scrutiny?***

- 1.1. Overview and Scrutiny is a key part of local authority decision making governance arrangements. It was introduced by the Local Government Act 2000 which created separate Executive and Overview and Scrutiny functions within local authorities, with an Executive making executive Key Decisions, Overview and Scrutiny Committees to provide a check and accountability and provide an opportunity for non-Executive Members to make reports and recommendations to the Executive and a full Council that sets the overall policy and budgetary framework.
- 1.2. Councils operating executive decision making arrangements are required to create one or more Overview and Scrutiny Committees made up of councillors who are not members of the Executive,
- 1.3. Cherwell District Council operates an Executive/Cabinet and scrutiny decision making model, which is broadly, conceptually, based on the Westminster Parliamentary model, which has a government Cabinet executive and parliamentary select committees.
- 1.4. The purpose of Overview and Scrutiny is to ensure that decision-making in local government is transparent, accountable and provides an opportunity for non-executive Members of the Council to contribute to policy making and review. The scrutiny process should help to ensure that all decisions are taken in the interests of the residents of Cherwell.
- 1.5. Scrutiny committees are led by elected Members of the Council, which provides them with a particular democratic mandate and legitimacy.
- 1.6. Scrutiny committees are independent and hold the Executive to account by acting as a “critical friend”, as well as providing a vehicle for the wider membership of the Council to contribute to policy development and review.
- 1.7. Overview and Scrutiny committees have the power to consider any issue which “affects the area or the area’s inhabitants” and to examine cross-cutting issues and context to local decision making, including local partnerships and community wellbeing.
- 1.8. Overview and Scrutiny committees may:
  - require information that is held by the Council (with councillors sitting on overview and scrutiny committees having particular rights to access certain information - for example, information that might be commercially confidential),
  - require attendance at committee meetings by Executive members and Council officers,
  - require from the Executive responses to recommendations made by scrutiny committees.

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

- 1.9. At Cherwell District Council the aims of scrutiny are:
- To contribute to ongoing service improvement
  - To hold the Executive to account on behalf of local residents
  - To contribute to policy development and review through scrutiny reports and recommendations to the Executive.
- 1.10. Scrutiny meets these aims by carrying out independent scrutiny inquiries and reviews of Council and community policies and services. These are carried out either as a full Committee or by a small group of Members in a time-limited scrutiny working group.

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

- 1.11. Overview and Scrutiny should help to drive improvement and accountability in local government through the democratic and governance process. It can also help to build a more inclusive decision making process by involving non-executive members, as well as community partner organisations and local people.

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

- 1.12. Every local authority is required to put in place arrangements for Overview and Scrutiny; however the particular arrangements for this is for the individual authority to decide. In Cherwell, scrutiny undertakes the majority of its scrutiny inquiries through the main Overview and Scrutiny Committee, but also via a combination of scrutiny working groups and spotlight reviews.
- 1.13. Cherwell Council has one Overview and Scrutiny Committee (OSC), established by the Council, to carry out the Overview and Scrutiny function.
- 1.14. The OSC is politically proportionate and meets roughly six times a year. The Committee may consider any policy issue across the range of Council services or which affect the wellbeing of the local community. This includes services provided by, or on behalf of the Council; or by external agencies. Scrutiny can consider the impact of Council policies and decisions and outcomes for residents.
- 1.15. It may consider issues before the Executive makes a decision (“pre-decision scrutiny”) and also has the power to Call In any Executive Decision made by the Executive or delegated to an officer, for review.
- 1.16. Regulatory decisions, i.e. those relating to planning or licensing applications, are not within the remit of OSC.
- 1.17. Section 5 of the OSC Constitution provides more detail on the specific functions of Committee.

## **2. Advice and Support to Scrutiny Committees**

- 2.1. Scrutiny committees also receive professional advice from council chief officers and directorates according to their purview. In particular scrutiny committees may draw upon the advice and support of the Council's statutory officers, including the Monitoring Officer, Chief Finance Officer and Chief Executive.
- 2.2. In addition, Overview and Scrutiny committees receive advice and administrative support from the Democracy and Elections Team.
- 2.3. Scrutiny committees may also be allocated with support from one or more Scrutiny Officers, to provide specialist advice and support on the scrutiny process and provide practical support in drafting scrutiny reports and recommendations, preparing briefings, drafting report requests and acting as an interlocutor between scrutiny committees, the Executive and council departments.

### The Monitoring Officer

- 2.4. The Monitoring Officer is the statutory officer responsible for the legal governance of a local authority. As such, this includes providing advice and support on the Council's Constitution, governance and decision making arrangements and relationships, including Overview and Scrutiny.

### Scrutiny Officers

- 2.5. Scrutiny officers provide professional impartial advice and support to members of the scrutiny committees leading up to a scrutiny meeting, during the meeting itself and subsequently. They can advise on the scrutiny process, as well as support with analysis and desk research on items being considered by scrutiny and assist in developing questions to witnesses, scrutiny reports and scrutiny recommendations for agreement by the committee.

### Democratic Services Officers

- 2.6. The scrutiny committees may also be allocated committee support from the Democracy and Elections Team. Democratic Service Officers provide specialist committee advice and support on committee procedures and provide the committee administration, including agenda preparation, agenda and reports publication, drafting and publishing committee minutes and following up on matters arising from committee meetings. Democratic Service Officers work closely with scrutiny officers to ensure the smooth running of the committee and scrutiny processes.

### Departmental Officers

- 2.7. Senior Council officers for each department provide expert advice and support on Council services within their purview, this includes advice and support to Overview and Scrutiny Committees when scrutiny committees are considering matters within their departmental and service area.

- 2.8. Council departmental officers provide advice and information on issues being considered by Scrutiny to ensure that Scrutiny Members have access to the information and expert advice they need to understand issues they are considering. In the scrutiny process they are the key “expert witnesses”, being responsible for the delivery of Council policy and services and also being experts in their respective areas.
- 2.9. Council departments provide information reports to scrutiny committees and other information requested, for matters being considered by the Overview and Scrutiny Committee and its Scrutiny Working Groups. In addition to information requests made ahead of or during a committee, senior officers should review the Annual Scrutiny Work Programme to anticipate reports requested to be provided to scrutiny committees and the deadlines for reports.
- 2.10. Because Council officers also advise and support the Executive and because senior officers also manage services and make decisions (including Key Decisions where delegated to them), their role is also part of supporting Executive accountability by answering questions in committee, along with the Executive.

### **3. Appointing the Chairman and Vice-Chairman**

- 3.1. A special meeting of the Overview and Scrutiny Committee will be scheduled as soon as possible after the Annual Council Meeting, when committee appointments have been approved, to allow the Overview and Scrutiny Committee to consider any proposals for the appointment of Chairman and Vice Chairman from among its members. Any member of the Overview and Scrutiny Committee may stand to be elected for these positions and any member may propose (and second a proposal) for any other member for to make their case for being appointment as Chairman and Vice Chairman, so long as those persons accept the nomination.
- 3.2. Prior to the meeting, those wishing to stand for Chairman Vice Chairman will have an opportunity address fellow committee members, explaining their reasons for being considered for the role(s). This is also an opportunity for any member wishing to propose another member of the Committee to explain their reasons for the proposal. 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 Chairman and Vice Chairman.
- 3.3. 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.
- 3.4. Committee members will have the opportunity to ask questions of the prospective chairs and vice-chairs before the formal meeting.

- 3.5. The appointment of Chairman will normally take place at the first formal meeting of the Committee in the usual way.
- 3.6. 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 4.26 of the Constitution, with steps repeated as necessary until one candidate is successful.
- 3.7. 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.
- 3.8. *Note – those wishing to stand as Chairman/Vice Chairman will be expected to attend in person.*

#### **4. Work Planning**

- 4.1. Scrutiny committees should plan their work carefully throughout the year to ensure that the scrutiny process can be effective. At Cherwell Council this includes development of an Annual Scrutiny Work Programme of issues that will be considered throughout the year through its main committee and through commissioned scrutiny working groups, as well as planning ahead of scrutiny committee meetings to plan out the objectives, key information required, key lines of enquiry and possible outcomes for each scrutiny topic.
- 4.2. There are normally six formal committee meetings scheduled throughout the year. In addition, OSC can appoint working groups to carry out detailed research and inquiries on behalf of the formal Committee (as detailed in Constitution section 4a)

##### The Annual Scrutiny Work Programme

- 4.3. Each year the scrutiny committees consider and agree a programme of work for the municipal year ahead, after considering what the key issues facing the Council and local community where consideration by a scrutiny committee might add value are. Usually, the work programme is for the municipal year period following the Annual Council Meeting, from June to May the following year.
- 4.4. Each year, in drawing up the Annual Scrutiny Work Programme, there is held an informal planning session, where members of the scrutiny committees may consider and discuss proposed topics for inclusion on the work programmes.
- 4.5. This informal session with members of the scrutiny committee allows for the committee to consider key background information and to consult the relevant Council directorates and other stakeholders on the key issues for the Council and community partners that may usefully be considered by the scrutiny committees and to identify:
  - the main topics for consideration throughout the year,
  - the purpose and scope of each topic
  - when each topic should be considered, and

- which departments, external agencies and expert witnesses should be called as witnesses to provide evidence.
- 4.6. The identified topics can then be developed into a work programme for the scrutiny committee that can be agreed by the next formal meeting of the committee, reported to full Council and used to plan the meetings of the committees throughout the year ahead.

#### Topic Selection and Prioritisation

- 4.7. Initial subjects for consideration will be requested from members of the Committee at a work programme planning session, with committee members given the opportunity to suggest subjects for inclusion on the Annual Scrutiny Work Programme.
- 4.8. Scrutiny members should consider key background information for the Council and the District to help prioritise and scope its Work Programme topics. This includes key strategic documents such as:
- Cherwell District Council Corporate Plan
  - the Annual Delivery Plan priorities,
  - Cherwell District Council Residents' Survey
  - Annual Corporate Performance reports
  - Budget Performance reports
  - The Executive Forward Plan.
- 4.9. 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.
- 4.10. OSC may find it useful to refer to the latest version of the Forward Plan throughout the year, as well as during the work programme planning session, to consider upcoming items for the Executive and whether they would benefit from detailed discussion by OSC.
- 4.11. The OSC should prioritise possible issues carefully to ensure that only a manageable amount of issues are selected for consideration throughout the year; eg no more than twelve substantive issues and ensure that the issues selected are of significance to the Council and local residents and where consideration by the scrutiny committee can add value to the decision making process.
- 4.12. The OSC should be clear on the purpose of consideration by the scrutiny committee. Broadly there are two main rationales for scrutiny review, either:
- To provide accountability – eg performance reports and reviews,
  - Policy development and review – considering policy and service areas before a decision by the Executive – eg “pre-decision scrutiny”.
- 4.13. The proposed Work Programme needs to balance issues throughout the year and ensure that these are timely, appropriate and when scrutiny review can be effective, eg when a policy or service review reaches maturation, when information becomes

available and ahead of when the Executive will make a decision on the issue (so that the Executive may receive recommendations from the OSC).

- 4.14. The OSC should review proposed issues for the Annual Scrutiny Work Programme to ensure that work of the Committee remains timely, adds value and does not duplicate activity already underway or undertaken by external regulators.
- 4.15. After the planning session, the Chairman and Vice Chairman will meet with officers from the Democratic and Elections Team to consider which subjects will be taken forward for the formal Annual Scrutiny Work Programme and what style of scrutiny (see the options below) would best suit each subject. The proposed Annual Scrutiny Work Programme will be presented to OSC at the next meeting for approval.
- 4.16. The OSC should review the Annual Scrutiny Work Programme throughout the year to ensure that work of the Committee remains 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.
- 4.17. The 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.

"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."

*Statutory Scrutiny Guidance 2024*

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

- 4.18. The OSC should ensure that it consults key stakeholders in developing its Annual Scrutiny Work Programme, particularly the main departments and chief officers of the Council and the Executive. Additionally, suggestions can be received from partner organisations or the public.
- 4.19. Effective scrutiny requires a balanced work programme, which examines the most important challenges facing the district and responds to the concerns of residents.
- 4.20. It is important to remember that scrutiny is an independent member-led process and it is ultimately the responsibility of the Chairman and the committee to determine what is scrutinised and when. This should, however, be based upon officer advice.
- 4.21. Appendix 1 explains some of the key factors in determining whether an issue should be scrutinised.
- 4.22. Here are a few key points to remember when choosing subjects to scrutinise:
  - It is not possible to scrutinise everything that might be suggested. Therefore, a rigorous approach should be taken to prioritising which topics are to be scrutinised.

- thinking about the work of commissioned organisations and the monitoring other public bodies, and how scrutiny inquiries should involve and engage external witnesses and 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.
- If necessary, 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?***

- 4.23. Overview and Scrutiny can use a range of different 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.
- 4.24. Here are some examples of different methods open to committee, some of which are discussed in more detail below:
- Whole committee scrutiny working groups
  - Scrutiny working groups with other non-executive Members of the Council
  - Single issue meetings ("Spotlight Reviews")
  - Calling witnesses or experts to provide specific information to members at committee
  - Site visits.

## **5. Scrutiny Pre-Meetings and Agenda Planning**

- 5.1. There are normally six meetings of the OSC in each municipal year. Ahead of the main meeting, but after the formal agenda and reports have been published, an informal meeting of the committee members may be held with the scrutiny officer to plan the key lines of enquiry, questions and possible outcomes for each item, which may include considering possible draft conclusions and recommendations from the committee.

### Scrutiny Planning Meetings

- 5.2. Before the start of each formal meeting, an informal meeting of the committee may also be held to organise the key questions and possible outcomes for each item.
- 5.3. The agenda for the informal pre-meetings should include:
- Introduction by the Chairman (setting out the purpose of the meeting)

- Briefing on the Meeting Plan – including main agenda items, key witnesses for each item, proposed agenda timetable etc
- Key Questions in Committee – prioritisation, rationalisation and allocation of questions for each agenda item.
- Possible Outcomes – including key consultation and scrutiny recommendations. Key questions need to be included for these to ensure that they are evidence based.

- 5.4. These informal meetings can be important to making the scrutiny process effective, as they provide an opportunity for members of the committee to get organised in considering the key information they need to find out, organising their questions for the main meeting and considering possible outcomes from the meeting, such as proposed key conclusions and recommendations. Attendance and participation in these meetings is therefore highly encouraged.
- 5.5. There should be a clear rationale and agenda for the pre-meetings so that it is clear to members what the meetings are for. The meeting also provide an important opportunity for the Chairman and scrutiny officers to discuss the approaches, meeting plan and outcomes with the members of the committee.
- 5.6. These meetings should pay particular attention to the possible key conclusions, observations and recommendations to the Executive which may arise in the main meeting. It can be very challenging to develop appropriate conclusions and scrutiny recommendations in the formal meeting, so this is an important opportunity to consider how these might be framed and worded.
- 5.7. Scrutiny recommendations should be clearly addressed to the relevant decision maker (eg the Executive), and SMART (specific measurable, achievable, realistic and time based). They also need to be clearly linked to evidence received in the report and in questions, so links back to planning the key questions. This usually requires some consideration and forethought.

“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.”

Statutory Scrutiny Guidance 2024

### Scrutiny Briefing Plans

- 5.8. Ahead of each meeting, the scrutiny officer will normally provide a short briefing on the meeting, including the expected participants, the items being considered, along with any suggested considerations for the committee. The scrutiny officer will normally provide a specific briefing for the Chair of the committee to provide additional guidance on the main stages and directives from the chair.
- 5.9. The scrutiny officer may also provide advice on suggested key lines of enquiry and suggested questions to witnesses, which may discussed in committee.

## **6. Options and Approaches for Scrutiny Reviews**

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

- 6.1. 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 - 'Spotlight Review'***

- 6.2. 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.

### ***A Scrutiny Working Group - 'light touch' review (eg two or three meetings)***

- 6.3. 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.

### ***A Scrutiny Working Group - longer-term - 'full length' review***

- 6.4. Multiple meetings spread over a number of months. This is most 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.

## **7. Scrutiny Working Groups**

- 7.1. Working groups involve a small number of councillors looking at an issue in greater 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.
- 7.2. For this reason each review starts with the completion of a scoping template (see appendix 3) which outlines the key lines of enquiry,, outcomes and constraints, time-scale, key sources of information and principal witnesses.
- 7.3. 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.

- 7.4. Councillor questioning skills are a significant element of scrutiny and the quality of the questions is instrumental to achieving clear outcomes and strong recommendations.
- 7.5. A short report on the scrutiny inquiry undertaken, its findings, key witnesses and evidence considered and scrutiny recommendations (and the evidence to substantiate those recommendations) is referred to the OSC for ratification and agreement and then published.. 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.

## **8. 'Call In' of Executive Decisions**

- 8.1. The Local Government Act 2000 allows Overview and Scrutiny Committees to Call In any Executive Key Decision for review (these are Key Decisions taken by the Executive or a key decision made by officers, but not yet implemented).
- 8.2. Unless it meets exemption criteria (detailed in paragraph 13.1 of Part 4a the Constitution), any Executive or officer Key Decision can be called in by noon within four 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 review.
- 8.3. 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.
- 8.4. One of the councillors who submitted the Call In notice are expected to address the committee and, for Key Decisions made by Executive, the relevant Executive Member will respond on behalf of the Executive.
- 8.5. Having reviewed the decision, OSC can:
  - a) Let the decision stand (take no further action).
  - b) Refer the decision back to the Executive or officer (as the case may be) for re-consideration, stating its concerns and the decision that the Committee wish the decision taker to make.
  - c) Determine if the reviewed decision is contrary to the policy framework or to the budget; and in which case refer the matter to Full Council for consideration. Decisions referred for further consideration remain suspended until redetermined.
- 8.6. Call In should not be used on a subject that has previously been considered by OSC.
- 8.7. *Sections 13 to 17 of the OSC Constitution give more detailed information and guidance on the call-in process at Cherwell.*

## **9. Access to Information and Reports**

- 9.1. 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. This need is recognised in law, with members of scrutiny committees enjoying powers to access information<sup>1</sup>
- 9.2. Scrutiny committees normally access information through requesting officer reports to committee for items on the agenda and may also request information at a meeting of the committee.
- 9.3. Where the committee makes requests for information in committee, this is normally made available to all members of the committee thereafter. This should be done before or at the next meeting of the committee.

### **Report Requests**

- 9.4. There is a general expectation that officers will provide a written report for items on a scrutiny committee agenda. There is a standard format for this, which should provide the main information pertinent to the matter under consideration. Scrutiny members should expect this standard report be made available to the committee and not simply a PowerPoint presentation slides.
- 9.5. The general expectation is that reports will be made available to a committee upon request with a reasonable notice period, sometimes at relatively short notice. However, scrutiny members should also be aware of the time it can take to prepare a formal report and also the Council's operational report clearance processes and make report request in good time to allow for this.
- 9.6. The report also needs to be available at least five "clear days" ahead of the meeting as a minimum to meet the statutory publication deadlines. Deadlines for reports should normally be provided with the report requests. The deadline for final reports will usually be at least ten days ahead of a meeting to allow time for compilation and publication within the statutory deadlines.
- 9.7. As far as practicable, five to six weeks before a meeting of the committee, a report request is submitted by the scrutiny officer to the relevant department, which provides a still brief but more detailed scope of the topic and the key information to be addressed in the report. This is normally drawn up by the scrutiny officer in consultation with the Chairman of the committee.
- 9.8. This should be used by the department to guide the preparation of any requested reports to the committee.

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<sup>1</sup> Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, 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. ↪ [The Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#)

- 9.9. The report requests should include the subject for consideration, the purpose of the inquiry, the key lines of enquiry being addressed, the relevant Executive Member and directorate, any external witnesses anticipated and the deadline date for submission of any papers for publication with the agenda, (which must be at least 5 “clear days” before the meeting). Normally, a draft copy of the report will be requested for at a week before the final report deadline to allow the Chairperson of the scrutiny committee to review the draft report.

#### Scrutiny Agenda Publication

- 9.10. Scrutiny agendas and papers must be published five clear days in advance of the meeting and are published on the Council website.

### **10. Questions in Committee**

- 10.1. Members of scrutiny committees will put questions to witnesses in committee, including to Executive Members, council officers and external witnesses. Putting the right questions in a scrutiny committee can be key to ensuring that the scrutiny process is effective in obtaining evidence in support of scrutiny recommendations and in providing focused accountability. Scrutiny Members need to be careful however that questions are focused and strategic towards the objectives of the scrutiny inquiry being undertaken.
- 10.2. Broadly, the purpose of questions in committee is either:
- To hold the executive to account,
  - To better understand the area under consideration,
  - To seek information to inform the development of any proposals (scrutiny recommendations) or conclusions drawn from the matter under consideration.
- 10.3. Questions from the committee may be put in committee without any advance notice and answered in committee.
- 10.4. Questions from members of the committee may be sent to the scrutiny officer or collated ahead of the meeting, and with the permission of the members of the committee, submitted to the department, may provide for a more considered or extensive answers in committee, but such questions are still to be put and answered at the meeting, along with any supplementary information made available in response.

### **11. Scrutiny Reports and Recommendations**

- 11.1. The main statutory role of scrutiny committees is the power to make reports and recommendations to the Executive. Scrutiny recommendations may be made in committee to the Executive or other local decision makers. The Executive has a statutory duty to respond to scrutiny reports and recommendations made.
- 11.2. Scrutiny reports and recommendations may be drawn up in advance, with the advice and support of a scrutiny officer, sometimes through a Scrutiny Working Group. Scrutiny reports and recommendations are agreed by resolution of the committee in committee.

- 11.3. The resolutions of the committee should be put to the committee verbatim by the Chair (or through the clerk or scrutiny officer in assisting the Chair), or tabled in written form (such on an officer report with officer recommendations). Such proposed resolutions may then be debated and amended before being resolved upon. Scrutiny recommendations may also include those made in scrutiny reports agreed in committee (e.g. through Scrutiny Working Groups).
- 11.4. Consideration should be given before and during the meeting as to how scrutiny recommendations should be worded so that they are worded in the most meaningful and effective way. The wording of scrutiny recommendations should be framed in such a way as to provide possible executive decisions if agreed by the Cabinet (or other decision maker).
- 11.5. As far as possible, scrutiny recommendations should be SMART – Strategic, Specific, Measurable, Achievable and Time-based.
- 11.6. What is the best way to make sure our recommendations are implemented?
- 11.7. A scrutiny inquiry will conclude by making recommendations to decision-making bodies, such as the Council's Executive.
- 11.8. The following tips can help ensure that scrutiny recommendations are implemented:
- Recommendations that are specific, strategic, substantive, achievable and few in number.
  - Recommendations based on logical argument drawing on evidence.
  - Ensure those responsible for implementing recommendations are asked about what the feasibility of proposed recommendations and can suggest modifications in evidence if that is going to make it more likely that the recommendation will be implemented.
  - Recommendations will be drawn up 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 should then be monitored.

## **12. The Executive Response**

- 12.1. Once a scrutiny committee has resolved to make a report and/or recommendations to the Executive, the scrutiny report and/or recommendations are referred to the Executive (or other decision maker) for an Executive Response.
- 12.2. The Scrutiny Officer will prepare an officer cover report to the Executive or Executive Member (as appropriate) to present the scrutiny report or recommendations and once this is authorised for publication by the Monitoring Officer, will be placed upon the agenda of the Executive. This serves as the formal notice to the Executive of a scrutiny report or recommendations. This notice must require the Executive to respond within two months of receiving the report notice.

- 12.3. Where a scrutiny report or recommendations are referred to the Executive, at the relevant meeting of the Executive, the Chairman of the OSC relevant Scrutiny Working Group will be permitted, at the discretion of the Chairman of Executive (the Leader), to briefly address Executive to provide a brief oral summary report on the key findings and scrutiny reports and recommendations being made, requesting an Executive Response to any reports and recommendations made.
- 12.4. It is a statutory duty of the Executive to respond a scrutiny committee:
- (a) to consider the report or recommendations,
  - (b) to respond to the scrutiny committee indicating what (if any) action the authority, or the executive, proposes to take,
  - (c) if the overview and scrutiny committee has published the report or recommendations, to publish the response.

<http://www.legislation.gov.uk/ukpga/2000/22/section/9FE>

- 12.5. The Executive Response is made at a formal meeting of Executive (or other decision making body), by formal resolution.
- 12.6. The draft Executive Response should be drawn up in advance by the relevant department, in consultation with the relevant decision maker. The Executive Response should provide clear executive decisions for each scrutiny recommendation.
- 12.7. The Executive Response should be drafted in such a way as to provide clarity on whether the scrutiny recommendation is agreed or rejected, or if an alternative course will be agreed, the relevant portfolio holder (Executive member), the implementing department and when the agreed actions and decisions will be implemented.
- 12.8. The Executive must respond **within two months** beginning with the date on which it received the notice of the scrutiny report or recommendations.

### **13. Scrutiny Review of Implementation**

#### **13.1. *How are recommendations monitored?***

- 13.2. Six months after the OSC has made recommendations to the Executive, progress on the implementation of those recommendations should 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
- 13.3. OSC should evaluate and assess the impact of their previous recommendations, referring back to the initial scoping document and compiling a brief evaluation summary for publication.

## **14. Scrutiny Co-optees**

- 14.1. 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 co-optees to task and finish scrutiny working groups that are established for specific reviews.
- 14.2. Once a scrutiny working group has decided to co-opt members, Expressions of Interest to join the working group may be sought from the desired background, included other non-executive Members of the Council, external organisations, experts in the field, service users.
- 14.3. In considering co-option of people outside of the Council and external organisations particular care should be given to consider appropriate persons, mindful of the fact that people and organisations may have particular political and personal interests in an issue. Elected Members and external cooptees need to bring an objective and independent mindset to the scrutiny process, along with their knowledge and expertise.
- 14.4. In seeking Expressions of Interest the following details need to be defined and communicated to people who may be interested, the following steps may be followed:
  - 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, eg. via a CV and covering letter, email or application form
  - the deadline for applications/expressions of interest.
- 14.5. In identifying Expressions of Interest from external people and organisations, an advertisement of the co-option opportunity may be sent out to relevant agencies and advertised through Council media and other available media, providing the details of the role and scrutiny inquiry.
- 14.6. Members of the scrutiny working group may 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.
- 14.7. The Scrutiny Working Group will reserve the right to not appoint any co-optees following interview.
- 14.8. Any appointments made will be for a specified time period, likely to coincide with the estimated timeframe for the scrutiny inquiry.

- 14.9. Once the recruitment process has completed, meetings of the scrutiny working group will take place in line with the process detailed at paragraph 6.6 of the Constitution.

## **15. Scrutiny Training and Development**

- 15.1. The Statutory Scrutiny Guidance 2024 says that Local 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 and that 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.
- 15.2. Cherwell District Council draws up an annual programme of scrutiny training and development for members and officers, including training and development for new members of the a scrutiny committee, training and development for all members of the OSC and scrutiny working groups, scrutiny training for all members of the Council, including Members of the Executive, training for council officers involved with Overview and Scrutiny.

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

- 16.1. The Monitoring Officer and Democratic and Elections Team will periodically review this guide with the Chairman and Vice Chairman, gathering feedback from OSC as required, to ensure it remains up-to-date and appropriate.
- 16.2. 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.
- 16.3. *This guidance should be read in conjunction with the [Cherwell District Council Constitution](#)<sup>2</sup> and the [Statutory Scrutiny Guidance](#)<sup>3</sup> issued by the Ministry of Housing, Communities & Local Government.*

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<sup>2</sup> The Cherwell District Council Constitution  
<https://modgov.cherwell.gov.uk/ieListDocuments.aspx?CId=531&MIId=3982&Ver=4&Info=1>  
(Accessed 11 February 2025).

<sup>3</sup> Statutory guidance - Overview and scrutiny: statutory guidance for councils, combined authorities and combined county authorities, Ministry of Housing, Communities and Local Government  
Published 22 April 2024

## **Appendix 1**

### **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.
- Direct the management of meetings in accordance with the Council Procedure Rules, impartially and objectively and considering advice from the committee staff and Monitoring Officer.
- 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 Chairman's responsibilities and act as supportive 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.

## **Appendix 1**

### **OSC Committee Members**

OSC Committee members are expected to:

- Engage and participate in the development of an effective work programme during work programme planning sessions.
- Engage with all stages of the scrutiny process, including informal briefings and work planning meetings
- Consider issues in a non-party political and impartial manner.
- Participate in scrutiny working groups established by the OSC.
- Analyse and if necessary challenge information presented to the Committee.
- Read agendas in advance of meetings and submit questions to officers in advance, to assist them with their pre-meeting preparation.
- Propose and consider observations and 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.

### **Scrutiny Working Group Members**

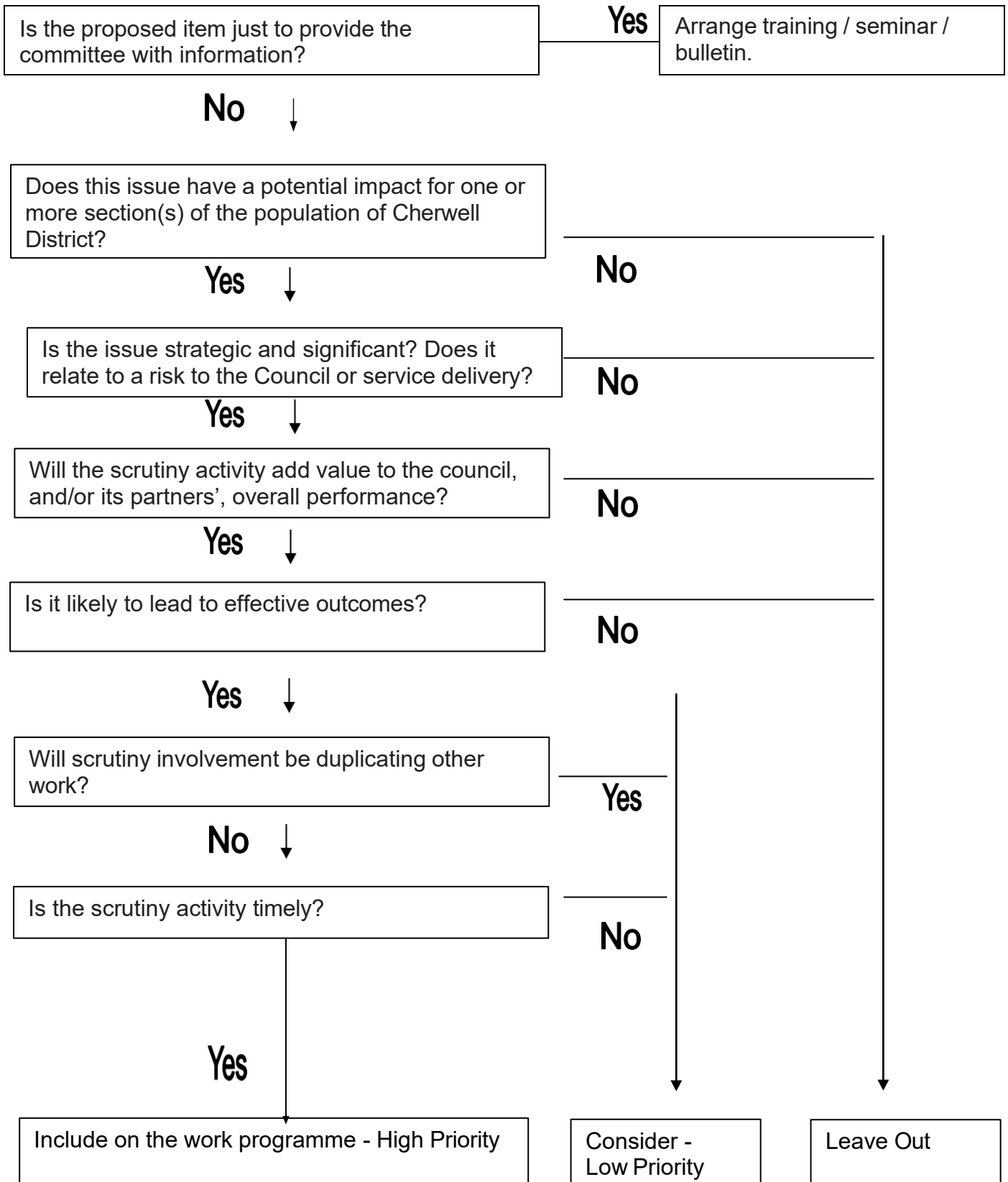
If OSC decide to establish a working group to review a particular subject, any non-executive Member from across the Council can be appointed to sit on that group.

Executive Members are not allowed to sit on OSC or scrutiny working groups and may not vote on scrutiny recommendations, however they can contribute to reviews in their capacity as Portfolio Holders and provide useful background information.

If appointed to a scrutiny 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.

## Criteria for selecting scrutiny topics





## TOPIC Review Group Scoping Document

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>                                      |

### Appendix 3

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

**Approved by Overview & Scrutiny Committee**

**Date:**

### 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 – |
|             |