

Non-Executive Report of the:  <b>Overview and Scrutiny Committee</b>  20 <sup>th</sup> May 2019	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Sharon Godman, Divisional Director Strategy, Policy and Performance	<b>Classification:</b> Unrestricted
<b>Overview and Scrutiny Toolkit 2019-20 Draft</b>	

<b>Originating Officer(s)</b>	Afazul Hoque, Head of Service, Corporate Strategy and Policy  Daniel Kerr, Strategy and Policy Manager
<b>Wards affected</b>	All Wards

**REASON FOR URGENCY:**

Must be considered by OSC at the first meeting of the Municipal Year

**1. EXECUTIVE SUMMARY**

- 1.1. The report presents a draft of the Overview and Scrutiny toolkit 2019-20, which has been developed to replace the outgoing scrutiny toolkit 2016-17. The main purpose of the toolkit is to offer practical guidance for Members, senior leaders and scrutiny support officers when carrying out scrutiny activities.

**2. RECOMMENDATIONS:**

- 2.1. The Overview and Scrutiny Committee is recommended to:
- Comment on the draft Overview and Scrutiny toolkit 2019-20.

**3. DETAILS OF THE REPORT**

- 3.1. The Overview and Scrutiny toolkit 2019-20 has been developed to refresh the outgoing Scrutiny toolkit 2016-17. This is a draft version based on the 2018 -19 Overview and Scrutiny Committees structure and some of the areas will need to be amended to reflect the new committee structure and portfolios.

- 3.2. The Overview and Scrutiny toolkit 2019-20 aims to offer a practical guide to Members, senior officers and scrutiny support officers. Making the Overview and Scrutiny toolkit 2019-20 accessible to the wider Council will foster and develop a stronger organisational culture of scrutiny.
- 3.3. The Overview and Scrutiny toolkit 2019-20 was developed with the following considerations:
- Current scrutiny toolkit 2016-17
  - Desk research – what are other local authorities are using
  - Benchmarking and best practice e.g. CfPS and Ministry of Housing Communities & Local Government statutory guidance
  - The Overview and Scrutiny toolkit 2019-20 has been shaped from the discussions from the Committee Members' away day which focused on how we can make scrutiny more effective.
  - Obtaining feedback from 1-2-1's with Committee Members, senior officers DLTs and scrutiny supporting officers.
- 3.4. Future plans for the Overview and Scrutiny toolkit 2019-20 following on from OSC meeting include:
- Final version of the Overview and Scrutiny toolkit 2019-20 to be designed by the Council's communication team with the aim to make it more accessible and engaging for readers.
  - Target date of completion for the Overview and Scrutiny toolkit 2019-20 will be June 2019
  - An online version of the Overview and Scrutiny toolkit 2019-20 will be developed to provide better accessibility and wider access to the rest of the Council.
  - A Communications plan will be developed to launch the Overview and Scrutiny toolkit 2019-20 to ensure all Members and officers are aware of its purpose and know where to find it.

#### **4. EQUALITIES IMPLICATIONS**

- 4.1. There are no equalities implications arising from the report.

#### **5. OTHER STATUTORY IMPLICATIONS**

- 5.1. Best Value Implications  
The activities highlighted in this report are made as part of the Overview and Scrutiny Committee's role in helping to secure continuous improvement for the council, as required under its Best Value Duty.
- 5.1. Environmental (including air quality)  
There are no direct environmental implications arising from the report

- 5.2. Risk Management  
There are no direct risk management implications arising from the report or recommendations.
- 5.3. Crime Reduction  
There are no direct crime reduction implication arising from the report
- 5.4. Safeguarding  
There are no direct safeguarding implications arising from the report or
- 5.5. Data Protection / Privacy Impact Assessment  
There are no direct data protection/ privacy impact assessment implications arising from the report

## **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

- 6.1 This report is the upgraded Overview and Scrutiny toolkit; which provides practical guidance for Members, senior leaders and scrutiny support officers when carrying out scrutiny activities.
- 6.2 There are no direct financial implications from this report

## **7. COMMENTS OF LEGAL SERVICES**

- 7.1 There are no specific legal implications arising from this report

### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- NONE

#### **Appendices**

- Overview and Scrutiny Committee Annual Report 2018-19

### **Local Government Act, 1972 Section 100D (As amended)**

#### **List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- NONE

#### **Officer contact details for documents:**

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# Overview and Scrutiny Toolkit 2019-20

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## What's the purpose of this toolkit?

1.0 The purpose of the Overview and Scrutiny Toolkit 2019-20 is to help you with a practical approach around advice, guidance in your role as a Member, Officers / Partners and Supporting officers when you are involved with the overview and scrutiny function. The toolkit will be kept under review and updated as necessary

## How to use the O&S toolkit 2019-20?

2.0 As an experienced or newly elected Member, Senior Officers or Scrutiny Supporting Officers you may want to learn more or just refresh your understanding of what overview and scrutiny (OS) function is for Tower Hamlets. The O&S toolkit 2019-20 is broken down into 3 sections.

Section A – gives you a brief explanation of OS; Principles of good and effective scrutiny, How OSC (Overview and Scrutiny Committee) fits in with Council's structure, the legal context for this and powers it holds. It provides a short overview of using sub-committees for specific work programme areas and types of scrutiny activity you can experience.

Section B – aims to offer you an insight and distinguishes the roles of key stakeholders within the scrutiny function.

Section C – Focuses on some of the tools you might want to consider when you are undertaking scrutiny activity e.g. questioning process, work programme consideration.

## Section A

What do you need to know about overview and scrutiny function?



## What is Overview and Scrutiny for Tower Hamlets? (Including principles of good effective scrutiny)

3.0 Overview and Scrutiny is an important but key process for Tower Hamlets as it holds the Mayor, Cabinet and Council to account for their decision making on the delivery of public services to the residents.

Overview and Scrutiny function adopts a check and balance approach to ensure that decisions made remain in the best interests of local residents and ultimately improves the lives of local people. The scrutiny function itself allows non-executive members and co-opted members an opportunity:

- Examine the services provided by council and partner agencies to the residents / community.
- Ask effective questions on how decisions are made or reached.
- Make recommendations and think about whether service improvements can be put in place
- Take a collaborative approach to working with others; be challenging but constructive in proposing improvements
- Encourage external involvement from the public, groups and businesses

3.1 When thinking about what does good look like for scrutiny it's worth thinking about what the national bodies consider as best practice e.g. Centre for Public Scrutiny (CfPS) has developed four key principles, which underpin Tower Hamlets approach to conducting good scrutiny:

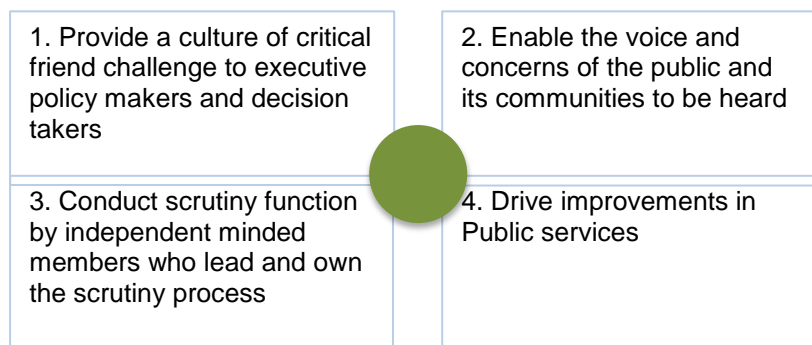


Figure 1. Principles for good scrutiny

3.2 It might look good but how effective is scrutiny in practice? Some of the shared effective practices (useful considerations) used by Councils have been identified are as follows:

Top 8 things you might want to consider to making scrutiny more effective

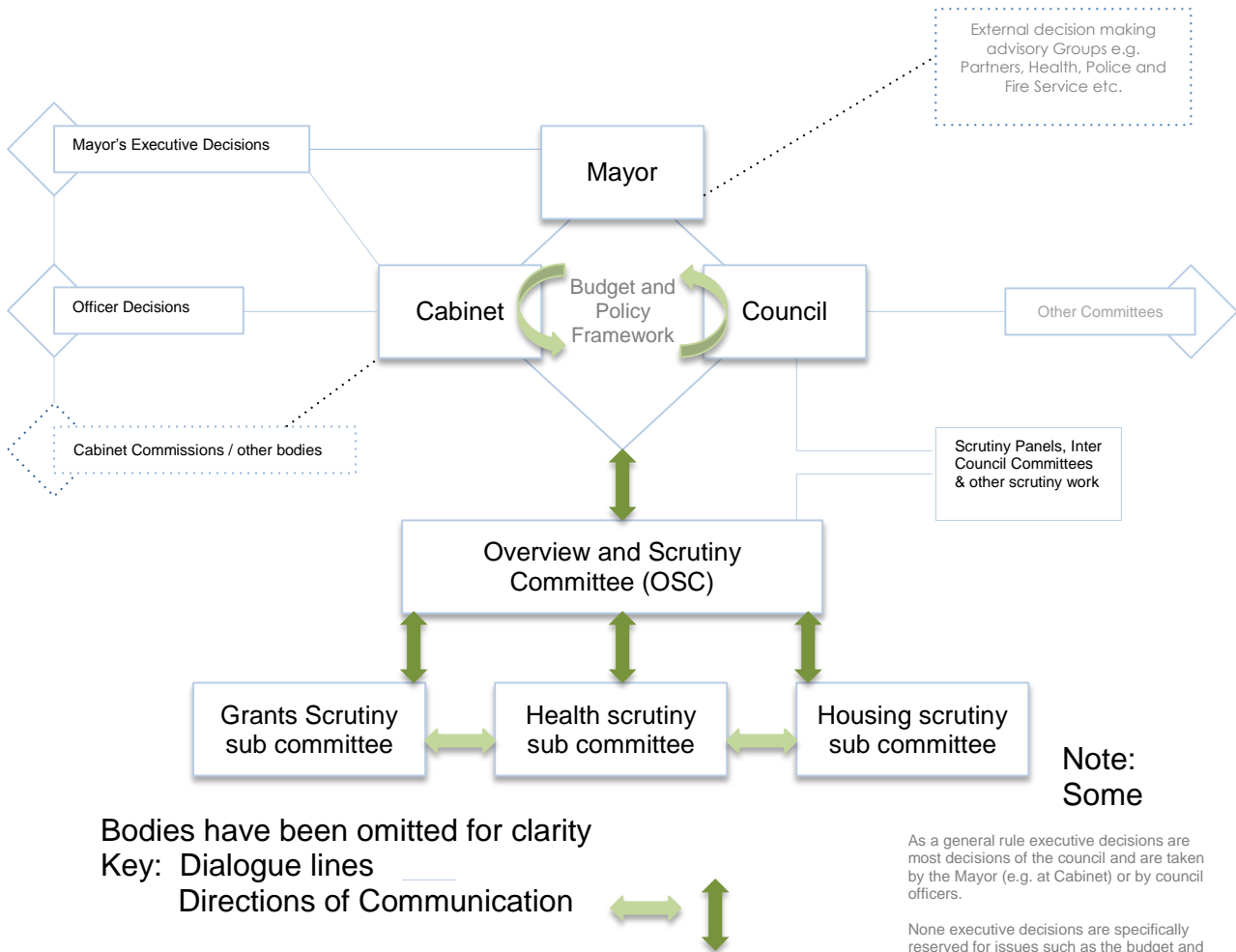
1. Make sure that the Work Programme (WP) is Member led (which allows visibility for independence of work) for scrutiny agenda.
2. Make sure that the scrutiny process is clear for everyone (stakeholders) involved
3. Use a wide range of sources to ensure a robust approach to choice of topics
4. Collect evidence from a good variety of sources to ensure a comprehensive view is taken.
5. Apply a wide range of techniques for scrutiny activities in addition to the committee meetings e.g. site visits, brainstorming, in depth reviews.
6. Get the community involved as a scrutiny platform for vigorous debate.
7. Track the progress of scrutiny recommendations using PI's, milestones and annual reports.
8. Use a themes orientated approach, which is relevant to the communities to ensure that a broader understanding of issues is considered.

## Structure of OSC and relationship to other decision-making controls

3.3 When thinking about the structure of the Overview and Scrutiny Committee or you will need to appreciate the following:

- Tower Hamlets consists of an elected Executive Mayor (who holds a 4 year term in office) and appoints and is supported by a Cabinet.
- The Mayor sets the Councils policy direction, recommends budget proposals and tax levels for approval by the full council.
- The Mayor can also take Mayor's executive decisions and these are published on Tower Hamlets website.
- Decisions taken are in line with the budget and policy framework agreed at full council meetings
- 45 ward councillors and the structure permits Members an opportunity to reflect on council proposals.
- Proposals outside the framework must be referred to full council to decide.
- 'Key decision' taken by the executive i.e. decisions that involve 2 or more wards or has significant funding implications must be included in the forthcoming decision plan and published 28 days prior to decision being implemented.

Figure 2. Structure Chart – Summary Decision Making



Bodies have been omitted for clarity

3.4 A vital consideration for developing and sustaining effectiveness of a scrutiny process is to establish a good working relationship with the Cabinet. Formalities should consist of having:

- Constructive relationship and respecting each other’s roles
- Recognises the value both that adds to council’s decision-making process.
- Cabinet should welcome the contribution scrutiny bodies make at early stage in shaping or informing policy/ decision-making.
- Cabinet can ask OSC or one the sub-committees to undertake a specific work to support the cabinet in its decision making remit

Role of OSC, legal context, powers and the use of subcommittees

3.5 At Tower Hamlets, the OSC (Overview and Scrutiny Committee) is the principle member led body that holds the executive decision makers to account. This could include the following:

- Scrutinise the decisions of the executive, Mayor and Cabinet
- Monitor performance and support policy development
- Scrutinise other partner organisations that deliver public services locally

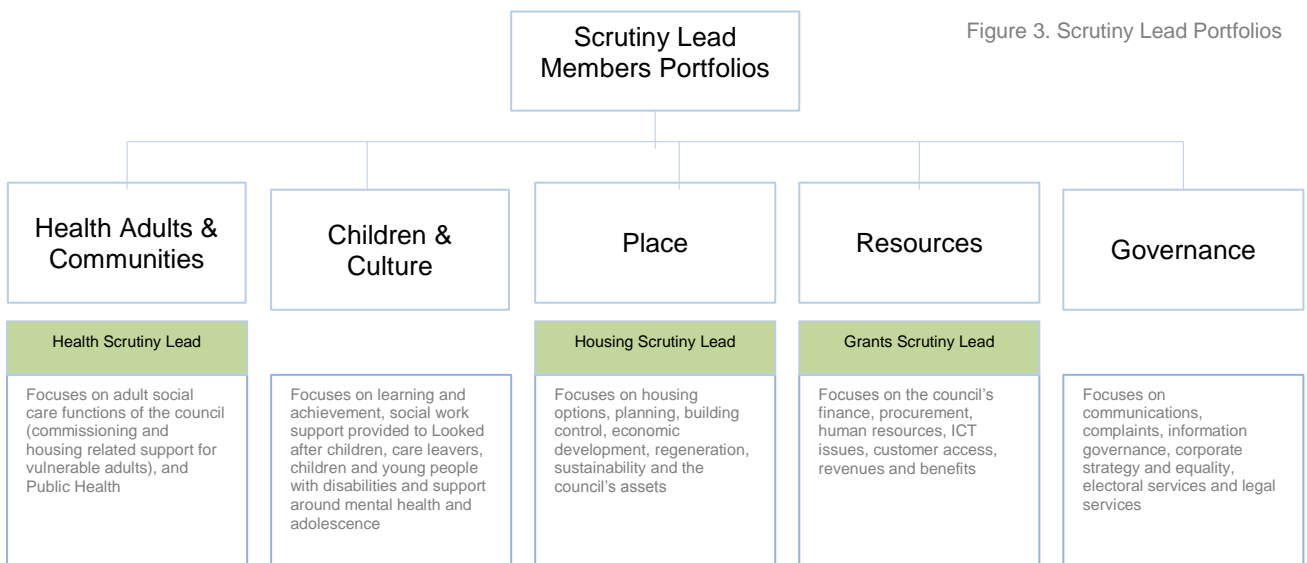
The OSC consists of 9 non-executive elected members including the scrutiny lead (chair) and 6 Co-opted representatives who meet on a monthly basis to discuss topics and issues affecting the Tower Hamlets residents.

3.6 Under the Local Government Act 2000 and updated in the Localism Act 2011, it stipulates where a Council has an executive management structure, it is required legally to offset this with an Overview and Scrutiny process.

OSC has the ability to influence policies and decisions made by the Council and its partner organisations in delivering public services. For this it holds the following powers:

- Holds the executive to account through reviewing and scrutinising performance policy and decisions.
- Monitor decisions made by the cabinet to ensure its robustness and that its good value for money.
- Ask 'pre decision questions and consider any consider decisions that are called in.
- Power to request Cabinet member to attend and explain their decisions made, plans and performance.
- OSC may require the executive to submit a report to the council if it considers that a key decision has been taken which was not published in advance

3.7 Under the terms of reference, Tower Hamlets OSC can appoint sub committees or scrutiny panels, as the committee sees fit and appropriate to conduct individual reviews under the umbrella of the OSC Work Programme.



## Different types of scrutiny activity you can expect to happen at Tower Hamlets

3.8 As part of the OSC armour there are different types of scrutiny activity, which can influence not only the decision-making process but also scrutinise decisions that have been already taken. These can include:

- Budget and policy framework items around strategies, plans and statements e.g. housing, employment and enterprise, crime and disorder, licensing authority policy and development plans etc.
- Investigating specific issues or services using less formal settings such as scrutiny reviews and challenge sessions.
- Budget scrutiny including yearly allocation of resources, risk management, decisions on control council's borrowing and capital expenditure.
- Call in of decision (made by the executive) by the OSC by examining and if necessary requesting changes to an executive decision that has not been implemented.
- Spotlight sessions focus on a particular policy area or portfolio with the relevant Cabinet Member.
- Pre decision Scrutiny of Cabinet business – reviewing forthcoming plans allows OSC to highlight issues for its work programme. OSC meets 1 week before Cabinet and has the opportunity to raise questions, which the Cabinet should factor in when making its decision.
- Petitions includes names addresses and signatures of at least 1000 people who reside, work or study in the borough can trigger a debate at OSC

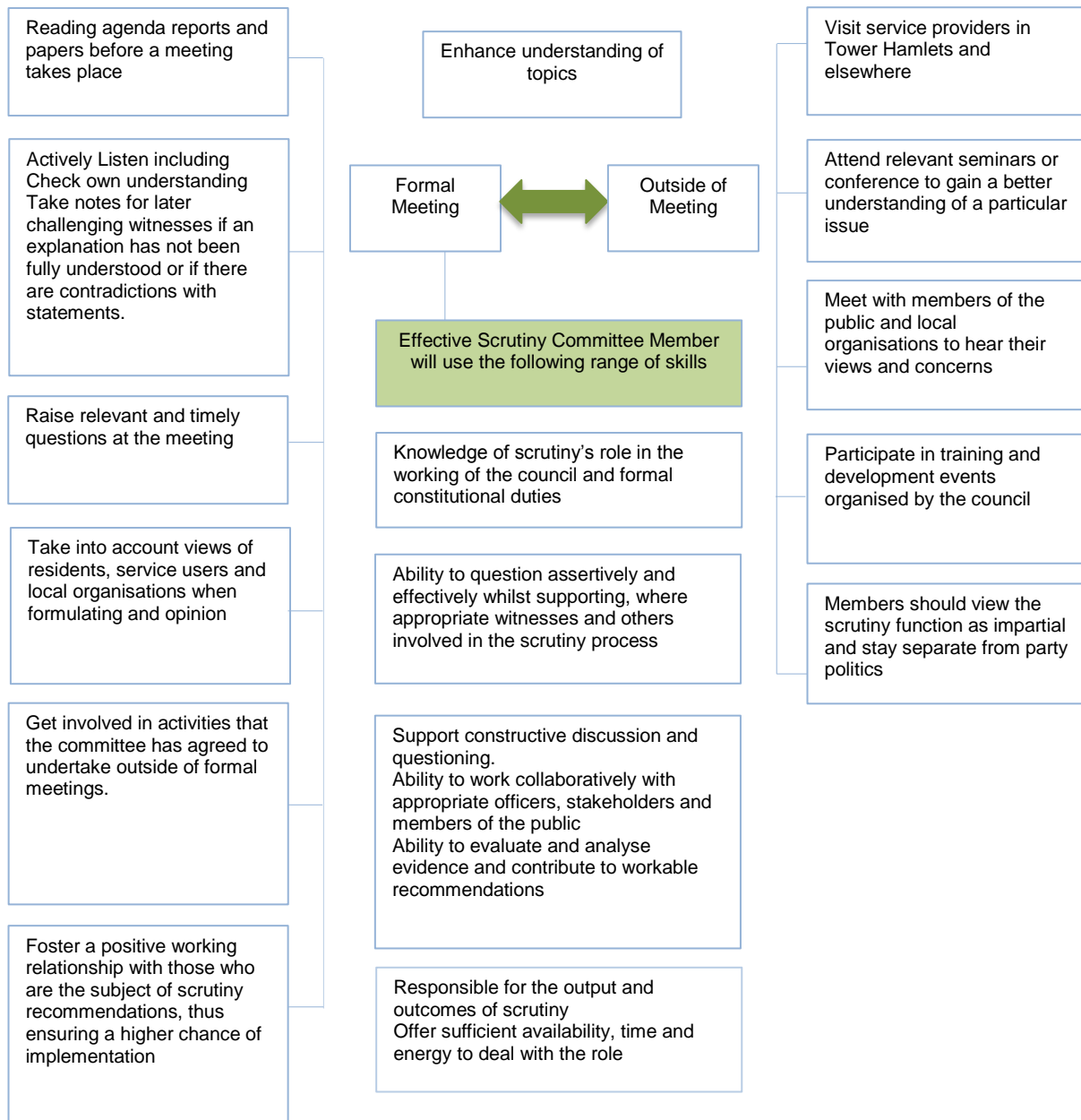
## Section B

What do you need to know about the roles and responsibilities for the overview and scrutiny function?

# Members

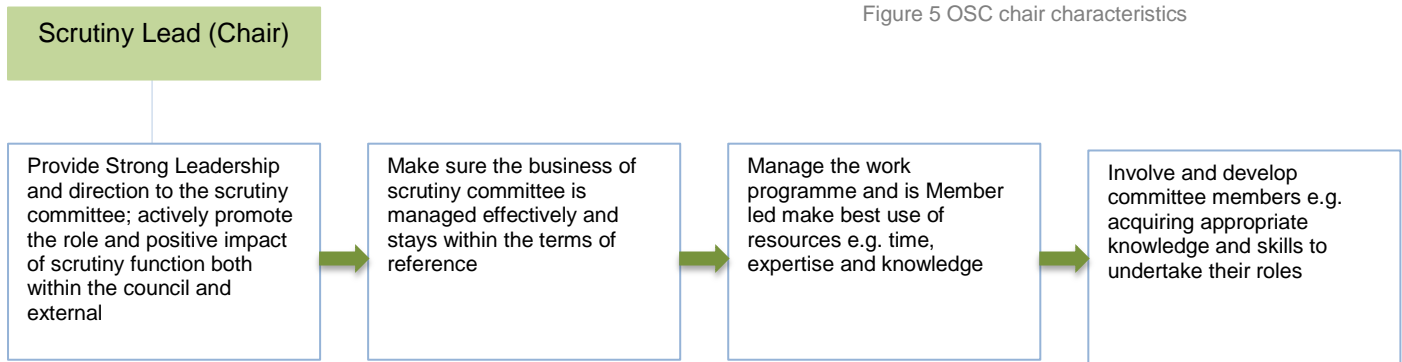
4.0 As a non-executive elected Member working within the overview and scrutiny function you will hold a collective and individual responsibility for ensuring that delivery of scrutiny is member led. In order to support an effective committee meeting and make the discussion more robust you should expect and consider undertaking the following activities:

Figure 4 Member's Role



## Scrutiny Leads

4.1 In addition to being a non-executive elected Member, you as the Scrutiny Lead hold the position of the chairing (along with the vice chair) committee meeting and you should work together to promote effective scrutiny for their committee. The chair is responsible for:



4.3 As the Scrutiny Lead (chair) and of OSC you will work closely with the Scrutiny Support Officers to and Democratic Service to coordinate activities and work programme of the OSC.

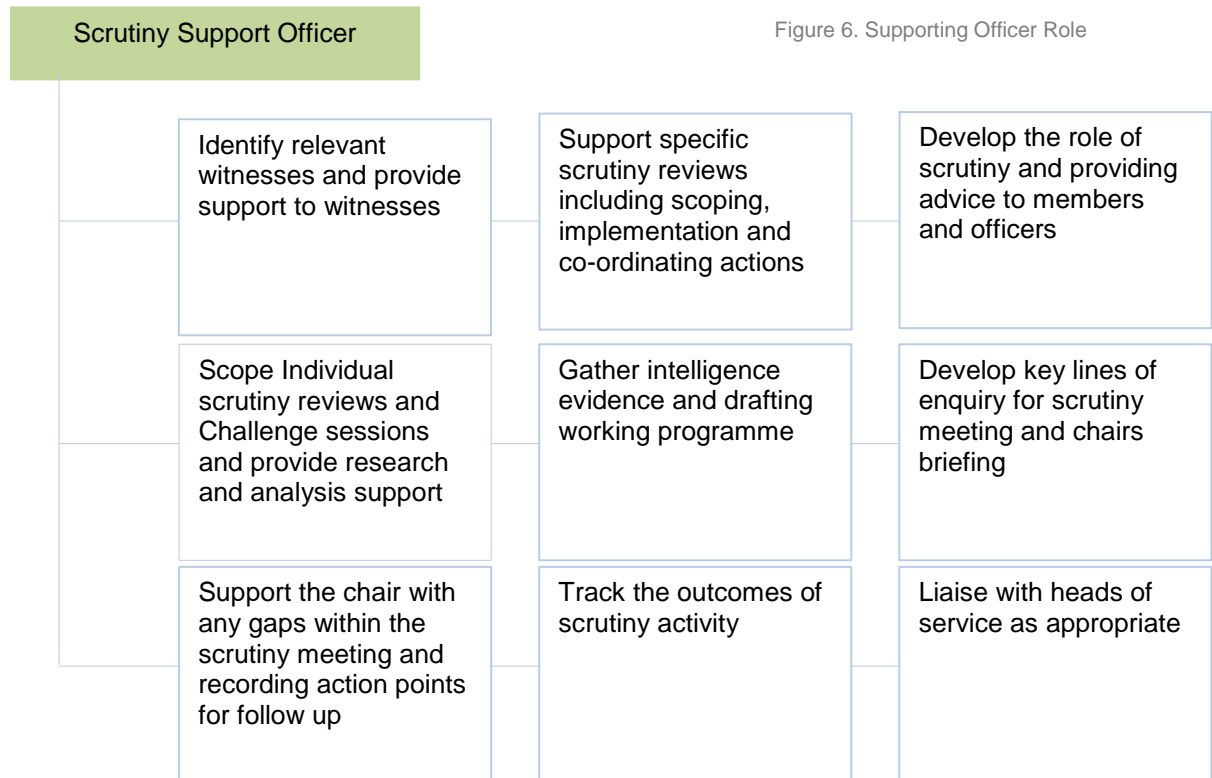
4.4 You will be working with Scrutiny Support Officer to co-ordinate activities of scrutiny working and delivering on the effectiveness of scrutiny. In addition to this you will be undertaking the following:

1. Chairing the Overview and Scrutiny Committee in a timely and efficient fashion, following an agreed agenda.
2. Promote discipline and high standards of behaviour in scrutiny.
3. Ensure that adequate resources i.e. financial / officer support, training is provided.
4. Take a lead in monitoring the Council's decision making processes and ensuring that decisions are consistent with the Council 's budget and Policy framework
5. Scrutinise activities of the Cabinet
6. Invite members of the Cabinet, senior officers and others to attend scrutiny committee meetings to ask questions.
7. Owning and presenting the reports of the scrutiny committee to the relevant bodies of the Council.



## Scrutiny Supporting Officers

4.4 As a Scrutiny Supporting Officer your main body of work for the Overview and Scrutiny function will be to support the Scrutiny Lead (Chair) with delivering an effective scrutiny process. Some of the key areas of your work will entail the following:



### 4.5 All

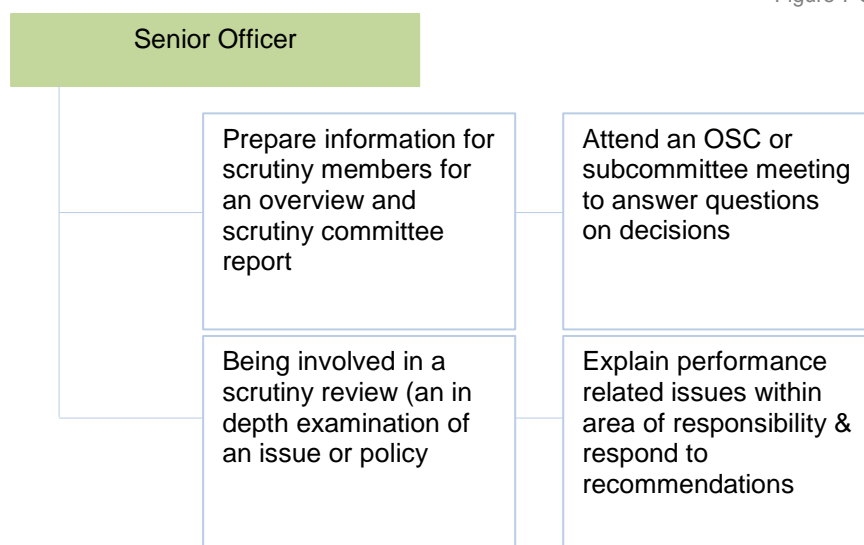
officers have a duty to serve and give advice to Members and officers engaged in scrutiny activity in the same way they would to decision makers on the Cabinet, other executive committees' and elected Members in general.

4.6 Democratic Service officers schedule and organise the OSC and or subcommittees meetings. Their role includes collating and distributing the agenda's preparing meeting venue and taking/ circulating the formal notes or minutes of the meetings.

## Senior Officers

4.7 As the Director of services or senior officer you may be asked to provide support to the OSC process. You may be required to contribute if the topic under review directly impacts on your service or addresses and issue relevant to the delivery or management of the service. Some of the activities you could be expected to participate are as follows:

Figure 7 Senior Officer Role



4.8 Officers from relevant services also have an obligation to help develop workable actions, to put into effect the purpose and intent of individual recommendations contained within scrutiny reports and ensures that these are implemented in the way they have been agreed by the executive.

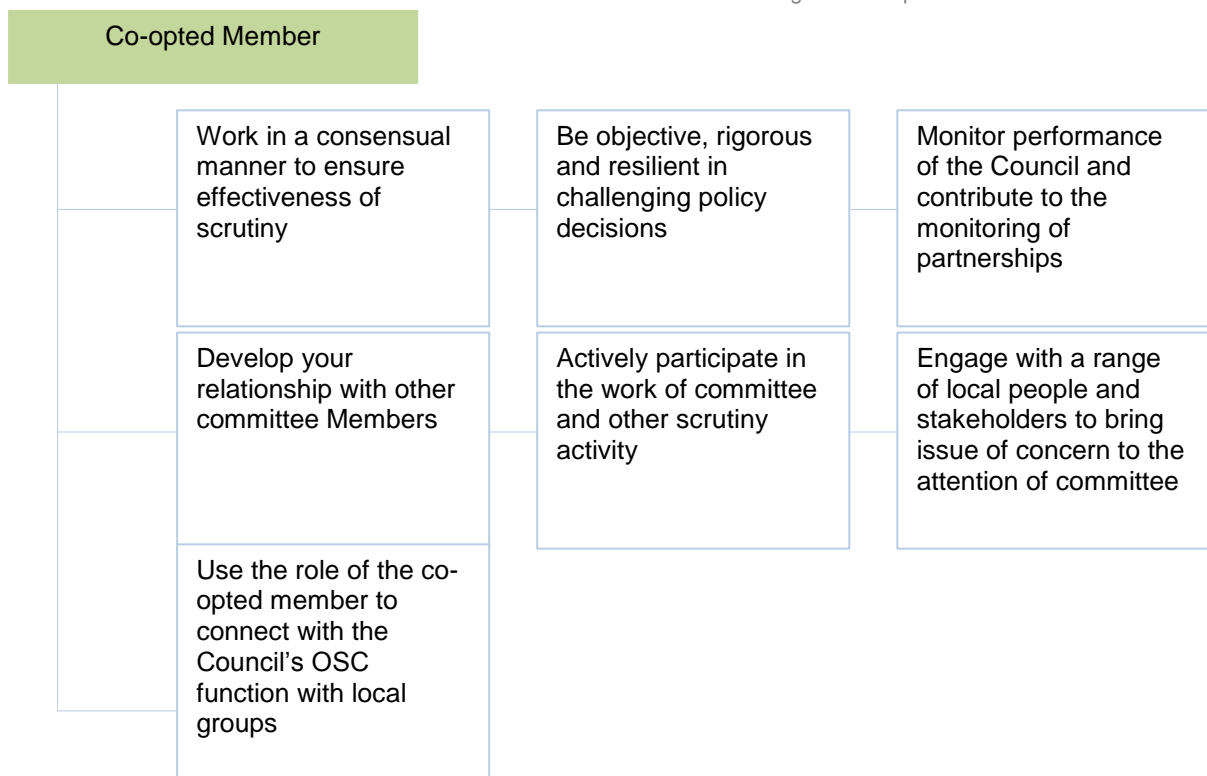
## Co-opted Members

4.9 As a Co-opted Member you are able to bring representation from the community perspective. This offers an opportunity to obtain a broader picture of an issue and encourage better public engagement.

As a Co-opted Member you are expected to have the same level of knowledge as the elected Members. The OSC has 6 statutory education co-opted positions. As a Co-opted Member you can vote on issues about education, comment on other topics but unable to vote.

Sub-Committees can also appoint Co-opted Members to help deliver the Work Programme.

Figure 8 Co-opted Member Roles



# Section C

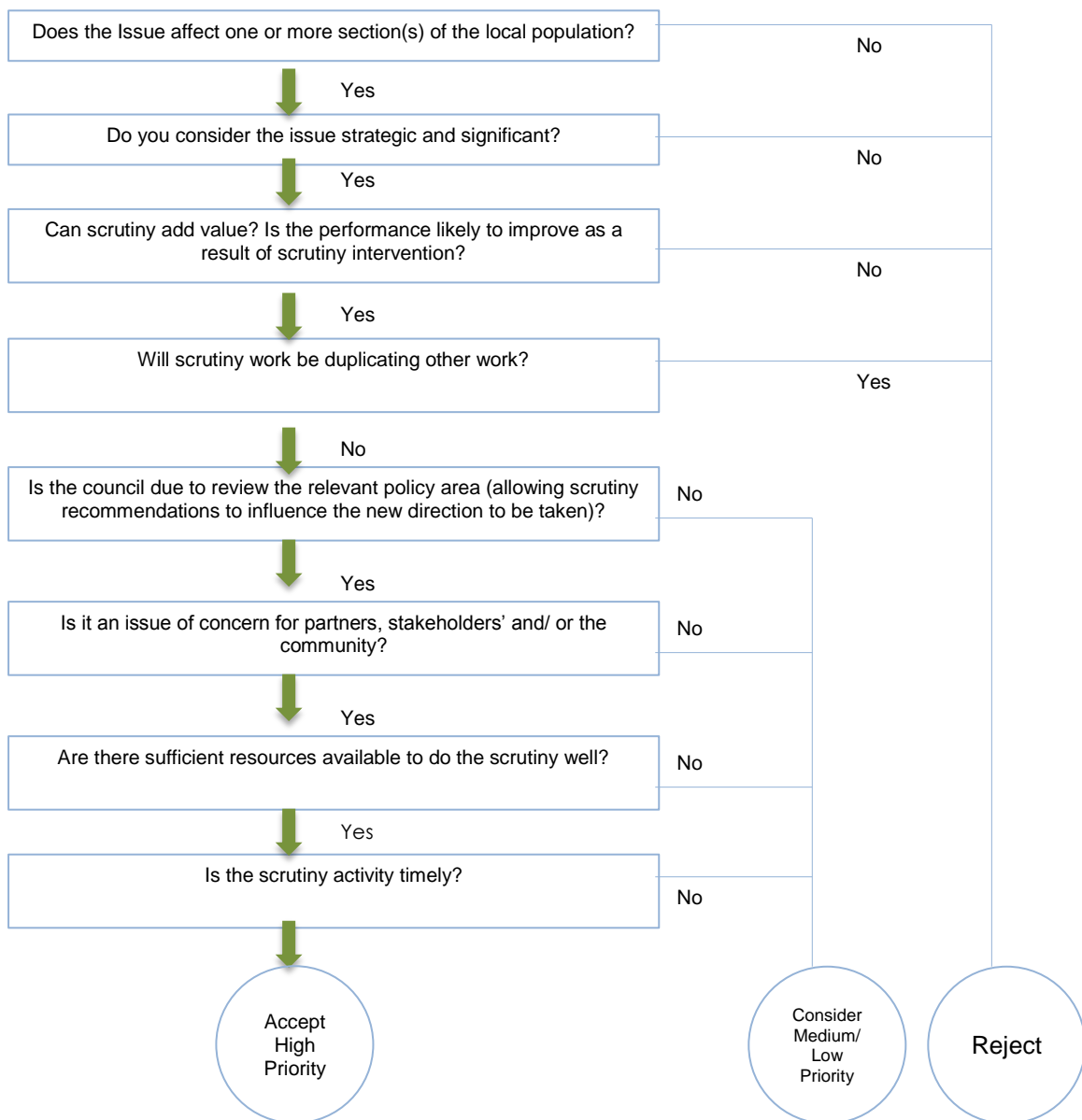
Tools for Overview and Scrutiny

## Identifying and prioritising topics (Work Programme)

5.0 Part C of toolkit offers both Members and Officers guidance around tools, which can support the scrutiny planning and delivery process.

Council's may adopt a checklist or filtering method to decide which items should go onto the scrutiny work programme. When thinking about the work programme, the OSC should consider if the topic could be delivered in the time available, factoring the capacity of members. Using the prioritisation process below, Members can assign topics on their Work Programme a high, medium or low priority.

Figure 9 Scrutiny Work Programme – Prioritisation Process



5.1 Other considerations to think about could potentially be if the issue is:

- Public or community interest e.g. covered in the local media or outcomes of public consultation
- Internal council priority e.g. high level of budgetary commitment to the service/ policy area or corporate performance monitoring reports
- External factors e.g. new government guidance or legislation issue
- Criteria to reject items e.g. no scope for scrutiny to add value or make a difference

## Supporting Data and Evidence

5.2 Scrutiny works best and is at its most effective when it considers a broad range of source of evidence and involves others in its work.

Types of evidence gathering that you can consider includes:

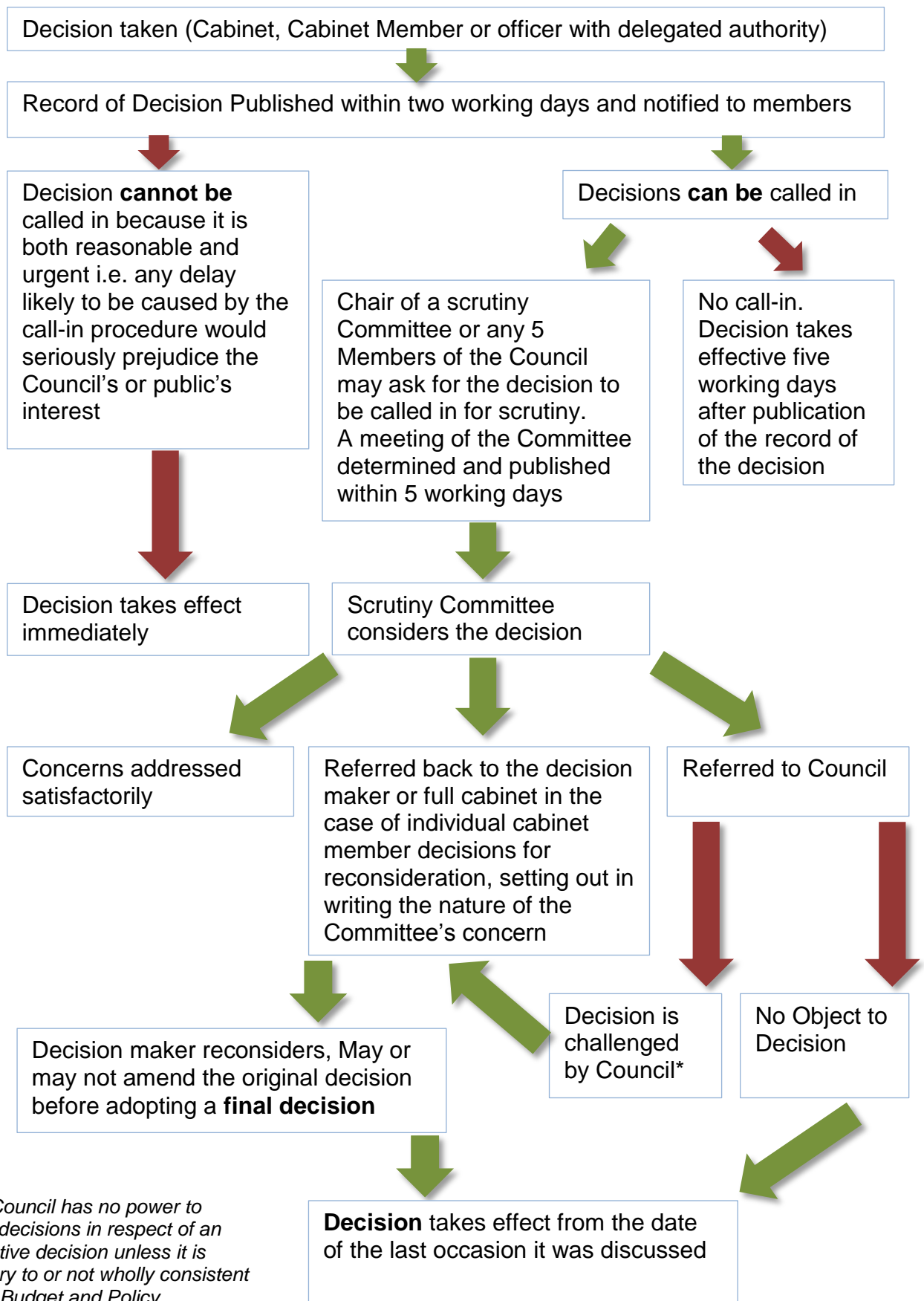
- Background Information through desk research within and outside of the council e.g. Think tanks, interest groups and national research as well as service reviews, inspection reports and partnership plans.
- Research and consultation obtained from survey data, corporate and service based focus groups ad hoc feedback from local residents and other formal and informal engagements
- Continual engagement and governance processes e.g. Business or community forums, tenant groups, residents' panel and co-option on to Citizens Panel

All these types of evidence can be gathered from a range of sources, as relevant:



Figure 10 Evidence gathered from a range of sources

## Call-In Procedure



*\*Full Council has no power to make decisions in respect of an Executive decision unless it is contrary to or not wholly consistent within Budget and Policy Framework*

# Process map for managing Scrutiny Reviews and Challenge Sessions

5.4 When you are thinking about the process it is worth considering that there will be a variance depending on the complexity or breadth of the topic and determines whether it is a longer review or a one-off challenge session.

Figure 12 Process Map for conducting reviews or challenge session





## Effective Questioning

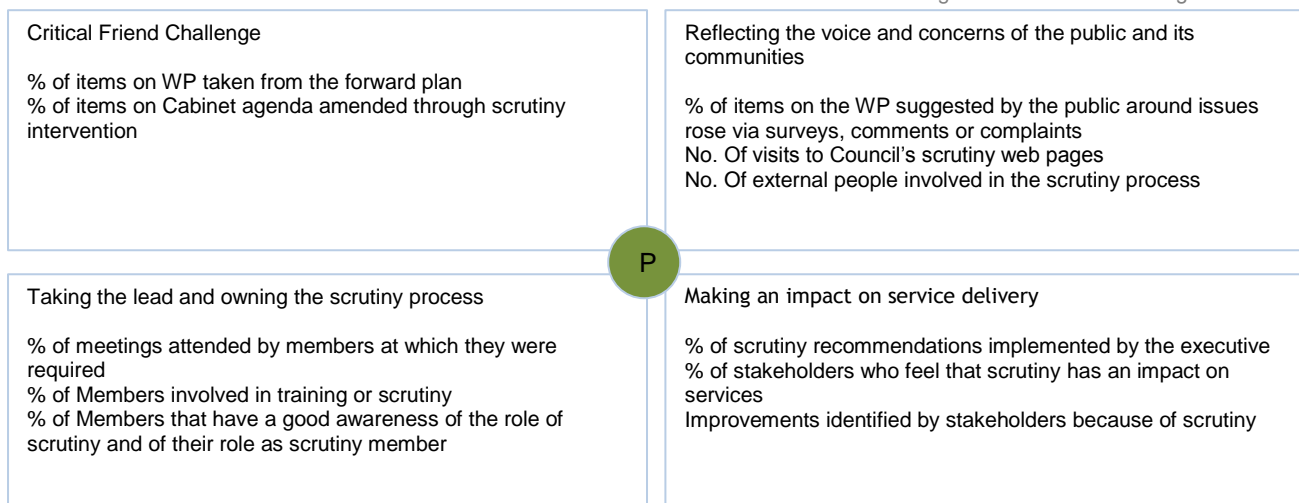
5.5 Centre for public scrutiny (CfPS) provides an excellent publication on questioning techniques for scrutiny members. This can be found on the following website <http://www.cfps.org.uk/publications/> or from the Scrutiny Support Officers. There are some key points to consider when conducting a questioning approach:

- Scrutiny needs to remain calm, take a measured / balanced approach whilst demonstrating strong, objective and successful challenge
- Use specific questioning techniques e.g.  
Open questions allowing free narrative from person being questioned e.g. tell me about.... What is your view on...?)  
Open probing ('any other' VS 'what other' because the former prompts a Yes response, the latter No)  
A combination of probing styles including challenging, encouraging, acknowledging gaining more detail etc.
- Fostering a positive reinforcement may encourage further responses
- Avoid biased questions, leading questions and absolute questions, which may offer only one-word responses.

## Measuring Success – PI's

5.6 The Assessing the impact of OS function can be difficult if it is measured on meeting-by-meeting basis rather than over a period of time. CfPS suggestion the performance indicators for scrutiny can be developed under the 4 principles:

Figure 13 PI's for measuring success



## More Information

### Contacts

6.0 The following lead officers provide the main overview and scrutiny support at the council. Their contact details can be set out below:

David Knight  
Democratic Services  
Senior Committees Service Officer  
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Email: [david.knight@towerhamlets.gov.uk](mailto:david.knight@towerhamlets.gov.uk)

Daniel Kerr  
Corporate Strategy and Policy  
Strategy and Policy Manager  
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### Resources

6.1 Access to key resources and more tools for overview and scrutiny can be sourced from [http://towernet/staff\\_services/scrutiny/](http://towernet/staff_services/scrutiny/) and <http://democracy-internal.towerhamlets.gov.uk/committee/>

# Appendix

Figure 1 Sub Committee Roles



## Overview and Scrutiny Member Role Description Appendix

### Scrutinising & Developing Policy

1. Participate fully in activities of the OSC and its sub committees, the development and delivery of their WP and associated review and challenge session.
2. Assist in the development of council and partner agencies policy through scrutinising draft policies and improve existing policies
3. Challenge policies and make how these can improve to reflect local and strategic priorities
4. Assess the impact of existing policy and identify areas for improvement.

### Holding the Executive to account, monitoring performance and service delivery

1. Monitor the performance of internal and external providers against the council standards/ targets including questioning Cabinet Members and senior officers on delivery of targets.
2. Investigate and make recommendations to address the cause of poor performance.
3. Evaluate the validity of Mayor and Cabinet decisions and challenge decisions through call-in where appropriate.
- 4 Build trust with the Mayor and Cabinet so that appropriate

### Promoting the work of Overview and Scrutiny

1. Promote the role of overview and scrutiny within and outside the council, developing effective internal relationship with officers and other Members and external relationship external agencies and community organisations.
2. Demonstrate an objective and evidence based approach to overview and scrutiny by using a wide range of research sources from within and outside the council in any work undertaken.
3. Be able to demonstrate how scrutiny is making a difference by its involvement

### Community Engagement

1. Use scrutiny as a means to address community issues and engage the public in developing the work programme
2. Encourage stakeholders to participate in the work of council and partner agencies
3. Assist in developing viable and acceptable policy solutions to local issues
4. Take a thorough wide approach in dealing with issues

### Meeting participation

1. Make adequate and appropriate preparation for meetings through research, briefings and planning meetings
2. Participate in an informed and objective manner, taking into account the code of conduct, standing orders and other constitutional requirements
3. Demonstrate effective scrutiny skills in questioning, listening and information handling
- 4 Focus on outcomes and making a positive difference by participation

