



Horsham
District
Council

Scrutiny Guide: Overview and Scrutiny Committee

For councillors, officers and members of the public



August 2017

Please note that this Guide is a working document and is regularly updated. To ensure you have the latest version, please download a copy from Horsham District Council's online library:
<http://horsham.moderngov.co.uk/ecCatDisplay.aspx>

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This guide provides Councillors, Officers and Members of the Public with an outline of the function and processes of Overview and Scrutiny in Horsham District Council. It sets out to answer: **what** Overview and Scrutiny is; **where** it fits into the overall Council process; **why** it exists; **who** is, or can be involved; and **how** it works. It also deals with the **when**, by setting out the current work programme of the Committee.

What is Overview and Scrutiny?

The Overview & Scrutiny (O&S) process provides the Council with its own 'watchdog' or 'critical friend'. O&S is a common sense approach to reviewing decisions and policies and considering whether they are appropriate for the district. Therefore, its principal purpose is to improve decision-making. The O&S Committee does this by:

- Reviewing and developing policy recommendations for the Executive's consideration
- Providing a means to review the Council's own achievements against its planned targets
- Setting out to influence Council/Cabinet decisions and policies where appropriate
- Playing a part in the Community leadership role of the Council i.e. by reviewing services provided by other organisations on issues that affect the public and by calling individuals/organisations to account
- Contributing to democracy by stimulating public engagement

Scrutiny should not be a confrontational or divisive process, its aim is not to apportion blame; rather it should enable Members (and officers) to be inquisitive, to increase understanding of community issues, and to seek to understand the causes of poor performance so as to be able to identify ways of improving. It is intended to complement and add value to the work of the Cabinet which is charged with making day-to-day decisions - *The Centre for Public Scrutiny, The Good Scrutiny Guide*

What Scrutiny cannot do.....

- Make policy decisions
- Review individual planning, licensing, housing or grant decisions
- Veto decisions of the Council, Cabinet, Committees or Officers
- Commit the Council to Expenditure

Where does Scrutiny fit into the Council's political arrangement?

The Council at Horsham District Council is made up of 44 Councillors (or Members), elected by the public to represent them. The Council agrees the Policy Framework and the Budget of the Council, including the Council Tax.

The Council also appoints the Cabinet, which consists of a Leader and up to nine other Councillors known as Cabinet Members, Executive Members or Portfolio Holders. The Cabinet must take decisions within the Council's Policy Framework and Budget.

As it is Council that has overall responsibility for the Policy Framework and the Budget, both Cabinet and the Overview and Scrutiny Committee must make recommendations to Council if they seek to amend or adopt the Framework or the Budget.

The Overview and Scrutiny Committee may make recommendations to Cabinet for any functions which are Cabinet's responsibility. The Committee may also examine any issues which are being considered, or have been considered, by Cabinet in order to make recommendations on how future developments should progress. Cabinet may accept recommendations and amend policy accordingly. It must provide reasons for those recommendations it does not accept.

Overview and Scrutiny may also “**call in**” decisions of Cabinet, where a decision taken by Cabinet is investigated to determine whether the process of making the decision was valid and the validity of the decision itself. Call-in must take place before implementation. (For further information on the call in procedure please refer to the Council's constitution, Part 4C 14).

It is important that Scrutiny monitors the work of the rest of the Council to ensure that it is working within the overall scheme of the Council and not at odds with it. Reviews must have a clear purpose and must balance the need to scrutinise with the need to improve service delivery throughout the Council as a whole.

The Scrutiny structure:

The structure of the Overview and Scrutiny Committee underwent review by an evaluation project group of Councillors in the spring of 2017. After consultation and approval by the Committee, a new model was agreed which consists of one main parent committee which commissions work to Task and Finish groups on demand, which was considered a more flexible and responsive approach.

COUNCIL Functions:

- Adopting and Changing the Constitution
- Adopting the Policy Framework* and Budget
- Appointing the Leader and Cabinet Members
- Agreeing/Amending terms of reference, composition, membership of Committees
- Changing the name of the area
- Adopting Members' allowances scheme
- Confirming the appointment of the Chief Executive
- Licensing and planning decisions
- Personnel matters
- Other functions in relation to by-laws and local legislation

Any other functions are allocated to the Cabinet

* The Policy Framework means

- Plans and Strategies which together comprise the Development Plan.
- Crime and Disorder Reduction Strategy.
- Council's Corporate Plan.
- Statement of Licensing Policy.
- The Council's Housing Strategy.
- Any plan or strategy required by law to be sent to a Minister of the Crown for approval

The **Council** has final say for these functions. Both **Cabinet** and the **Overview and Scrutiny Committee** must make recommendations to Council if they seek to adopt or amend any of these function.

CABINET makes decisions within Council's Policy Framework and Budget

The **Overview and Scrutiny Committee** may challenge and make recommendations to Cabinet for any future decisions it may make or once decisions have been taken by Cabinet through the process of "call in". Ultimately the **Cabinet** has the final say for those decisions under its responsibility.

Recommendations

OVERVIEW & SCRUTINY COMMITTEE

Planning Committee North/South

Governance Committee

Standards Committee

Licensing Committee

Why does Overview and Scrutiny exist?

O&S is a result of the Government's "modernisation programme" which began in 2000. The aim of this programme was to speed up and focus decision-making within councils. Before 2000 major decisions had been taken by full Council, or by committee, which at Horsham District Council involved all 44 Councillors. This often made decision-making a slow process. Furthermore, under the old structure, responsibility for particular decisions was often unclear.

The current Cabinet system has improved process and provided a clear line of responsibility for many decisions taken. It has, however, also had the potential to lead to criticisms of the power being held in the hands of a few. O&S was introduced as part of the amendments in 2000 in order to prevent or allay such criticisms.

Aims of O&S:

- To assist the Cabinet and the Council on all issues including the **development of new policies** and the **review of existing policies and services** and make appropriate recommendations

In practice this means: The policy development and review role may be carried out at the request of Council or Cabinet, at the Committee's own request, or as a result of public pressure. The Overview and Scrutiny Committee would then present recommendations of policy changes to Council.

- To assist the Council in the **development of its budget and policy framework**
- To enhance **Councillor and public involvement** in the Scrutiny process
- To undertake **research** in the community and carry out other **consultation** in the analysis of policy and service delivery

In practice this means: The Committee may also carry out **external Scrutiny**, scrutinising community issues which involve the work of other public bodies, for example the NHS and the police force

- To review and scrutinise decisions made by Cabinet (**internal Scrutiny**)
- To **improve future performance** and achieve **best value**
- To check whether desired **results are being achieved**
- To enhance accountability by **demonstrating successes and highlighting problems**

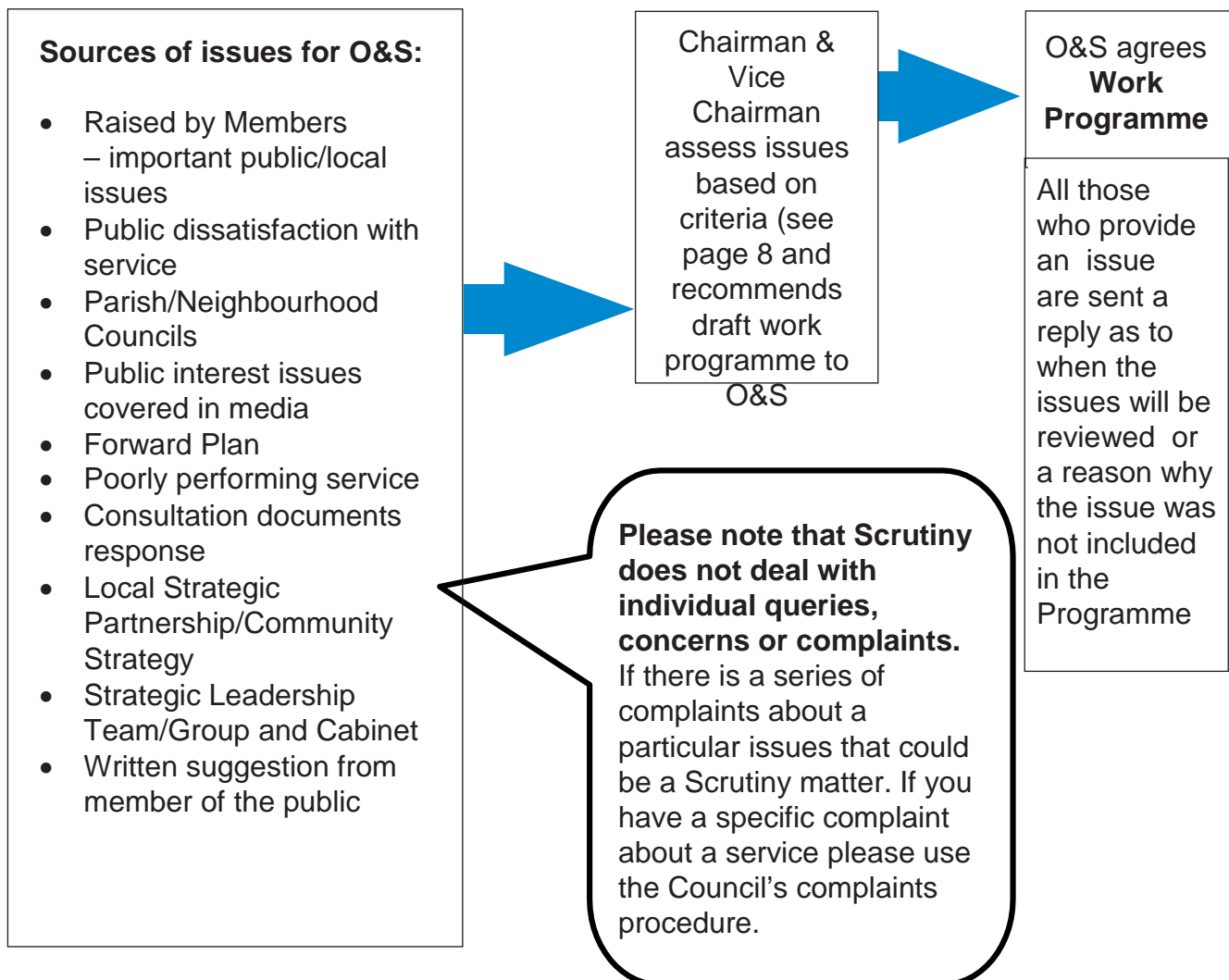
Who is, or can be involved?

Horsham District Council has just one Overview and Scrutiny Committee which consists of fifteen non-Cabinet Members. This “parent” Committee may have up to a maximum of three ad hoc Task and Finish groups at any one time. Any non-Cabinet Member may sit on the Task and Finish groups. The O&S Committee reflects the political balance of the Council. The Chairman of the O&S Committee selects Members for the Task and Finish groups based upon the interests, experience and skills (as recorded in an annual skills and interests audit). Members of the public, experts and representatives from other bodies may be co-opted onto a Task and Finish group.

How does Overview and Scrutiny Work?

Stage 1: Gathering Issues for the Work Programme

This outlines the preliminary process of setting the Work Programme. It is important that the Programme is balanced (between external and internal reviews) and flexible so that issues can be added as and when they arise. Issues can be added throughout the year.



Potential criteria for selecting items

- Issues identified by Member as key issue for public
- Service ranked as important by Council's community (e.g. through surveys)
- Pattern of budgetary overspends
- Public interest issue covered in media
- Council corporate priority area
- Key report or new guidance provided by external organisations on key issue
- Central government priority area
- New government guidance or legislation
- Poor performing service (evident from performance indicators/ benchmarking)
- High level of budgetary commitment to the service/policy area
- High level of user/general public dissatisfaction with service (e.g. through surveys/complaints /ombudsman)
- Annual Monitoring Report

Potential criteria for rejecting items

- Issue being appropriately resolved by another internal body
- Issue being examined by an officer group: changes imminent and scrutiny would be premature
- New legislation or guidance expected within the next year and scrutiny would be premature
- Issue being appropriately resolved by an external body
- Issue is an individual, specific complaint

A checklist form is available.

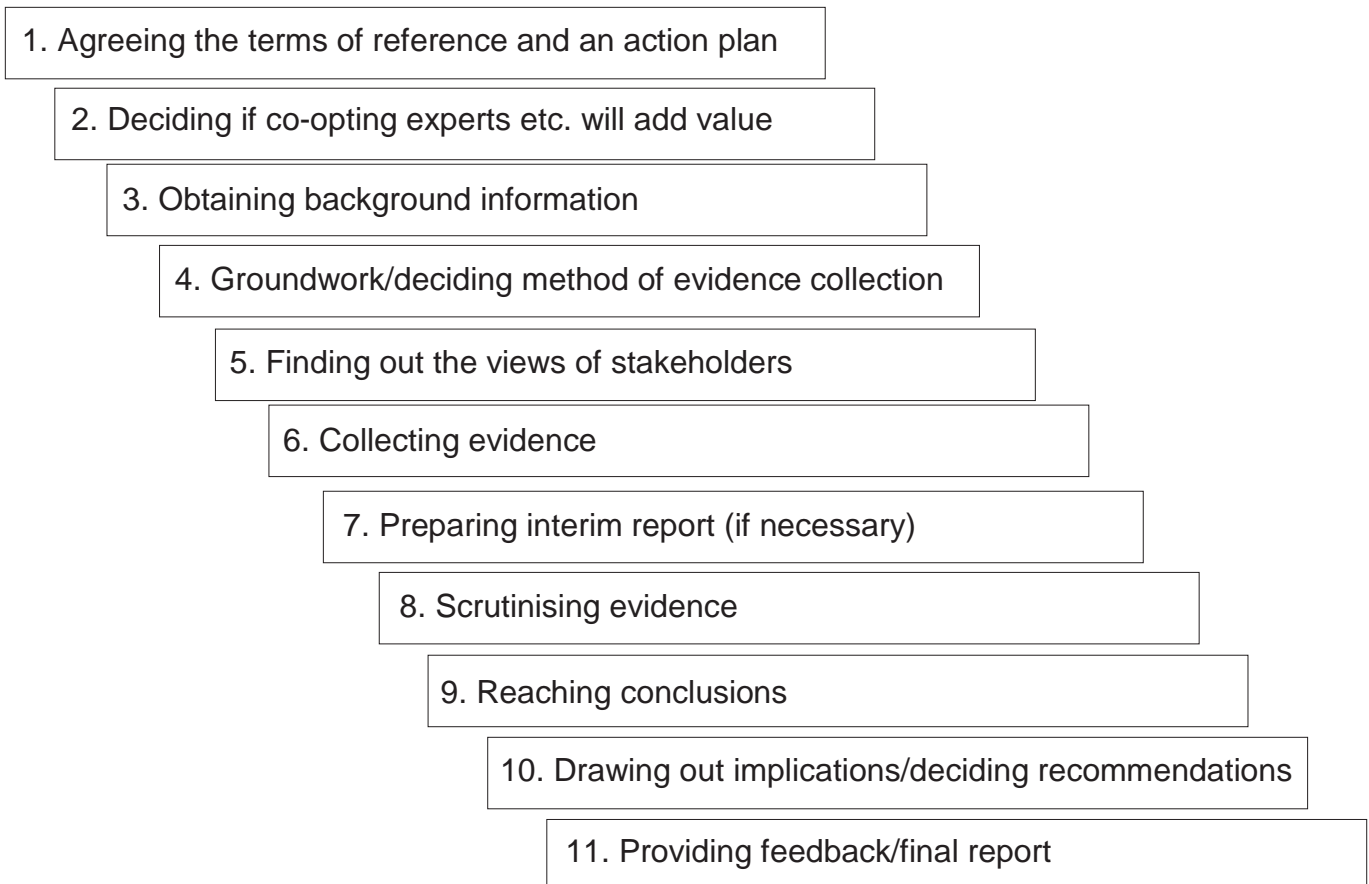
In setting the Work Programme, the nature of the investigation required will be determined. There are different **types of investigation**:

- **Task and Finish Group investigation:** These can be for internal reviews i.e. of service delivery or improving efficiency, or external reviews that might require questioning of witnesses, questionnaires, site visits and co-option or consultation of partners, stakeholders or experts. The timescales of any review will be agreed by the full Committee based on the complexity of the review.
- **A full Committee investigation:** These are generally carried out in seminar form, and the issue is considered at that seminar.

Stage 2: The Task and Finish Group Investigation

At the beginning of a Task and Finish group review, the members of the group will be asked to consider the following elements when scoping the review: concerns raised, suggested terms of reference, objectives and suggested timetable.

The Task and Finish group should then follow the **steps** below:



The **information to be gathered** should include the following:

Officers to supply:

- Existing Policies & Practices
- Recent Committee reports/decisions
- Legislative requirements
- Community Plan targets
- Limitations on performance (e.g. budget, staff, space)

- User satisfaction survey results
- Complaints
- Other information as requested

Task and Finish groups set up by the O&S Committee may not be public meetings; however, the work produced by these groups will be presented at O&S Committee Meetings. Exclusion of access by the Public and Press to any meetings may still occur as set out in Part 4g of Horsham District Council's Constitution.

Public Consultation

Members of the public can be invited to give evidence as a witness. There must be clear evidence that, in each case, public consultation will add value.

Public consultation may be through **written evidence** or by asking people to **attend a meeting** to discuss concerns, problems or solutions. If asked to respond in writing reasonable time will be allowed to provide a considered response. If called for an interview at least one week's notice will be given.

Witnesses will be provided with the terms of reference and objectives of the review and with a briefing note. The briefing note will contain details of what is/will be expected of witnesses and what they can expect from the meeting.

All those who respond and provide information for the review will receive feedback in the form of the final report of the Group.

Alternatively, members of the public may **speak at an O&S Committee Meeting**. Notice must be given to Democratic Services (contact details are on page 13) by 12pm on the last but one working day before the day of the meeting.

Stage 3: Reporting

The notes of meetings of the Task and Finish groups are reported in each O&S Committee meeting. For all reviews carried out by Task and Finish groups:

Where it is considered necessary, a Task and Finish group will submit **Interim Reports** to the O&S Committee. This is intended to keep the O&S Committee, officers and others informed of the Task and Finish group's work, to keep them up-to-date and to allow them to make suggestions to the group before the work is completed. The report should include:

- Terms of Reference
- Objectives
- Summary of Information Gathered
- Initial Conclusions
- Action Plan
- Recommendations

When the Task and Finish group has completed its work it will submit a **Final Report** to the O&S Committee. The relevant Cabinet Member will be asked to a meeting where a draft Final Report will be discussed with them. Officers involved in the review and Strategic Leadership Team have a chance to comment on the report before it goes to O&S Committee. The report might include:

- Summary of Interim Report & Action Plan
- Summary of Work Completed Since Then
- Work Outstanding (if any)
- Conclusions
- Recommendations

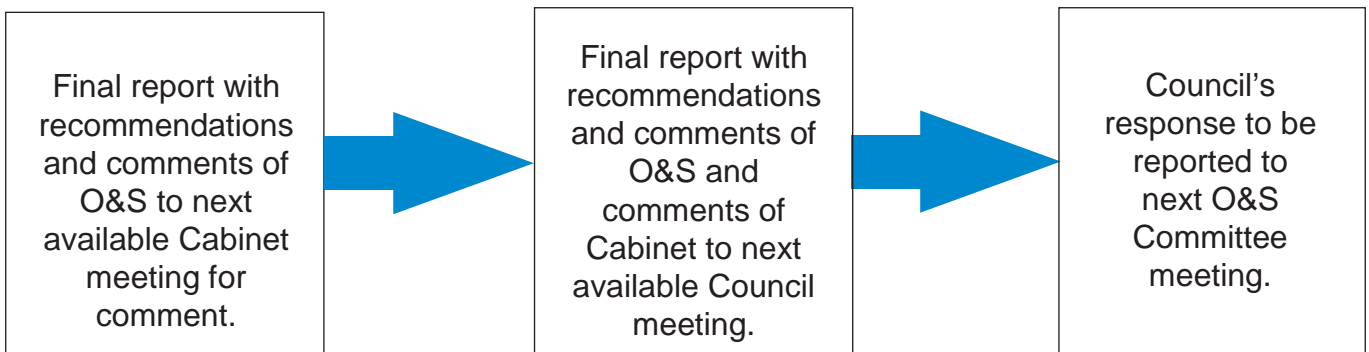
Templates of these reports are available

Cabinet/Council Feedback to Scrutiny

Recommendations affecting an area of Cabinet's responsibility:



Recommendations affecting an area of Council's responsibility:



The response from both Cabinet and Council should include a list of recommendations which they accept, those which they accept in principle but with alternative resolution or statement as to how and when the issue will be dealt with and those which they refuse with reasons given for that refusal.

Stage 4: Monitoring

Recommendations of Task and Finish Groups:

The Committee must monitor the actions taken in light of the recommendations to the Cabinet and Council. A general action plan is kept to note the progress of any recommendations and this is noted as a standard item on the agenda of the Committee.

A detailed **action plan** of Task and Finish Group recommendations is kept up-to-date by the Scrutiny Team and the progress monitored. Eventually the original Members of the Group will decide whether the recommendations have been achieved to a satisfactory degree. At this stage a **closing off report** will be sent to the O&S Committee for comment and/or signing off. In the case of larger review this might include results of a **satisfaction survey** filled in by all those involved which is aimed to develop and improve future Scrutiny reviews.

It is important to remember that success of Scrutiny must not just be measured by the number of policy recommendations from Scrutiny accepted by the executive. An important factor of 'holding to account' is the fact that it takes place, whether or not it influences the Executive to change its mind. Thus, in terms of 'democratic renewal', Scrutiny can be regarded as effective if it stimulates an informed public debate about an issue, whatever the outcome - *The Centre for Public Scrutiny, Practice, Progress and Potential.*

Measuring Success:

It is also important to ensure that there are clear measures, to assess the success of Overview and Scrutiny at the end of each year. A range of measures can be used to monitor this. In relation to the Committee, these *might* include number of members of the public attending Committee meetings, percentage of items on the work programme suggested by the public, and percentage of meetings attended by Members at which they were required.

Annual Review:

At the end of every Council year an annual review of Scrutiny is carried out. This assesses the work of Scrutiny throughout the previous year, highlights future expectations and summarises possible areas of improvement. This is presented at a meeting of full Council by the Chairman of the Overview and Scrutiny Committee.

O&S Evaluation Criteria

Proposals received by O&S are likely to be scrutinised as summarised below:

1. Maintenance Programmes:

The programme is a) to be **optimised** against the consequences of **not** doing, or of delaying work, b) to be supported by a maintenance **strategy**, which prioritises assets according to their importance & risk, which c) is to have considered **JIT** options and d) is to evaluate resource options.

2. Capital Projects:

To demonstrate a) identifiable benefits, e.g. through reduced operational, maintenance or replacement costs, or reduction in risk, b) with benefits to significant sections of the community, c) that **alternative** options have been evaluated and d) that the impact on **running costs** has been factored into the Revenue budget, including those of PCs or CCs.

3. Environmental Impact & Sustainability

To identify specific benefits such as impacts a) on carbon footprint, b) on other environmental assets, such as the countryside or c) on the health or well being of the population.

4. Section 106 Funding:

As above, plus a) compliance with S106 procedures, b) including evidence that the Scheme will predominantly benefit the community in which the funding has arisen and c) that there has been constructive liaison with PCs & their Action Plans.

5. Statutory Need:

To demonstrate a) that the proposed scope involves no more than the legal minimum, b) has **not** been gold plated and c) that alternative pragmatic solutions **have** been evaluated.

OVERVIEW & SCRUTINY WORK PROGRAMME AND REPORTS

For copies of all the individual Task and Finish group reports and the annual reports of the Committee, please use the following link to a list of Overview and Scrutiny pages on the Council's website:

<http://horsham.moderngov.co.uk/mgListCommittees.aspx>

For the latest Overview and Scrutiny Work Programme please use the following link:

<http://horsham.moderngov.co.uk/ecCatDisplay.aspx>

The work programme is located in Overview and Scrutiny/Overview and Scrutiny Guides and Forms.

Contact Details

Democratic Services Team

Tel: 01403 215465

E-mail: committeeservices@horsham.gov.uk

Bibliography:

- The Centre for Public Scrutiny, *The Good Scrutiny Guide*
- The Centre for Public Scrutiny, *Practice, Progress and Potential*.

Both publications are available on the following website: www.cfps.org.uk

Appendix 1 - Guidance for Councillors for Work Programme Suggestions

<p>Proposed scope / focus of review <i>Identify precisely what will be reviewed to provide focus and direction.</i></p>
<p>Your rationale for selection <i>What are the reasons for reviewing the topic and the key issues? Are they good ones which will stand up to Scrutiny themselves?</i></p> <p><i>e.g. Is the issue important to local people? What is the strength of Member interest? What is the possible impact of a review – is there the potential to make a difference? The focus must be on improving services, performance, policies or decisions for residents and/or significant savings. The Committee needs to be sure that the reviews do not tie up officers on work which has little impact.</i></p>
<p>Evidence <i>What are the issues / facts which will support the need for a review? e.g. Is there any evidence of dissatisfaction with the service or under performance?</i></p>
<p>Desired outcomes/objectives <i>What are the outcomes the review is seeking or expected to achieve and how will it benefit or impact on the local community? Again, the Committee needs to be sure that the reviews do not tie up officers on work which has little impact. e.g. Will the outcomes assist in achieving corporate priorities? If so, which ones?</i></p>
<p>Other comments <i>Any other information, proposals or queries. e.g. How will the subject be reviewed and is this achievable by the resources available? The Committee needs to be aware of any impact on the ability of officers to deliver services especially small teams where there is likely to be a disproportionate impact. What sort of timescale is involved? Need to check what else has happened, is happening or is planned in the areas being considered in order to avoid duplication or wasted effort (i.e. have regard to the wider programmes of reviews recently completed, being undertaken or programmed e.g. Best Value Reviews, Service Review Investigations and Corporate Projects etc.). Are there other, more suitable, ways of investigating or picking up the issues?</i></p>

Appendix 2 - Work Programme Suggestion Form

Please return this form to:

Ref: 11/PUB

**Democratic Services
Horsham District Council
Park North, North Street
Horsham, RH12 1RL**

Your Name:

Contact Number:

Proposed Scope/focus of review:

Your rationale for selection:

Evidence:

Desired outcomes/objectives/possible terms of reference:

Other comments:

Would you be interested in being a co-opted member? Yes / No *

Would you be interested in providing evidence to the Group? Yes / No *

*Please delete as applicable

What timescale do you perceive to be necessary for this review?

Urgent

Within six months

Within 6-12 months