



Guide to Scrutiny



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Information Sheets

The following information sheets are available to download from www.eastbourne.gov.uk/scrutiny

- 1. Scoping a Review**
- 2. Conducting a Review**
- 3. Request for a Review (Councillor)**
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Foreword

This Guide to Scrutiny in Eastbourne aims to provide practical guidance to everyone involved with Scrutiny including;

- Councillors
- Members of the public
- Officers
- Witnesses

"The Scrutiny Committee has an important role to play in Council business by ensuring that policy decisions by the Cabinet and the functions of the Council are closely monitored.

It is the eyes and ears of the residents making sure that policy decisions are genuinely made on their behalf. In that respect the Committee may hold hearings and investigate any matters relating to the delivery of Council services.

Its annual programme includes three reviews of different sections of Council services and it sets its own agenda of investigation plus receiving reports on the performance of the Council.

As Chairman I would welcome any comments on the work of the Council where you as residents believe that performance is less than might be accepted as reasonable. This could lead to the Committee setting up a review of that service in order to ensure improvement. All members of the Committee are keen to improve the process of checks and balances to Council decision making so that it is always carried out in the best interest of the residents of Eastbourne."

1. Introduction

This guide is aimed at providing valuable information to anyone involved or interested in Scrutiny. It is hoped that this guide will make it easier for Councillors and Officers to understand the scrutiny function in Eastbourne.

Many of the subjects covered are explained in more detail in the information sheets listed at the front of this guide.

We have researched a number of different local authority's methods of communicating this information and thank them for assisting us in the production of this guide.

About Scrutiny

Scrutiny is still a comparatively new function for local authorities. It has been introduced as part of the modernisation agenda for local government and the Local Government Act 2000 requires Council's to have at least one scrutiny committee.

What is Scrutiny?

There is no single definition of overview and scrutiny. It therefore should be viewed as an umbrella term covering a wide range of possible roles. However, the four key legislative roles are:

- holding the Executive to account - acting as a watchdog for Executive decision-making
- policy development and review - checking on whether existing policies are effective and helping to shape new ones
- Council performance - contributing towards the continuous improvement of Council services
- external scrutiny - reviewing or investigating matters of particular concern either within the Council or within the Community

The scrutiny role also provides new opportunities for public involvement and debate. This can support elected members in taking a community-orientated approach and brings new ideas and experience to scrutiny. Above all, the process needs to be firmly focussed both on matters of importance, and in making a difference, as this will be key to scrutiny reaching its potential and being of value to the Council and to local people.

Different Skills

This new approach differs fundamentally from the previous 'committee system' requiring new ways of working and different skills for all concerned. In particular, to work effectively, scrutiny needs to be member led.

Opportunities

The scrutiny process provides the opportunity for councillors to examine the various functions of the Council, to ask questions on how decisions have been made, to consider whether service improvements can be put in place and make recommendations to this effect. It also provides the opportunity for councillors to champion issues of local concern to residents and to participate in the development of new policy. It is quite different from the old committee style of working – the agenda is different in that members decide the areas they wish to review/challenge. Scrutiny task groups can meet in an informal atmosphere and they invite those who they believe can help with their investigations to give "evidence".

Policy Influence

Scrutiny councillors can also influence the development of new policies or review old ones to help bring them up to date. This policy development role might be carried out at the invitation of the Cabinet, on their own volition or in response to public pressure (or perhaps also as a result of a call-in request). In practical terms, whether carrying out a review of a Council decision or helping to develop council policies, the processes are very similar.

The Council's Constitution sets out the specific Terms of Reference and the functions of the Committee www.eastbourne.gov.uk/council/constitution

Benefits

The benefits of an effective Scrutiny Committee are;

- Better informed Members
- It can complement the strategic and policy setting work of Cabinet
- It provides an oversight of continuous improvement throughout the Council through monitoring performance management information.
- It creates a culture of self challenge across the Council
- It develops better relationships with partners through their involvement in Scrutiny reviews
- Encourage greater public involvement in the Council's work
- Contribute to Community Leadership across the Borough

Good practice identified by the Department for Communities and Local Government includes:

- Developing an inclusive approach, working to engage all relevant stakeholders, including partners and the public
- Working in a transparent way, where it is clear to all those involved how the process works
- Demonstrating accountability for the process and outcomes of scrutiny
- Being efficient in the work of scrutiny, responding to the needs and aspirations of the community
- Working in a deliberative way which underpins an evidence based approach to the work of scrutiny
- Demonstrating a non-partisan approach to the work of scrutiny, which places the needs and aspirations of the community above the consideration of party politics
- Strengthening the democratic process of decision-making through improving the quality of debate

They also found that the following factors support the development of effective scrutiny:

- Member leadership and engagement
- Responsive Executive
- Genuine non-partisan working
- Effective direct officer support and management of scrutiny process
- Supportive senior officer culture
- High level of awareness and understanding of scrutiny

The four principles of good public Scrutiny

The Centre for Public Scrutiny has been created to promote the Value of Scrutiny in modern and effective government. It has suggested four principles of good public Scrutiny;

- **Effective Scrutiny should be a 'critical friend' to executives, external authorities and agencies.**
- **Effective Scrutiny should reflect the voice and concerns of the public and its communities.**
- **Effective Scrutiny should take the lead and own the Scrutiny process on behalf of the public.**
- **Effective Scrutiny should make an impact on the delivery of public services.**

Further detail on the principles can be found at;
www.cfps.org.uk/improvement/index.php?GoodScrutinyGuide

2. How Scrutiny fits into Eastbourne

Eastbourne has a total of 27 Elected Members – three members per ward. All Councillors except the Mayor and members of the Cabinet may serve on the Scrutiny Committee. However, no member can be involved in scrutinising a decision for which they have been directly involved. The Scrutiny Committee has seven members and five substitutes.

At present the Scrutiny Committee is politically balanced and is chaired by a member of the opposition Group namely Councillor Marsden. The deputy chairmanship is held by a member of the controlling group namely Councillor Stanley. There are two Conservative members and five Liberal Democrat members in total.

The main role

The Scrutiny Committee's main role is to scrutinise the discharge of the Cabinet, functions of the Council and any other related functions of the authority. It also makes reports and recommendations on its findings. The Scrutiny Committee is a key mechanism for enabling councillors to represent the views of their constituents and other organisations and to ensure that these views are taken into account in policy development.

The Committee takes a cross-cutting rather than a narrow service-based view of the conduct of the Council's affairs. The Committee also considers different approaches and formats for their meetings.

The scrutiny process is different from the traditional committee approach in at least four ways:-

- Members must take a lead role and set the agenda (within limits set by the Council).
- Scrutiny Committee is not a decision-making body.
- Officers supporting the scrutiny function should be allowed to do so without constraint from the Cabinet (subject to agreed resource limits).
- The reports of the Scrutiny Committee are prepared in an entirely different way after hearing and debating written and oral evidence.

Councillors serving on the Scrutiny Committee strive to be independent. They seek consensus on outcomes whilst recognising political balance. They are constructive and not judgmental. They are open and transparent in their approach. It is one of the most effective ways in which councillors who are not on Cabinet can independently challenge and influence those making decisions

Scrutiny's approach is loosely based on the model of Select Committees at Westminster.

How does it work?

The Committee meetings are open to the public and members of the public are encouraged to take part and join in the discussion – unless confidential matters are being discussed – and are held quarterly, at the Town Hall. The meetings are advertised in advance and are published on the Council's website www.eastbourne.gov.uk/council/meetings

The Scrutiny Committee has a work programme that sets priorities for the coming year.

A copy of the Annual Programme can be found at;

www.eastbourne.gov.uk/council/scrutiny/annualprogramme

Roles and Responsibilities

A variety of people are involved in Scrutiny and they have a range of roles and responsibilities.

Scrutiny Chairman

- To provide leadership, ensuring the committee is member led, and owns its work programme
- To keep an eye on the bigger picture, reviewing the outcomes and impact of scrutiny and ensuring that it is adding value
- To keep the work of the committee on track
- To plan, prioritise and re-prioritise the committee's work
- To present a positive image of the scrutiny process
- To develop positive relationship with the Cabinet, portfolio holders and officers
- To manage conflict
- To encourage contributions and encouraging all members to be involved
- To develop a collaborative approach

Scrutiny Members

- To attend and contribute to committee meetings
- To scrutinise Council policies, executive decisions
- To collect and assess evidence to produce effective recommendations
- To act with authority, fairness, impartiality and credibility
- To promote the well-being of their communities
- To follow up lines of enquiry between Scrutiny meetings if appropriate
- To be committed to the development of Scrutiny

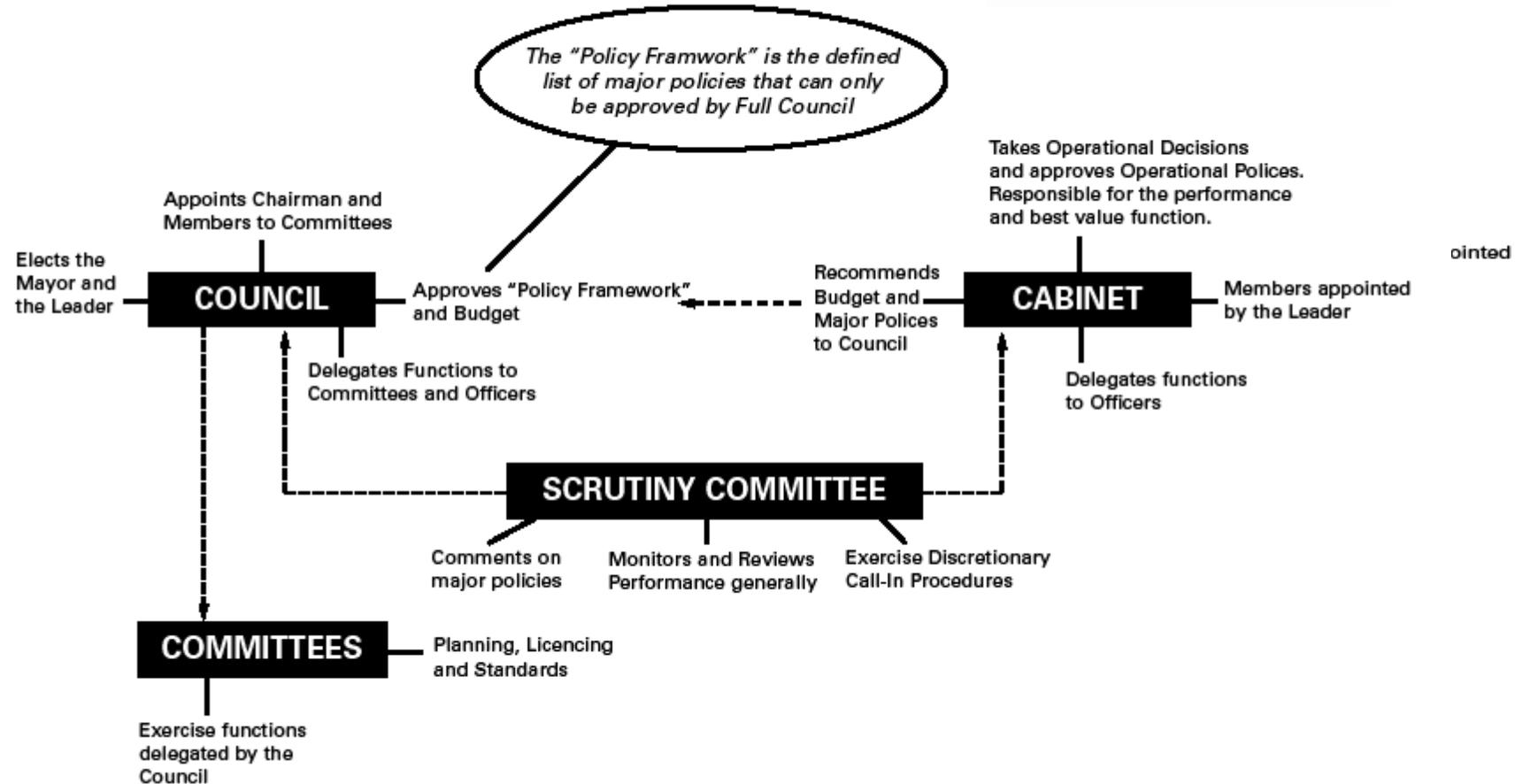
Scrutiny Officer

- To support and develop an Annual Work Programme
- To produce the Scrutiny Annual Report
- To set up investigations
- To provide high level professional advice and guidance to councillors and officers on the role and processes of scrutiny
- To write briefing documents and progress reports
- To liaise with Chairmen and committee members, and relevant officers to keep everyone informed and engaged with work and emerging issues
- To track review recommendations and feedback responses
- To engage and inform the public
- To remain politically impartial

Council Officers

- To support the work and development of Scrutiny
- To attend meetings as required
- To produce reports as necessary

The Modernised Political Structure - How it Works



NOTE: This diagram is intended to be indicative of how the structure works and does not seek to cover all aspects of detail.

3. Activities and Processes

The Scrutiny Committee is involved in a range of activities and uses a variety of processes to fulfil their role.

What the Scrutiny Committee does

Overview

Scrutiny is intended to play an important role in ensuring the Council's services are efficient and effective and meet the needs of local people. Through the Scrutiny Committee, it examines the Council's performance and provides a check and balance by monitoring the decisions of the Cabinet.

The Committee may be consulted by the Cabinet or the Council on forthcoming decisions and on the review and development of policy. The Scrutiny Committee and task groups can allow residents to have a greater say by holding inquiries in public into matters of general local concern.

These may lead to reports and recommendations advising the Cabinet and/or Council on policies, budget, service delivery and community issues, or on matters relating to partners or other external organisations.

What doesn't Scrutiny Committee do?

Scrutiny does not get involved in minor matters or individual concerns which are not of wider community significance. These need to be pursued through the appropriate service unit, ward councillors or with the portfolio member responsible for the matter in question. Nor does scrutiny deal with individual complaints. These are addressed through the Council's complaints procedure and not through the scrutiny process. There are a limited number of other topics which are not appropriate for scrutiny, such as matters that are subject to legal proceedings.

Health Overview and Scrutiny

Section 7 of the Health and Social Care Act 2001 requires local authorities with social services responsibilities (in our case East Sussex County Council) to "ensure that their overview and scrutiny committee or committees have the power to scrutinise the planning, provision and operation of health services". Although the power falls with East Sussex County Council, they can delegate their powers to a local level eg. a district council or a couple of districts together.

What the Scrutiny Committee does - continued

Monitoring External Agencies

The Scrutiny Committee can review and scrutinise the performance of other public bodies in the area and invite reports from them requesting that they address the Scrutiny Committee and local people about their activities and performance.

Policy development and review

The Scrutiny Committee may:

- assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- conduct research, community and other consultation in the analysis of policy issues and possible options;
- consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- question Councillors or the Cabinet and Chief Officers on issues and proposals affecting the area; and
- liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

Performance Management

The Scrutiny Committee may

- review and scrutinise the decisions made by and performance of the Cabinet and Council Officers both in relation to individual decisions and over time;
- review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- question Councillors or the Cabinet and Chief Officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- make reports or recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
- review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Committee and local people about their activities and performance; and
- question and gather evidence from any person (with their consent).

Call in

The Scrutiny Committee has a so-called “call-in” power whereby it can require a decision that has been made by the Cabinet but not yet implemented to be reconsidered or reviewed. This enables the Committee to consider whether it thinks the decision was appropriate. It may then require the person or body who made the decision to reconsider it.

Alternatively, it can refer a decision to the Council for review or scrutiny or it can review or scrutinise the decision itself. Although it does not have the power itself to overrule or to change a decision, it can exert considerable influence through this process.

Task Groups

The Scrutiny Committee normally set up task groups for the purposes of conducting initial hearings and investigations into policy matters and issues relating to service delivery and performance. These task groups will normally comprise 2 councillors (one from each of the controlling group and the main opposition group).

The Scrutiny Committee set the task group’s terms of reference and time-scale for report back to the Scrutiny Committee. The task group can invite Cabinet Members, Council officers and representatives of outside organisations to discuss how things are currently being done and how they can be improved.

Task groups can also gather evidence in other ways, for example public consultation.

Scrutiny task groups meet in an informal atmosphere. They invite those who they believe can help with their investigations to come along to a task group meeting to provide information or views about a particular issue – and usually working through a list of questions prepared in advance helps to do this.

What powers do Task Groups have?

Scrutiny task groups, like the main Scrutiny Committee, cannot automatically change earlier Cabinet decisions or alter the way services are provided. A task group’s recommendations go to the Scrutiny Committee for consideration and possible amendment. They then go to the Cabinet and Council for evaluation.

Recommendations arising from reviews are monitored and reported back to the main committee at a later date.

4. Topics and their Selection

Background

Scrutiny should add value to the work of the Council and external services on behalf of the community. As a result the process used to select scrutiny topics should be thorough and robust.

Developing the Annual Programme

Each year in July, the Scrutiny Committee is required to set its work programme for the year. It is a mix of performance management, performance review and scrutiny reviews.

One aspect of the programme is the selection of 'one off' reviews - it is essential to choose the right topics as public participation starts with topics under investigation. It is unlikely that members of the public would be interested in investigations into internal matters, and therefore attention should be paid to public priorities and issues of local concern.

Members consider the objectives for each review proposed carefully, in order not only to conduct a thorough and worthwhile review, but also to ensure the most suitably qualified Members are appointed to the review teams and that all relevant parties are aware of the forthcoming review and, more importantly, are invited to participate.

Suggested items for the Annual Programme can come from a variety of sources including

- Councillors suggesting items for review
- Performance monitoring / audit reports
- Issues arising from Cabinet reports / the Forward Plan
- The Chair and Deputy Chair following their monthly meeting
- Cabinet Members requesting investigations into issues
- Call - in

Selecting a review topic

Members can request the Scrutiny Committee to hold a review into an important subject or matter of concern in the Borough. It need not relate purely to services provided by the Council and could cover any matter effecting local residents or businesses.

The Council focuses its scrutiny activities on the things that matter most and on outcomes that can make a real difference for local people. It simply has not got the resources to look at everything that might be suggested and therefore has to prioritise.

The Council's suggested criteria for selecting reviews are as follows;

- Members identify key issue for the public
- Poor performing services
- High level of user dissatisfaction
- High level of resource in the area
- Government/council high priority area
- New government guidance or legislation
- Media attention

For each review undertaken there should be:

- Key reasons for undertaking the review
- What the review is expected to achieve
- Agreed measures for identifying a successful review
- A project plan specifying the timetable and methodology (what evidence will be gathered, what consultation will take place)
- Consultation as to the composition of the panel which maybe undertaking the review

Workload

There is only one Scrutiny Committee in Eastbourne. As a result timescales other meetings and deadlines need to be considered when developing the work programme – there should also be the capacity to consider urgent / ad hoc items and monitor the outcomes of previous reviews.

Resource implications for Reviews

Selected areas for review need appropriate time allocation by officers concerned and members appointed to those task groups. The way in which task groups operate is;

- The two nominated members undertake the review.
- The designated officers provide information, set up meetings and invite relevant participants as requested by the members.
- Following the review, the designated officers should write the outcome report on behalf of the nominated members.
- The nominated members need to agree and take ownership of the outcome report and submit its findings to the main committee.

Designated officers include the lead officer, and working in liaison with the Council's Corporate Scrutiny Co-Ordinator, the latter's primary role being to ensure that Scrutiny Reviews are carried out and promoted in a consistent and high quality manner.

Agreeing the Annual Programme

As part of the development of the Annual Programme the Leaders of both parties are requested to seek items from their respective groups, in addition to this, the Corporate Management Team are also given the opportunity to have input into the draft programme prior to the final draft being submitted to Scrutiny in early July of each year and forwarded to full Council later in July for ratification.

Scoping A Review - Background

Scrutiny Committee can decide to undertake a detailed investigation of an area of concern by conducting a Scrutiny Review. The committee can request that a task group of its members be set up to undertake the majority of the research and to evaluate the evidence.

The task group is responsible for interviewing witnesses, engaging service users and the public where appropriate, and for drafting the review report and recommendations. The task group gives regular updates on progress to the Scrutiny Committee via briefing papers and the Members Newsletter to keep all members well informed.

The Scrutiny Committee is responsible for making sure that the task group's review is well focused, timely, and pursues important lines of inquiry. All committee members have to take 'ownership' of the final report and recommendations.

Scoping a Scrutiny Review

In order to be effective, every Scrutiny Review must be properly project managed. This is to make sure that the review achieves its aims and has measurable outcomes. One of the most important ways to make sure that a review goes well is to ensure that it is well defined at the outset. This way the review is less likely to get sidetracked or be overambitious in what it hopes to tackle. The task group's objectives should be as SMART (Specific, Measurable, Achievable, Realistic & Time-bound) as possible.

5. Monitoring and Evaluation

At its meeting on 4 July 2005, Scrutiny Committee agreed that an Annual report should be produced detailing the work of the Committee, the reviews conducted, the outcomes of each review and the work programme for the forthcoming year. The report provides a factual review of items that have been discussed over the past year which include;

- Annual Programme
- Best Value Reviews
- Performance Indicator Reports.
- Task Groups
- Information Reports
- Seminars
- Motions
- Budget reports
- Strategies / Policies
- Call-in
- Audit

It is also an important part of the Scrutiny process that the outcomes of Scrutiny reviews are monitored.

Members are also asked to consider other areas that they would like highlighted in the future Annual reports.

The annual monitoring reports can be found at www.eastbourne.gov.uk/council/scrutiny/monitoringreports

6. How the public are involved.

Public Involvement

Scrutiny should be an accessible and open process – public participation is an important part of the Scrutiny process and members of the public can be involved in a number of ways;

- Attending Scrutiny Committee meetings
- Contacting the task groups – reviews can consider written submission from members of the public, community groups or other key stakeholders.
- Becoming a witness
- Being called as a witness
- Suggesting a topic for review – forms and guidance on submitting suggestions can be found at www.eastbourne.gov.uk/council/scrutiny/guidance

Publicity

Publicity for the Scrutiny Committee reaches many groups from Councillors, members of the public, key stakeholders and Council employees and takes many forms;

- A page of the Council's website
- Scrutiny news items in the Members Newsletter
- All Scrutiny reports are published on the Internet
- Numerous key stakeholders are often invited to contribute to task groups
- Press releases relating to specific reviews calling for public input
- Use of the Citizen's Panel

7. Contacts

<p>Scrutiny Chairman</p> 	<p>Councillor Nigel Goodyear</p> <p>Email councillor.goodyear@eastbourne.gov.uk</p>
<p>Scrutiny Deputy Chairman</p> 	<p>Councillor Alan Shuttleworth</p> <p>Email councillor.shuttleworth@eastbourne.co.uk</p>
<p>Scrutiny Co-Ordinator</p>	<p>Katie Armstrong Tel (01323) 415023 Email Katie.armstrong@eastbourne.gov.uk</p> <p>Address;</p> <p>Town Hall Grove Road Eastbourne BN21 4UG</p>