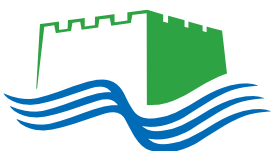


Overview & Scrutiny TOOLKIT | 2016-17

DRAFT



TOWER HAMLETS

September 2016

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1. Introduction

- 1.1 This toolkit aims to provide councillors, officers, partners and local people with easy to use advice, guidance and examples on how to achieve effective scrutiny. It draws on the experience of scrutiny at Tower Hamlets Council over several years and national best practice.
- 1.2 The toolkit sets out guidance on how to carry out effective scrutiny, including the selection of topics, managing the work programme and using different scrutiny review formats. There are sections containing guidance for councillors and officers on their respective roles, as well as information on the tools needed to carry out effective scrutiny.
- 1.3 The toolkit will be reviewed annually to address lessons learnt over the year and to incorporate best practice from other local authorities. The overall aim of the toolkit is to enhance the scrutiny experience of Members and local residents, as well as to help maximise the impact of scrutiny.

2. What is overview and scrutiny?

- 2.1 Overview and Scrutiny provides a key check and balance function to ensure that the decisions of the Executive Mayor, Cabinet and Council are in the best interests of residents and that the Council is providing high quality services.
- 2.2 The scrutiny process provides non-executive councillors and co-opted members' opportunity to examine the services provided by the Council and partner agencies; to ask questions on how decisions are made; and to consider whether service improvements can be put in place. Members of all political parties can work together in a challenging and constructive way to propose improvements not only to the way the Council works, but also to other public services and the local area more generally.

3. What is effective scrutiny?

3.1 Principles for good scrutiny

The Centre for Public Scrutiny¹, a national body supporting scrutiny activity in public services, has developed four principles for good scrutiny, set out below.

1. provide critical friend challenge to executive policy makers and decision takers;
2. enable the voice and concerns of the public and its communities to be heard;
3. is carried out by independently minded Members who lead and own the scrutiny process; and
4. drive improvement in public services.

These principles underpin Tower Hamlets approach to conducting scrutiny.

3.2 Effective scrutiny in practice

Research on effective scrutiny in local authorities has identified the following good practices:

- **Member-led work programme** in which councillors rather than officers decide the scrutiny agenda;
- ensuring the **scrutiny process is clear** for all involved, for example, by developing and using a good practice guide for scrutiny members;
- a **robust approach to topic** identification drawing on a wide range of sources;
- **community involvement**, so that scrutiny can provide a forum for community debate;
- a **wide range of techniques** used to undertake scrutiny activities. These might include site visits, informal brainstorming sessions and conferences, as well as the standard committee meeting format;
- **evidence is gathered** from a wide and balanced range of sources, in order to develop a rounded and

comprehensive view of the issue or service being evaluated;

- **tracking outcomes of scrutiny**, through the use of performance indicators and annual reporting;
- carrying out **scrutiny reviews around themes** which are relevant to communities, such as community safety, rather than issues that are solely about Council services.

- reporting to the Executive or the Council as appropriate on matters affecting the area of its inhabitants;
- in certain cases, OSC may require the Executive to submit a report to the Council if it thinks that a key decision has been taken which was not published in advance.

4. What are the legal powers of overview and scrutiny?

4.1 Overview and Scrutiny Committees (OSC) were established in English and Welsh local authorities by the Local Government Act 2000 and updated in the Localism Act 2011. The following key roles were set out for OSC:

- holding the Executive to account;
- scrutinising performance, policies, and decisions;
- providing the role of an apolitical 'critical friend';
- asking 'pre-decision' questions and comments and considering any decisions that are 'called in';
- setting up time-limited working groups to look at issues in-depth through reviews and challenge sessions in order to assist policy development and public involvement, including scrutinising the Council's budget and budget preparation;
- monitoring the decisions made by the Cabinet to make sure that they are robust and provide good value for money;
- considering other issues of concern to local people, including services provided by other organisations;
- reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any executive or non-executive functions, and reporting on them (including the Health Service and crime and disorder functions);

5. How does scrutiny fit within the Council's decision making structure?

5.1 Tower Hamlets Council is made up of an elected Mayor and 45 Councillors. Full Council consists of the Mayor and all the Councillors. The Council makes major decisions including setting Council policy, the budget and council tax and considering any recommendations outside the budget and policy framework.

5.2 The Council appoints a number of committees to carry out specific functions including the regulatory committees (Planning and Licensing), the General Purposes Committee and a Standards Advisory Committee. Figure 1 outlines the Council's decision making structure and the role of OSC within this.

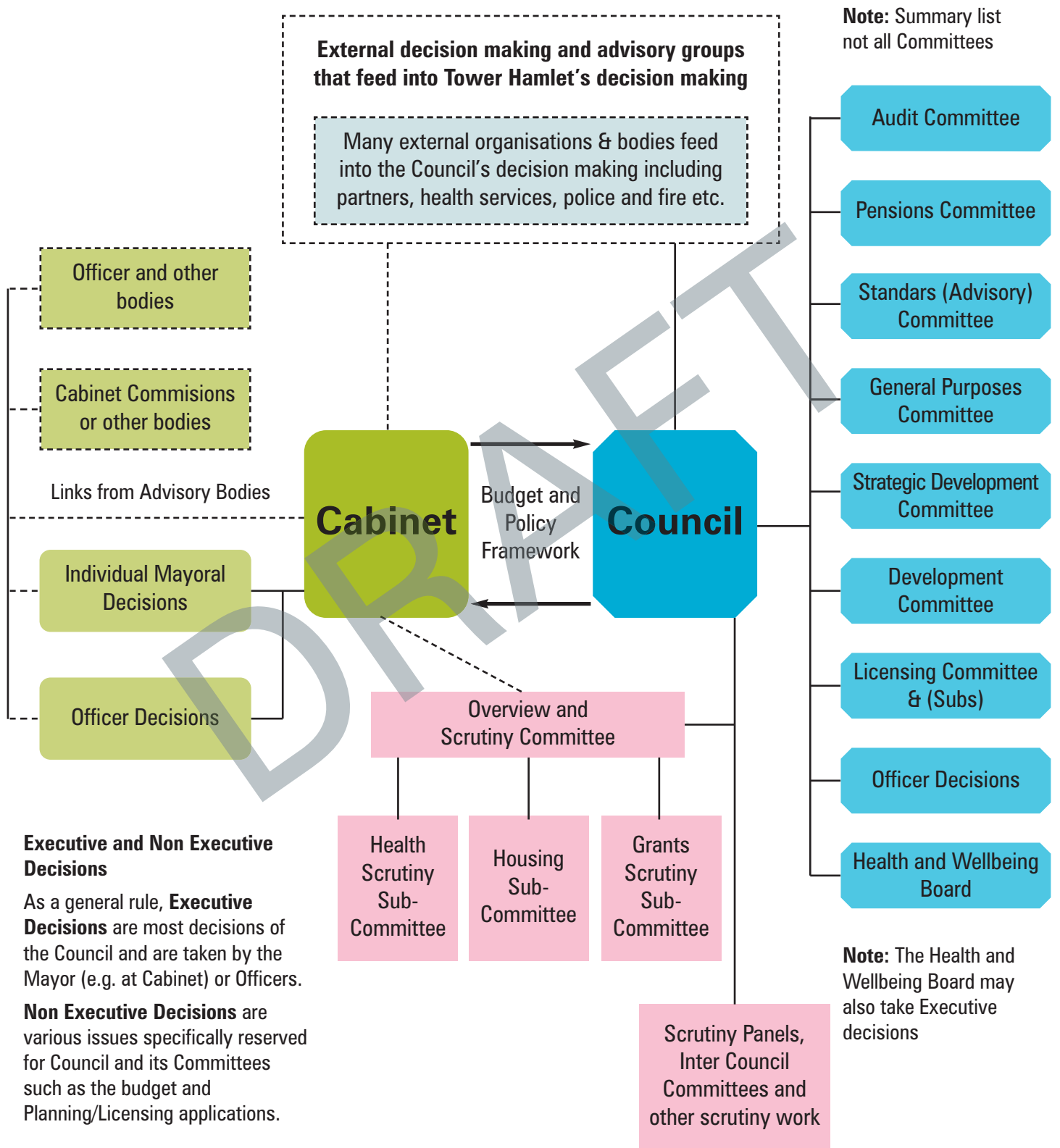
5.3 The Mayor is elected by the voters of the Borough, for a four (4) year term. The Mayor appoints and is supported by a Cabinet, who are responsible for most of the regular decisions of the Council. These decisions include preparing the budget and plans for the Council to consider, implementing and monitoring them and other key executive decisions. The Mayor and Cabinet have to take decisions in line with the budget and policy framework set by the Full Council. Any proposals outside this framework must be referred to Full Council to decide. The Mayor may also take decisions as Mayor's Executive Decisions and these are published on the website under the committee section:
www.towerhamlets.gov.uk/committee

- 5.4 Any “key decision” taken by the Mayor and Cabinet (a decision that involves two or more wards or has significant funding implications) must be included in the Forthcoming Decision Plan. The plan is published 28 days before the decision is planned to be taken.
- 5.5 The role of OSC is to scrutinise the decisions of the Mayor and Cabinet, monitor performance and help develop policy. OSC can also consider and scrutinise other service providers, such as partner organisations that deliver services locally.



Figure 1

**LONDON BOROUGH OF TOWER HAMLETS
SUMMARY DECISION MAKING - STRUCTURE CHART**



Note: Summary list not all Committees

Executive and Non Executive Decisions

As a general rule, **Executive Decisions** are most decisions of the Council and are taken by the Mayor (e.g. at Cabinet) or Officers.

Non Executive Decisions are various issues specifically reserved for Council and its Committees such as the budget and Planning/Licensing applications.

Note: The Health and Wellbeing Board may also take Executive decisions

Note: Some bodies omitted for clarity

KEY:

- Non-Executive Decision Making
- Executive Decision Making
- Scrutiny Bodies
- Advisory Bodies



keeps an open log of the status of the requests it has made.

6.3 Scrutiny Lead Members portfolios

Adults, Health & Wellbeing - covers the adult social care functions of the Council (including commissioning and housing-related support for vulnerable adults), and Public Health. This scrutiny lead member is also the chair of the Health Scrutiny Sub-Committee

Children, Schools & Families - encompasses learning and achievement (for example, services for children and families from pre-birth, through their early years and to the end of secondary education); and the social work support provided to children and young people of the borough, including support for looked after children, children leaving care, children and young people with disabilities and support around mental health and adolescence.

Communities, Localities & Culture - includes services concerning culture, adult learning, leisure, community safety, and the public realm.

Development & Renewal - covers housing options, planning, building control, economic development, regeneration, sustainability, and the Council's own estate and assets. The scrutiny lead member in this area also chairs the Housing Scrutiny Sub-Committee.

Resources - includes the Council's finance, procurement, human resources, ICT issues, customer access, revenues and benefits. The scrutiny lead member also chairs the Grants Scrutiny Sub-Committee.

Law, Probity & Governance - covers communications, complaints, information governance, corporate strategy and equality, electoral services and legal services. The lead member for this area is the OSC Chair.

6. The Overview and Scrutiny Committee

6.1 OSC is the principal Member body that holds executive decision makers to account. OSC meets monthly and consists of nine (9) elected Councillors, including the Chair and education co-opted representatives. These are parent governors and faith representatives from the Church of England, Roman Catholic and Muslim communities.

6.2 Some important changes have been made to the way in which OSC operates in 2016/17. The important function of scrutinising forthcoming executive decisions has been enhanced: the meeting dates of the OSC have been moved further in advance of Cabinet in order to allow greater time for consideration of pre-decision scrutiny questions, and therefore more substantive responses. In addition, pre-decision questions are a standing item and Members receive a list of both the items on the next Cabinet agenda, as well as all forthcoming Cabinet decisions published by the Council. The OSC now



- whether or not they take account of local issues;
- quality of services and whether or not local needs are met;
- equality of access and chances of successful outcomes;
- whether or not proposals meet the needs of local communities; and
- whether or not delivery partners are achieving greater integration.

7.3 The Council’s Health Scrutiny Sub-Committee terms of reference and membership are set out in the Constitution³. As well as its statutory obligations, the Sub-Committee also considers a work programme agreed by the OSC. The Scrutiny Lead for Adults Health and Wellbeing chairs the Health Scrutiny Sub Committee and must regularly report to the OSC on the work of the Committee.

7.4 The Sub-Committee has a role in ensuring local needs are considered by commissioners and service providers and ensuring patients are at the centre of service planning, design and delivery. The Sub-Committee meets at least five times per year, and its membership is determined by the OSC. Co-opted members of the Committee usually include representatives of relevant health stakeholders such as Healthwatch Tower Hamlets. Each year the Health Scrutiny Sub-Committee undertakes at least one challenge session or review.

7.5 The Inner North East London Joint Overview and Scrutiny Committee (INEL JOSC) comprises of the London Boroughs of; Hackney, Newham, Tower Hamlets and City of London Corporation. The Committee’s remit is to consider London wide and sub-regional NHS service developments and changes that impact all the authorities mentioned above. The Committee will meet as required and is established in accordance with section 245

7. Overview and Scrutiny Sub Committees

7.1 As well as the OSC that covers most of the Council’s functions and services, there are three sub-committees that deal with specific functions and responsibilities. Under the Terms of Reference for the OSC, it can appoint such sub-committees or scrutiny panels as the Committee considers appropriate from time to time to carry out individual reviews under the OSC work programme. The three (3) scrutiny sub-committees in Tower Hamlets are:

- Health Scrutiny Sub-Committee
- Housing Scrutiny Sub-Committee
- Grants Scrutiny Sub-Committee

Health Scrutiny Sub-Committee

7.2 Successive Health and Social Care Acts² gave councils responsibility for scrutinising local NHS trusts. Health scrutiny is therefore primarily outward focused (although it can scrutinise the Council’s discharge of its health responsibilities and the Health and Wellbeing Board). Along with a distinct statutory basis, there is also specific government guidance which aims to focus scrutiny of health bodies on matters such as:

² See the Health and Social Care Act 2012, s.190; previously the Health and Social Care Act 2001 s.7-9, and the new National Health Service Act 2006, s.244-6.
³ <http://moderngov.towerhamlets.gov.uk/documents/s66405/Article%206%20Overview%20and%20Scrutiny%20Committee%20and%20Panels.pdf>

of the NHS Act 2006 and Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002. The Scrutiny Lead for Adults, Health & Wellbeing from Tower Hamlets is the Chair of INEL JOSOC for 2016/17.

Grants Scrutiny Sub-Committee

7.6 This Sub-Committee has been set up as part of the implementation of the Council's Best Value Action Plan. The aim of the Grants Sub-Committee is to ensure that the overall objectives of the grant scheme are being met based on identified need, that a fair geographical distribution of funding is being proposed, and that the full range of community needs are being met. It aims to support an objective, fair, transparent and co-ordinated approach to grant funding across the Council, including but not restricted to the following:

- overseeing the process and arrangements for awarding and administering grants and related procurement processes to ensure a strategic approach;
- overseeing the processing arrangements for developing grants criteria and assessment methodology;
- overseeing the monitoring, performance management and evaluation arrangements in relation to funded projects;
- ensuring fairness and transparency in the grant awarding process; and
- being mindful of the Council's objective to create an environment for a thriving Third Sector.

Housing Scrutiny Sub-Committee

7.7 The Housing Scrutiny Sub-Committee scrutinises housing functions within the borough, including working closely with registered providers and other key stakeholders. Its remit includes:

- reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of the

Council's housing functions;

- advising the Mayor, DCLG Commissioners or Cabinet of key issues/questions arising in relation to housing reports due to be considered by the Mayor, DCLG Commissioners or Cabinet;
- making reports and/or recommendations to the Full Council and/or the Mayor, DCLG Commissioners or Cabinet in connection with the discharge of housing functions;
- organising an annual work programme, drawing on the knowledge and priorities of the Council, registered providers and other stakeholders, that will identify relevant topics or issues that can be properly scrutinised;
- holding service providers to account, where recent performance fails to meet the recognised standard, by looking at relevant evidence and make recommendations for service improvements;
- considering housing matters affecting the area or its inhabitants, including where these matters have been brought to the attention of the Sub-Committee by tenant and resident associations, or members of the general public.

8. Types of scrutiny activity

8.1 There are several ways scrutiny can influence the decision making process, as well as carrying out effective scrutiny of decisions that have already been taken. These include the following:

Budget and Policy Framework items

8.2 The OSC has a mandatory consultation role on all items which are the responsibility of Full Council to agree, rather than the Executive, and these make up the Budget and Policy Framework which include the following:

- Crime and Disorder Reduction Strategy
- Development Plan Documents and plans/alterations which together comprise the Development Plan.
- Licensing Authority Policy Statement
- Sustainable Community Strategy
- Housing Strategy
- Environmental Strategy
- Employment Strategy and Enterprise Strategy
- Waste Strategy
- Open Space Strategy

Budget

- 8.3 The OSC has a crucial role in budget scrutiny. This includes the annual allocation of financial resources to different services and projects, the treatment of risk, setting the council tax, and decisions relating to the control of the Council's borrowing, the control of its capital expenditure and the setting of virement limits.

Monitoring and Challenge

- 8.4 OSC will regularly monitor and examine reports on strategic performance progress in delivering the Strategic Plan and the financial position of the Council compared to the budget.

Pre-decision scrutiny of Cabinet business

- 8.5 Consideration of the Executive Forward Plan will allow OSC to highlight upcoming issues for its work programme, or for further activity by the relevant lead scrutiny Member. The OSC meets one week before Cabinet and has the opportunity to raise questions which it considers Cabinet should take into account in reaching its decisions. Questions are then submitted for consideration at the next Cabinet meeting. OSC Members receive the Cabinet papers on their initial despatch the week before the meeting.

Call-In of decisions

- 8.6 When a decision is made, OSC may hold the Executive to account for the discharge of its functions by examining, challenging and, if necessary requesting changes to an executive decision made, but not yet implemented. This power does not enable OSC to require that a decision is changed; it simply calls for additional consideration of the decision before it is implemented. After the Cabinet has announced its intention to make a decision, Members have five working days to consider that decision and advise on whether they wish to call it in (Appendix 1 explains the notice periods for decision making and the role of the Chair of OSC). If a decision is called-in, at the next OSC meeting the Committee hears from the Member(s) who called-in the decision and receives a response from the Cabinet member. The Committee then decides whether to confirm the original decision, or refer it back to the decision taker (Cabinet) and ask them to reconsider. Full information on call-in can be found at section 4.5 of the Overview and Scrutiny procedure rules of the Constitution (Appendix 2 sets out further detail how call-in works).

Spotlight Sessions

- 8.7 Many meetings feature "spotlight" sessions, where a particular policy area or portfolio is the focus, with the relevant Cabinet member, Council officers or partners in attendance to answer the Committee's questions.

Petitions

- 8.8 Petitions which include the names, addresses and signatures of at least 1,000 persons who live, work or study in the borough will trigger a debate at OSC. The Committee also consider requests for reviews on petitions.

Additional items

- 8.9 OSC may also consider additional items,

relevant to their functions, either by requesting to see an item at their next meeting or if an item is referred to the Committee for consideration by any other Member of the Council. In these cases, the Committee considers the item and makes a decision whether to report their findings and any recommendations back to the Mayor/Executive and/or Council

Reviews and Challenge Sessions

8.10 As part of its work programme, OSC includes issues and services for investigation via a review or challenge session. This work typically takes place outside of the committee’s formal meetings. The annual scrutiny work programme needs to be flexible enough to allow some capacity to address new issues as they arise throughout the year to reflect the capacity that is available to support scrutiny’s work.

Tracking progress of OSC recommendations

8.11 Throughout the year the Committee will review the progress in the implementation of its recommendations arising from reviews and challenge sessions. This enables the Committee to better understand the impact their work is having and also help address any issues that may have arisen in taking forward any recommendations.

OSC work programme

8.12 OSC and the scrutiny sub-committees agree their work programme at the beginning of the municipal year, taking into account the Cabinet’s Forward Plan. A typical set of regular agenda items for the OSC comprises of the following:

Item	Timing
‘Call in’	As and when these occur
Budget and Policy Framework items	See section 7 above
Strategic Performance reports and Budget Monitoring reports	Quarterly
Scrutiny Spotlights	Timetabled through the year
OSC Work Programme including the programme of topics for review and challenge sessions	Beginning of the municipal year and progress considered regularly
Tracking progress of previous OSC recommendations	Periodic reports on progress implementing previous scrutiny reviews
Pre-decision scrutiny	As and when these occur

8.13 The work programme is developed after consideration of key Council documents including issues highlighted through scrutiny's own work, such as the performance monitoring role, as well as specific reviews. The following criteria act as a guide in prioritising the selection of issues:

- a service or issue that requires significant improvement;
- a service or issue of poor or challenging performance;
- an area of national policy development that impacts, or has the potential to impact, on one or more sections of the community;
- an inspection is planned for the service where scrutiny would add value to Council and partner performance;
- a controversial or sensitive issue that would benefit from a risk-management approach and the pro-active engagement of partners and local communities.

8.14 OSC can review anything that impacts the local community, not just Council services. Reviews and challenge sessions enable Members to investigate particular issues in depth, and formulate recommendations on how to address them. Reviews tend to be a longer process, looking in detail at the context of an issues and take up to 6 months to complete while challenge sessions are shorter, more focussed, often one-off, sessions. Both types of work are best where Members work together regardless of political differences. Officers from the Corporate Strategy and Equality service provide support to Members to carry out these reviews.

8.15 Whilst review and challenge session work typically take place outside of formal Committee meetings, during 2015/16 OSC undertook its first Commission, which is a review where most of the evidence was undertaken at the actual OSC meetings. This may be a model used in future either by OSC or the sub-committees.



9. Public participation in scrutiny

9.1 There are four main ways local people can get involved with scrutiny in Tower Hamlets:

- attend OSC or one of its sub-committees, which are all public meetings and therefore open to any local resident who wishes to attend;
- give evidence to the OSC or one of its sub-committees, or a review or challenge session established by one of these committees, on any issue or matter that appears on an agenda or that is being scrutinised;
- apply to join OSC or one of its sub-committees as a co-opted member when a vacancy arises. All of the Council's scrutiny committees will now recruit co-opted members through an open competitive process;
- propose topics for scrutiny by one of the committees.

9.2 In terms of proposing topics for scrutiny, the Council is now actively seeking to encourage greater public participation in proposing topics for scrutiny. This will involve promoting the value of scrutiny to local people by encouraging them to use the Council's website to suggest relevant topics for review. These topics will be considered alongside proposals from councillors and a work programme developed.



10. Roles for people involved in scrutiny

Roles of members of scrutiny committees

10.1 Members on scrutiny committees have a collective and individual responsibility for ensuring scrutiny is member led. This includes:

- reading agenda reports and papers before a meeting takes place;
- raising relevant and timely questions at meetings;
- taking into account the views of residents, service users and local organisations in formulating an opinion on a particular issue or on the service being scrutinised;
- getting involved in activities that the committee has agreed to undertake outside of formal meetings.

10.2 Activities outside of formal meetings may include:

- visiting service providers in Tower Hamlets and elsewhere;
- attending a relevant seminar or conference to gain a better understanding of a particular issue;

- meeting with members of the public and local organisations to hear their views on a given issue;
- participating in training and development events organised by the Council.

10.3 These activities may take place in order to deepen understanding of the topics or services being scrutinised. It is expected that these activities will be undertaken by small groups of members with the support of officers, and will be reported back to the next available meeting of the relevant scrutiny committee to share findings and draw conclusions.

Skills and knowledge

10.4 An effective scrutiny committee member will use the following range of skills:

- knowledge of scrutiny's role in the working of the Council and its formal constitutional obligations;
- the ability to question assertively and effectively while supporting, where appropriate, witnesses and external representatives involved in scrutiny;
- the ability to evaluate and analyse evidence and information and

contribute towards framing relevant and workable recommendations;

- the ability to work collaboratively with officers, stakeholders and members of the public;
- the ability to take ownership of the outputs and outcomes of scrutiny;
- have sufficient time, energy and commitment to deal with the scrutiny role.

A proposed role description for an overview and scrutiny member is set out in Appendix 3.

Roles of Scrutiny Chairs

10.5 Chairs and vice-chairs of individual scrutiny committees should work together to promote effective scrutiny for their committee. Good chairing can contribute enormously to the overall success of scrutiny. The Chair is responsible for:

- providing leadership and direction to the scrutiny committee, review and challenge session;
- ensuring the business of the scrutiny committee, review and challenge session is managed efficiently and effectively and stays within its terms of reference;
- making the best use of resources, particularly of time, expertise and knowledge;
- promoting the role and effectiveness of scrutiny both within the Council and externally.

10.6 The Chair should encourage all scrutiny members to take an active role in scrutiny including taking part in any activity outside of formal meetings (for example, site visit, meetings with representatives of local organisations, and public consultation events).

10.7 The Chair should set the tone of the meeting, helping to ensure that scrutiny is a positive and friendly experience for

individuals or groups providing evidence or acting as witnesses. It is important for the Chair to work towards consensus and a balanced interpretation of the evidence presented. The Chair is responsible for developing constructive relationships with the appropriate Cabinet Member Leads and with senior officers in the services being scrutinised.

10.8 The Chair is also responsible for presenting reports and recommendations from the relevant scrutiny committee, or from a review or challenge session, to the appropriate body or person (for example, the Cabinet, an NHS trust board, or the executive board of a local registered housing provider) and for ensuring the implementation of recommendations are monitored.

Planning

10.9 Before each committee meeting, the Chair will be asked to approve an outline agenda and to comment on the order of items of business. The Chair should check that the agenda is not too long, that each item of business is allocated an approximate time slot and that the business, assuming normal circumstances, can be completed within the time available for the meeting. For complex items, the Chair has a specific responsibility to think in advance about what questions scrutiny might want to ask of officers, representatives from other organisations or members of the public who are presenting or talking to specific items of business. There are a number of ways of doing this:

- brainstorming at previous meetings (or at pre-meetings);
- committee members to discuss questions via email between meetings;
- Chair to draft and send to committee members for comments/changes.

10.10 The Chair may wish to hold a pre-meeting in order to develop a questioning strategy for the meeting. This can be useful for a

meeting that will consider a complex matter or when a high profile witness is due to attend. Pre-meetings can help to structure the sessions and make best use of time available, as well as allowing for more effective questioning as all Members will have a common understanding of what they wish to achieve.

Chairing scrutiny committee meetings

10.11 Planning is essential to successful chairing and so it is important that the Chair is well briefed before the start of the meeting and knows what they want to achieve from the meeting. When members of the public are present, it is helpful for the Chair to make some opening comments about how the meeting will be conducted and how the public will be able to contribute to the proceedings.

10.12 Recommendations are a key mechanism by which scrutiny can impact on decision making and/or securing improvements to services. The Chair is responsible for ensuring that scrutiny makes clear and practical recommendations for action to the Cabinet or others. The Chair should be mindful to ensure recommendations reflect, and are consistent with, the evidence that was considered and informed by the likely level of support these will receive from other Members. A detailed role description for an Overview and Scrutiny Chair is set out in Appendix 4.

Role of co-opted members

10.13 Non-councillors may be co-opted onto Overview and Scrutiny Committees and its sub-committees or associated groups. Co-opted members can be particularly helpful in representing community perspectives, contributing to providing a wider / balanced picture of an issue and encouraging public engagement. Co-opted members are expected to have the same level of knowledge as elected Members.

10.14 The OSC has five (5) statutory education co-opted positions (three (3) parent governors, the Roman Catholic Diocese and the Church of England Diocese. They are eligible to vote on matters relating to education and may speak but not vote on any other matters (i.e. non-educational).), There is also a further non-voting co-optee and which, in accordance with the Tower Hamlets Constitution, will be a Muslim representative and who can speak but is not eligible to vote on any matter. The Sub-Committees may also appoint co-opted members to help deliver their work programme. For example the Health Scrutiny Sub Committee appoints two representatives from Healthwatch Tower Hamlets. The Housing Scrutiny Sub Committee has appointed resident leaseholder and a tenant to the Committee and Grants Scrutiny Sub Committee is recruiting residents who have a good understanding of the grants process.

10.15 All co-opted members have the following roles and responsibilities:

- work in a consensual manner to ensure the effectiveness of Scrutiny;
- be objective, rigorous and resilient in challenging policy decisions;
- monitor the performance of the Council and contribute to the monitoring of partnerships;
- develop their relationship with other committee Councillors.
- actively participate in the work of committee and other scrutiny activity;
- engage with a range of local people and stakeholders to bring issues of concern to the attention of committee;
- use the role of the co-opted to connect the Council's OSC function with local groups including those hard to engage;

Officer roles

- 10.16 Scrutiny activity is supported by officers from different parts of the Council who have distinct roles. This includes; Democratic Services, Legal Services, Corporate Strategy and Equality Service and officers from the Council's directorates.

Democratic Services

- 10.17 Support activity directly related to the meetings of OSC or the sub-committees themselves. Their role includes collating and distributing agendas, preparing the meeting venue and taking and circulating the formal note or minutes of the meetings.

Corporate Strategy and Equality Service

- 10.18 In conjunction with the Chair, officers will carry out much of the work between formal meetings. Their role includes scoping individual scrutiny reviews, providing research, identifying relevant witnesses or spokespeople, obtaining evidence and drafting work programmes.

Officers from other Council directorates

- 10.19 Officers from directorates will be involved if the topic under review directly impacts on their service or addresses an issue relevant to the delivery or management of that service. As scrutiny aims to improve the performance of services and the customer experience of services, officers should work with the scrutiny process in an open and constructive way.
- 10.20 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 Councillors in general. 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 in scrutiny reports and ensure these are implemented in the way they are agreed by the Executive.

Scrutiny's relationship with the Cabinet

- 10.21 A good working relationship between the Cabinet and scrutiny is vital to the success of the scrutiny process. It should be a constructive relationship, which respects the role of each and promotes mutual respect and recognition of the value both add to the Council's decision making process. Cabinet should welcome the contribution scrutiny bodies make at an early stage in shaping or informing policy and decision making. Cabinet may wish to ask OSC or one of the sub-committees to undertake a specific piece of work that would be helpful to Cabinet in its decision making role.
- 10.22 Scrutiny has the power to require a Cabinet Member to attend one of its meetings in order to explain and answer questions about their decisions, plans and performance. Relevant Cabinet Members are expected to attend OSC, its sub-committees and review and challenge session meetings. The final report (with recommendations) and action plan of all scrutiny reviews or challenge sessions will be presented by its scrutiny chair (or nominated representative) to the Cabinet for consideration and comment. Cabinet will decide whether it wishes to; formally approve the report, recommendations and action plan as it stands, or propose changes to any or all of these.



11. Tools for scrutiny

Supporting data and evidence

11.1 Scrutiny is at its most effective when it considers a broad range of sources of evidence and involves others in its work. Types of evidence gathering include:

- **background information** through desk top research within and outside the Council (for example, think tanks, interest groups, or national representative bodies) as well inspection reports, national strategies, official statistics;
- **research and consultation** from Council sources such as survey data, corporate and service based focus groups, feedback from local residents and other formal and informal communications;
- **engagement and governance processes** such as business or community forums, tenant groups, residents' panels and co-option on to committees.

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

- Council staff and Members;
- statutory sector partners such as the police, health, fire and rescue, neighbouring local authorities and government;
- voluntary and community organisations locally and nationally;
- residents and other members of the public as individuals, householders, different demographic groups, residents associations;
- businesses, whether individual through the chamber of commerce, or geographically based.

Scrutiny review and challenge session scoping template

11.2 A scoping document should be used in planning each individual scrutiny review and challenge session undertaken and a

template is included in Appendix 5.

Process for managing scrutiny reviews and challenge sessions

11.3 The process set out below may vary depending on the complexity or breadth of the topic and whether it is a longer review or a one-off challenge session.

Actions prior to the first meeting

11.4 In conjunction with the Chair and a manager from the relevant service/s, the lead officer (Corporate Strategy & Equality) will draft a scope for the review or challenge session for approval. The lead officer will also recruit Members and representatives from external organisations to serve on the review or challenge session panel. The lead officer must also identify and contact all other officers who need to be involved, and draft a timetable for the review or challenge session.

First meeting

11.5 The lead officer from Corporate Strategy & Equality Service will arrange the date of the first meeting with the Chair and communicate this to attendees. The agenda for the first meeting will include:

- a draft scoping document for the review or challenge session;
- a report from the relevant service setting out the Council or partner agencies current policy in the area covered by the review or challenge session and any operational factors that might have an impact on the outcome of the review;
- information setting out performance outturns for any service/s included in the remit of the review or challenge session;
- Cabinet Member's vision for the service
- identify which officers will undertake the different tasks identified in the scope;

During the review

- 11.6 The lead officer in consultation with the Chair will draft all agendas; draft briefing material and produce reports; identify and send any relevant reading material to members; identify and brief potential witnesses and support the Chair to develop draft recommendations.
- 11.7 The lead officer will also book meeting rooms, refreshments and any equipment for meetings; liaise with witnesses and consultees; conduct research; design any consultation material; analyse and present data; take notes from each meeting to record any decisions taken and work requested; monitor progress in relation to the agreed timetable for completing the review or challenge session; and manage the day to day operation of the scrutiny process on behalf of the Chair. The Chair will manage the overall scrutiny process; control agenda setting; chair meetings; and oversee the drafting of the final report of the review or challenge session.

Final report

- 11.8 The lead officer should ensure the final report reflects the evidence gathered throughout the course of the review. That the recommendations are achievable and SMART and that officers from the services involved and Cabinet Member(s) are fully signed up to the conclusions reached. The Chair should agree the final report, drafted by the lead officer, based on the evidence received and the views of other Members involved in the work. The final report and recommendations should be presented to OSC by the Chair. The relevant Cabinet Member should be invited to attend the meeting.
- 11.9 Following agreement by OSC the relevant service will have up to four weeks to develop an action plan responding to the recommendations. The final report, recommendations and action plan will then be submitted to Cabinet for comment and approval. Progress updates

on implementation of previous scrutiny review recommendations are considered throughout the year by OSC.

Learning and development

- 11.10 Each year the OSC and sub-committees undertake an induction programme which builds on learning from the previous year and other available Member training. This may include externally facilitated workshops which help develop members' scrutiny skills and work programme development.

Centre for Public Scrutiny (CfPS)

- 11.11 The CfPS supports organisations and places to create the right culture, systems and process to help governance and scrutiny to improve outcomes. It provides targeted support to local councils and a national helpline for advice on scrutiny issues. Individuals can access support through national training days, conferences and bespoke training and development activities. There are six core areas of support: devolution; transformation; safeguarding children; school accountability; health and social care; and getting scrutiny right.
- 11.12 In 2014 CfPS produced a series of practice guides to assist those working in overview and scrutiny functions of local authorities. There are thirteen practice guides; topics covered include:
- making effective recommendations;
 - pre-decision scrutiny;
 - joint working between scrutineers;
 - making scrutiny committee meetings effective;
 - call-in.

These practice guides along with other CfPS publications can be found at <http://www.cfps.org.uk/publications/>

Communicating scrutiny

11.13 Communicating the activities of overview and scrutiny should be part of the Council's overall public relations strategy. It raises awareness of the role of local government in general and the impact overview and scrutiny has in particular, which can have the following two advantages:

- raise public confidence in local government by showing the public that decision and policy making are open to examination;
- encourage external involvement in scrutiny work from the public, local organisations and community groups.

11.14 External press coverage of overview and scrutiny activities will be discussed on a meeting by meeting basis, between the Chair, lead officer, relevant service managers and the Council's Communications Service. What might be covered in a Council press release relevant to the outcome of scrutiny activity should be agreed in advance and the press invited to attend meetings as necessary.

12. Contacts

12.1 The following officers provide the main overview and scrutiny support at the Council. Their contact details are set out below: Procedural and administrative support is provided by Democratic Services. Its roles are to support; preparation of agendas, circulation of papers, arranging meeting venues, and taking minutes of meetings.

David Knight

Senior Committee Services Officer
Tel: 020 7364 4878
Email: david.knight@towerhamlets.gov.uk

Farhana Zia

Committee Services Officer
Tel: 020 7364 0842
Email: farhana.zia@towerhamlets.gov.uk

Charles Yankiah

Senior Committee Officer
Tel: 020 7364 5554
Email: Charles.yankiah@towerhamlets.gov.uk

12.2 Policy advice and support is provided by the Corporate Strategy and Equality Service to OSC and its sub-committees. Its roles are to support meetings; provide briefing on policy issues or Cabinet reports; draft reports and liaise with officers and partners.

Kevin Kewin

Interim Service Head Corporate Strategy and Equality
Tel: 020 7364 4075
Email: kevin.kewin@towerhamlets.gov.uk

Afazul Hoque

Interim Service Manager Strategy and Performance
Tel: 020 7364 4636
Email: afazul.hoque@towerhamlets.gov.uk

Mark Bursnell

Senior Strategy, Policy and Performance Officer
Tel: 020 7364 2260
Email: mark.burnsnell@towerhamlets.gov.uk

12.3 Legal advice is provided by the Service Head Legal Services:

Graham White

Interim Service Head Legal Services
Tel: 020 7364 4348.
Email: graham.white@towerhamlets.gov.uk

Links to the Constitution:

<http://moderngov.towerhamlets.gov.uk/ie/ListDocuments.aspx?CId=663&MId=5697&Ver=4&Info=1>

Section 2, article 6 – OSC and Panels

<http://moderngov.towerhamlets.gov.uk/documents/s66405/Article%206%20Overview%20and%20Scrutiny%20Committee%20and%20Panels.pdf>

Section 4.5 – OSC Procedure Rules

<http://moderngov.towerhamlets.gov.uk/documents/s66435/4.%205%20Overview%20and%20Scrutiny%20Procedure%20Rules.pdf>

Appendix 1

Notification periods for executive decision making and the role of the Overview and Scrutiny Committee (OSC)

This procedure outlines the process for Executive decision making within the Council and the role of Overview and Scrutiny Committee and the Chair where an urgent decision needs to be taken.

If a key decision needs to be taken by the Mayor in Cabinet on the basis of an unrestricted report and the relevant officer cannot give twenty-eight (28) days' clear notice, but can give 5 days' clear notice, Committee Services will publish the issue on the website and send a General Exception Notice to the Chair of OSC.

If the relevant officer cannot give five (5) clear days' notice they must send a Special Urgency notice to the Chair of OSC and copy in Committee Services. The Chair of OSC must agree to the officer's request. If the Chair agrees, the details of the Special Urgency notice will be published by Committee Services. The officer responsible for drafting the report, must state the special circumstances justifying urgent consideration and follow regular clearance procedures.

If a key decision needs to be taken by the Mayor in Cabinet on the basis of an exempt report (or part thereof) and the relevant officer cannot give twenty-eight (28) days' clear notice, they must send the Private Session Urgency Agreement Notice to the Chair of OSC and copy in Committee Services. The Chair of OSC must agree to the request.

If an officer discovers that their report will now need to be exempt (or part thereof) and not able to give twenty-eight (28) days' clear notice of the change, they will need to obtain the agreement of the Chair of OSC.

If an officer needs their report to be exempted from call-in, they must complete an Exemption form Call-In Notice request and submit this to the Chair of OSC and copy in Committee Services. The Chair of OSC must agree to the request.

If a non-key decision needs to be taken by the Mayor in Cabinet on the basis of an exempt report and the relevant officer cannot give twenty-eight (28) days' clear notice, they must send a Private Urgency Agreement Notice to the Chair of OSC and copy in Committee Services. The Chair of OSC must agree to the request.

If a key decision needs to be taken by the Mayor outside of Cabinet on the basis of a report and the relevant officer cannot give twenty-eight (28) clear days' notice but can give 5 clear days' notice, Committee Services will publish details of the issue and will send the General Exemption notice to the Chair of OSC.

If a key decision needs to be taken by the Mayor outside of Cabinet and the officer cannot give five (5) day's clear notice for their report, then they must send the Special Urgency notice to the Chair of OSC and copy in Committee Services. The Chair of OSC must agree to the request.

There are specific additional requirements that must be met when the Council takes decisions on budget or policy framework items. Although these items must first be presented to Cabinet and must also be published in advance in the Forward Plan. They must also be considered by OSC before they can be determined by Council.

Any budget or policy framework report, where the officer can give twenty-eight (28) clear days' notice, will need to be ready earlier than regular Cabinet reports to allow for the Overview and Scrutiny Committee to review. Similarly, any budget or policy framework report, where the officer cannot give twenty-eight (28) clear days' notice will need to be ready earlier than regular Cabinet reports to allow for the Overview and Scrutiny Committee to review.

Appendix 2

How Call-In works

How call-in works at the Council is set out in Section 4.5 "Overview and Scrutiny Procedure Rules" of the Constitution and, in particular, Rules 16 and 17 - Call-In and Call-In and Urgency.

When a decision is made by the Mayor, the Cabinet, an individual Member of the Cabinet, a Committee of the Cabinet, or a key decision is made by an officer with delegated authority or under joint arrangements, the decision shall be published and be available at the Council's main office normally within five (5) working days of being made. Members of the OSC will be sent copies of the records of all such decisions within the same timescale.

The notice will include the date on which it was published and specify that the decision will come into force and may then be implemented at 5pm on the fifth clear working day, after the publication of the decision unless, after receiving a written request to do so, the Director of Law, Probity and Governance calls the decision in.

During this period, the Corporate Director of Law, Probity and Governance shall call-in a decision for scrutiny by the OSC if so requested by: not fewer than five (5) Members of the Council; or, two (2) voting church, faith or parent governor representatives in respect of any education matters only.

The request for a call-in must give reasons in writing and outline an alternative course of action. In particular, the request must state whether or not those Members believe that the decision is outside the policy or budget framework.

The Corporate Director of Law, Probity and Governance shall call-in a decision within twenty-four hours of receiving a written request to do so and shall place it on the agenda of the next meeting of the OSC on such a date as they may determine, where possible after

consultation with the Chair of the Committee and in any case within five (5) clear working days of the decision to call-in.

The Corporate Director of Law, Probity and Governance will not call-in:

- i. Any decision which has already been the subject of call-in;
- ii. A decision which is urgent and has to be implemented prior to the completion of any review. In such circumstances the decision taker(s) shall give reasons to the OSC;
- iii. Decisions by regulatory and other Committees discharging non-executive functions;
- iv. Day to day management and operational decisions taken by officers;
- v. A resolution that merely notes the report or the actions of officers;
- vi. A resolution making recommendations to Full Council.

Where the matter is in dispute, both the Chief Executive and the Monitoring Officer should be satisfied that one of the above criteria applies. The Corporate Director of Law, Probity and Governance shall then notify the decision-taker of the call-in, who shall suspend implementation of the decision.

If having considered the decision, the OSC is concerned, then it may refer it back to the Mayor or Cabinet for reconsideration, setting out why, in writing, the nature of its concerns, or if the matter should properly be considered by Full Council refer the matter to Full Council. If referred to the decision-maker they shall then reconsider within a further five (5) clear working days, or as soon as practical thereafter, amending the decision or not before adopting a final decision.

Appendix 2 continued

How Call-In works

If the OSC refers a matter back to the decision maker(s), the implementation of that decision shall be suspended until such time as the decision maker(s) reconsiders and either amends or confirms the decision. If following an objection to the decision, the OSC does not meet in the period set out above, or does meet but does not refer the matter back to the decision maker, the decision shall take effect on the date of the OSC meeting, or the expiry of that further five (5) working day period, whichever is the earlier.

Call-In and Urgency

The call-in procedure set out in the Overview and Scrutiny Procedure Rules shall not apply where the decision being taken by the Mayor, Cabinet or a Cabinet Committee, or the key decision being made by an officer with delegated authority from the Cabinet or under joint arrangements is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public interest.

The record of this decision and notice by which it is made public shall state whether in the opinion of the decision maker, the decision is an urgent one and therefore not subject to call-in. The Chair of OSC must agree that both the decision is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chair, the speaker of the Council's consent shall be required. In the absence of both, the consent of the Deputy Speaker of the Council or the Head of Paid service, or their nominee, shall be required.

Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency. The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.

Appendix 3

Overview and Scrutiny Member Role Description

Scrutinising and developing policy

- Participate fully in the activities of the Overview and Scrutiny Committee and its sub-committees, the development and delivery of their work programmes and associated review and challenge sessions
- Assist in the development of Council and partner agencies policy through scrutinising draft policies and improve existing policies
- Challenge policies, where the evidence available suggests these can better reflect local and strategic priorities
- Assess the impact of existing policy and identify areas for improvement

Holding the Executive to account, monitoring performance and service delivery

- Monitor the performance of internal and external providers against Council standards and targets, including questioning Cabinet Members and senior officers on the delivery of targets
- Investigate and make recommendations to address the causes of under or poor performance
- Evaluate the validity of Mayor and Cabinet decisions and challenge decisions through call in where appropriate
- Build trust with the Mayor and Cabinet so that appropriate matters can be sent to scrutiny for pre-decision review prior to a final decision being taken

Promoting the work of overview and scrutiny

- Promote the role of overview and scrutiny within and outside the Council, developing effective internal relationships with officers and other Members and external relationships

with other agencies and community organisations

- 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
- Be able to demonstrate how scrutiny is making a difference by its involvement

Community engagement

- Use scrutiny as a means to address community issues and engage the public in developing the work programme
- Encourage stakeholders to participate in the work of the Council and partner agencies
- Assist in developing viable and acceptable policy solutions to local issues
- Take a borough wide approach in dealing with issues

Meeting participation

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

Appendix 4

Overview and Scrutiny Chair Role Description

Providing leadership and direction

- Provide confident and effective management of the committee
- Promote the role of overview and scrutiny within the Council and partner agencies, liaising effectively with Cabinet Members, colleague chairs and officers
- Promote the role and contribution of scrutiny within the Council's and partner agencies broader improvement and reporting arrangements
- Champion and promote the role of overview and scrutiny to the public, helping the public better understand, contribute and engage with the scrutiny process
- Promote the role of overview and scrutiny to partner bodies, helping them to understand and engage with the scrutiny function
- Demonstrate an objective and evidence based approach to overview and scrutiny, ensuring that scrutiny activity incorporates a wide range of evidence and perspectives
- Follow up scrutiny recommendations, evaluate the impact and added value of overview and scrutiny activity and identify areas for improvement

Cabinet and partners decision making boards as appropriate

- Ensure that the work programme is manageable and the workload prioritised to focus on the areas of most benefit, or greatest risk to the Council and partner agencies
- Ensure that the work programme is delivered

Effective meeting management

- Plan and set agendas containing clear objectives and outcomes for meetings
- Ensure the necessary preparation is done beforehand through pre-meetings, including agreeing appropriate lines of questioning
- Manage the progress of business at meetings, ensuring that meeting objectives are met, and the code of conduct, standing orders and other constitutional requirements are adhered to
- Ensure that all participants have an opportunity to make an appropriate contribution
- Ensure that members of the public are able to contribute to meetings and understand the rules governing public speaking

Managing the work programme

- Develop a balanced work for the committee which includes pre- decision scrutiny, policy development and review, investigative scrutiny, holding the executive to account and performance monitoring
- Ensure that the public are engaged in scrutiny activities by raising awareness of the work programme and encouraging participation
- Report on progress against the work programme to Council, the Mayor and

Involvement and development of committee members

- Encourage effective contributions from all committee members in both committee and at review and challenge sessions
- Assess individual and collective performance within the committee and work to improve scrutiny outcomes
- Ensure that committee members have the appropriate knowledge and skills to undertake their roles and work with Cabinet Members and officers to achieve appropriate development

Appendix 5

Scrutiny Review/Challenge Session Scoping Template

Councillor(s) submitting proposal	The name of the Councillor(s) who submitted the proposal
Working title	What the review or challenge session will be called to reflect the substantive area to be covered
Reason for enquiry	What questions the review or challenge session is seeking to answer, stating the overall aim of the exercise and why this scrutiny activity has been agreed
Proposed completion date	Based on the work implications of completing the review or challenge session, a suggested date when the report and recommendations will be finalised
Desired outcome	The end result/s this review or challenge wants to achieve, how these improve the service or policy area under review
What will not be included	Those subject areas the review or challenge session will not cover, although they may be closely related to the topic under discussion, in order to give a clear focus to the scrutiny activity
Risks (mitigation)	What are the risks that that might prevent the review or challenge session achieving the outcomes it has set itself, and can these be mitigated by taking the appropriate steps at the start
Equality & Diversity considerations	Are their equality and diversity issues around why this topic is being looked at, and how these concerns can be positively addressed in the recommendations and actions that result
Possible co-options	Can the outcomes achieved of the review or challenge session be improved by including, on the scrutiny group, individuals outside the Council who have valuable knowledge, experience or insights to contribute
Key stakeholders/consultees	Who are the main stakeholders and interest groups associated with this review or challenge session and how should they be consulted to obtain their concerns and priorities
Cabinet Member(s)	Who is, or who are, the relevant Cabinet Members for this review or challenge session in terms of their remit and the topic area covered, and how should they be engaged in this scrutiny activity

Appendix 5 continued

Scrutiny Review/Challenge Session Scoping Template

Potential witnesses	Will the outcomes achieved by the review or challenge session benefit by receiving written or verbal evidence from groups or individuals with a particular interest in the topic, or who have relevant first-hand experience
Research/Evidence required	What material can be gathered that will help the review or challenge session understand the key issues and develop conclusions that are well informed and consistent with the evidence
Timescales	Setting out the timetable for completing the review or challenge session and indicating the appropriate report deadline for each relevant officer or member meeting in the decision making cycle
Publicity	Working with the communications team, to publicise the reasons why a particular topic is being scrutinised and the positive outcomes that have emerged from the work that will improve the situation
Links to Strategic/Mayoral Priorities	How the topic matter of the review or challenge session is relevant and contributes towards a commitment in the Strategic Plan 2016-19

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