

<b>Cabinet</b>  16 May	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Stephen Halsey, Chief Executive	<b>Classification:</b> Unrestricted
<b>Improving the Council's Scrutiny Function</b>	

<b>Lead Member</b>	<b>Mayor Lutfur Rahman</b>
<b>Originating Officer(s)</b>	Stephen Halsey, Chief Executive
<b>Wards affected</b>	All wards
<b>Key Decision?</b>	No
<b>Reason for Key Decision</b>	This report has been reviewed as not meeting the Key Decision criteria.
<b>Forward Plan Notice Published</b>	N/A
<b>Exempt information</b>	N/A
<b>Strategic Plan Priority / Outcome</b>	All plan priorities

### **Special circumstances justifying urgent consideration / Reasons for Urgency**

This report was not published by the statutory deadline as due to the unavoidable rearranging of the Cabinet meeting, administrative processes had to be shortened and it did not prove possible to complete for this report in time for the initial agenda publication. It is important that this report is considered at this meeting as it will inform the Mayor and Cabinet's decisions to ensure key administration priorities are met.

### **Executive Summary**

The Scrutiny function of the Council is an important part of the governance arrangements of the Council and a key element of the Council's arrangements to ensure continuous improvement and meet its statutory best value duty. This report identifies areas for improvement in the Council's Scrutiny function and a set of dedicated actions to address them. It calls for Cabinet to note, endorse and or approve these actions. Some suggested ways forward will need to be the subject of further discussion and approval by the Overview and Scrutiny Committee. There will be full engagement with scrutiny members when developing the annual forward plan and the vehicle to do it.

## **Recommendations:**

The Mayor in Cabinet is recommended to:

1. Note and endorse the improvements to training and support for Members.
2. Note and endorse the approach taken to improve the effectiveness of the role of Statutory Scrutiny Officer.
3. Note and agree the approach to be taken to improve the Overview and Scrutiny support function
4. Note and endorse the officer actions to further enhance a positive relationship between scrutiny and the Executive comprising :
  - a review of scrutiny procedures in relation to the recently published good practice guides from the Centre for Public Scrutiny
  - the facilitation of a Scrutiny Protocol addressing issues such as how Cabinet will engage with scrutiny recommendations at Cabinet and establishing a process that supports a formal response to all issues referred to Cabinet by overview and scrutiny including recommendations, questions or calls for action.
  - As part of the review of the constitution reviewing the Scrutiny Procedures and the Scrutiny Toolkit set out in the Constitution, simplifying where useful.
5. Note and endorse the actions to be taken to raise understanding and awareness of officers of the role of scrutiny.
6. Note and endorse the proposals to increase the public profile and understanding of the scrutiny function of the council
7. Note the specific equalities considerations as set out in Paragraph 6.1.

## **1 REASONS FOR THE DECISIONS**

- 1.1 The Scrutiny function of the Council is an important part of the governance arrangements of the Council and a key element of the Council's arrangements to ensure continuous improvement and meet its statutory best value duty. The proposed actions set out in the report address recommendations made by the LGA Corporate Peer Challenge Report published in December 2023 and meet the Council's published commitments to address those recommendations also published in December 2023. They are considered necessary to further improve this function of the Council and accelerate the speed of that improvement.

## **2 ALTERNATIVE OPTIONS**

- 2.1 Do nothing. This is not recommended as the Council must show that it is always striving to improve and there are clearly areas of the scrutiny function where the Council can improve. Failure to act would result in the

Council failing to meet its published commitments in the Council's LGA CPC Action Plan.

- 2.2 Agree to note and endorse some but not all of the recommendations. This is open to the Committee to do but all of the issues set down in the report and the associated actions are considered important and worthy of consideration.
- 2.3 Do not note or endorse or agree any of the recommendations but refer all of the issues outlined in the report to the Overview and Scrutiny Committee. The report acknowledges that Overview and Scrutiny must be engaged directly on a range of the issues included in the report. However, some matters fall specifically to the CEO. Others are matters that the Executive might wish to demonstrate their support for and be seen to support the work of the Scrutiny function.

### **3 DETAILS OF THE REPORT**

#### **3.1 Introduction**

- 3.2 Overview and Scrutiny has an important role to play in the Council's governance and accountability framework. It is a statutory duty for Councils with the directly elected mayoral system to set up and maintain an effective overview and scrutiny function as set out in Sections 9F to 9FI in the Localism Act 2011. The new government guidance on overview and scrutiny functions published this month (Overview and Scrutiny, Statutory Guidance for Councils, combined authorities and combined county authorities) stresses the importance of member support in the success of the function.

*'While everyone in an authority can play a role in creating an environment conducive to effective scrutiny it is important that this is led and owned by members, including any directly elected mayor, given their role in setting and maintaining the culture of an authority.'*

- 3.3 Over the last 12 months The Council has been focused on strengthening the Overview and Scrutiny Function whilst working to realign resources to better support it.
- 3.4 The Local Government Association, in their recent Corporate Peer Review (September 2023) recommended that The Council should consider best practice in relation to the chairing, membership and cross party working in and of key committees such as Overview and Scrutiny. External training for these committees should also be arranged.
- 3.5 The Centre for Governance and Scrutiny who have been supporting the Council's scrutiny improvement programme have confirmed that The Council has some areas of good practice including the Member Support and Training programme. The Council believes that it should strive for exemplar status for its Scrutiny function and has committed to a body of work outlined in the

Council's LGA CPC Action Plan (published in December 2023) to achieve this. This report sets out the key features of an improvement programme which will assist in achieving exemplar status.

#### **4. What constitutes best practice?**

4.1 The Centre for Governance and Scrutiny issue a number of reports that can help guide Councils in their Scrutiny arrangements. The key publication is their annual survey and report which captures feedback from Councils and sets out how they operate their Scrutiny functions. This section summarises key points from the reports.

#### 4.2 Recent CfGS Reports include:

##### Annual Reports

- Annual Report and Survey 2022-23 - [2022-23-CfGS-Annual-Survey-.pdf](#)
- Annual Report and Survey 2021-22 - [CfGS-Annual-Survey-2021-22-Revised-P2.pdf](#)

#### 4.3 Other Selected Recent Reports

- Financial Scrutiny – A Guide for Members - [2023-12-11-Finance-Scrutiny-guide.pdf \(cfgs.org.uk\)](#)
- Audit, Scrutiny and Risk - [Audit-Scrutiny-and-Risk.pdf \(cfgs.org.uk\)](#)
- The Use of Call-In - [call-in.pdf \(cfgs.org.uk\)](#)
- Health Scrutiny – a short guide - [Health-Scrutiny-DRAFT-DESIGN.pdf \(cfgs.org.uk\)](#)

#### 4.4 Key Signs of Productive Scrutiny

The 2021-22 report in particular lists a set of key factors that determine whether a Council's Scrutiny function is able to perform effectively:

- Dedicated Officer Resourcing
- Member Training
- A positive relationship between scrutiny and the executive – driven by a clear understanding of Scrutiny's role and responsibilities.
- Timely access to proportionate, high-quality information.
- Cross-party Chairing (or, good cross-party relationships)

4.5 The more recent 2022-23 report looks at specific areas on Work Programming, Chairing, Scrutiny Protocols, budget scrutiny and how many scrutiny recommendations are accepted by Cabinet.

4.6 Some general weaknesses in the sector are also identified including:

- Scrutiny struggles with meaningful public engagement
- Scrutiny of financial matters
- Councillor understanding of corporate and service risks

## 5. Areas for improvement.

### 5.1 Training and Support.

5.2 The Council's member support programme has been commended as very good by the Centre for Governance and Scrutiny. In addition to the learning and development plan (see appendix 1) a mentoring programme is being developed and learning opportunities are being established with other local authorities. But there is still room for improvement.

### 5.3 Dedicated Improvement Actions. Things the Council can do immediately.

5.4 The Council are introducing some further enhancements to it. From May 2024 Members will be able to make use of their new Individual Member Training Budgets to deliver tailored training to help with their scrutiny roles.

5.5 Linked to this the Council will Prioritise Scrutiny Members in the completion of Personal Development Plans and actively encourage the take up of individual member training budgets.

5.6 Work is underway to enhance mentoring opportunities for Members and a further programme of support and workshop sessions delivered for members by the Centre for Governance and Scrutiny is being developed.

5.7 The Council are in the process of establishing links with other councils to develop shared learning opportunities for the scrutiny function.

5.8 Opportunities will be developed to provide a Member training session for the Mayor and Cabinet on 'supporting effective Scrutiny'.

### 5.9 Actions that officers will take forward with Overview and scrutiny subject to their direction.

5.10 Scrutiny will be invited to work with officers as part of the agenda forward planning process to identify those issues where it will be useful for scrutiny to have the support of an independent expert. A dedicated budget will be created for this. Further discussion with Overview and Scrutiny on how this might work will be required.

5.11 In consultation with scrutiny members the Council will introduce a specific training element for scrutiny members focusing on the management of corporate and service risks and the MTFs to address sector weaknesses identified by recent studies.

### 5.12 The Role of the Statutory Scrutiny Officer

- 5.13 Combined authorities, combined county authorities and upper and single tier authorities are required to designate a statutory scrutiny officer, someone whose role is to:
- promote the role of the authority's scrutiny committee
  - provide support to the scrutiny committee and its members
  - provide support and guidance to members (including any mayor) and officers relating to the functions of the scrutiny committee
- 5.14 The role is one that falls to the CEO to allocate. It is clear that this role is an important one and that it must be capable of achieving positive transformation and improvement at the speed and to the level that the Council aspires to. Work needs to be undertaken to ensure that this role is as effective as it can be.
- 5.15 *Dedicated Improvement Actions. Actions the Council can do immediately.*
- 5.16 The CEO will quickly consider how best to enhance the role of the SSO going forward and make the necessary changes to facilitate this outcome.
- 5.17 *Actions that officers will take forward in consultation with OSC.*
- 5.18 The role of Statutory Scrutiny Officer will be more fully integrated into the work and decision making of the authority and will be asked to develop an engagement programme with Corporate Directors and Directors to promote the work of the Scrutiny function and develop arrangements to identify key issues where Scrutiny input would be beneficial to the authority.
- 5.19 The SSO will be tasked by the CEO to work with Overview and Scrutiny Committee to develop a programme of work that builds upon what is in this report and will establish this function in Tower Hamlets as an exemplar.
- 5.20 *The Scrutiny Support Team*
- 5.21 The capacity of officer support in the meetings needs to improve and agenda management needs to be tightened up. Work planning needs to improve to ensure that reports are timetabled appropriately and early enough to provide valuable pre-decision scrutiny and for appropriate officers and Members to be available to present. These operational matters fall to the CEO to address under the constitution.
- 5.22 *Dedicated Improvement Actions. Actions that the Council can do immediately.*
- 5.23 The CEO will consider what actions are necessary to address the areas for improvement outlined above and in consultation with the Chair of Overview and Scrutiny will implement arrangements that the CEO considers will address them. Existing corporate wide arrangements for servicing the scrutiny function will be reviewed and amended by the CEO as necessary.

- 5.24 Further enhancing a positive relationship between scrutiny and the Executive
- 5.25 The Mayor is clear that the scrutiny function plays an important role in testing and strengthening the Council's approach to decision making and is a key element of the Council's accountability framework. More can be done to develop a positive relationship between scrutiny and the executive driven by a clear understanding of scrutiny's role and responsibilities.
- 5.26 *Dedicated Improvement Actions. Actions that the Council can do immediately.*
- 5.27 Officers will undertake a review of scrutiny procedures in relation to the recently published good practice guides from the Centre for public Scrutiny and report to OSC on completion.
- 5.28 Officers will facilitate the establishment of a Scrutiny Protocol that meets local needs and is understood by all parties. This will address issues such as how Cabinet will engage with scrutiny recommendations at Cabinet and establishing a process that supports a formal response to all issues referred to Cabinet by overview and scrutiny including recommendations, questions or calls for action.
- 5.29 As part of the review of the constitution the Scrutiny Procedures and the Scrutiny Toolkit set out in the Constitution, will be simplified where useful.
- 5.30 Raising the level of understanding and engagement of officers with the role of scrutiny.
- 5.31 Senior managers should have a consistent understanding of the role of scrutiny, how it functions and their role within it. There should be a consistent level of positive engagement with scrutiny committees by senior managers. It is not clear if all senior managers have a consistent understanding of this important function and the process and quality of engagement could be made more consistent than it has been in the past.
- 5.32 *Dedicated Improvement Actions. Actions that the Council can do immediately.*
- 5.33 CMT leads will be more firmly established for each scrutiny committee ensuring consistent senior officer attendance at Scrutiny meetings.
- 5.34 A mandatory training session in June 2024, for all senior managers will be introduced on how to support effective scrutiny.
- 5.35 Officers will be required to identify emerging policy or strategic issues that it may be useful to have early scrutiny engagement to supplement the development and maintenance of a forward plan.

- 5.36 The CEO will re-enforce the need to provide responses to Scrutiny information requests in a timely manner monitoring and enforcing specific turn around times.
- 5.37 Officers will be tasked with reviewing the budget scrutiny process with a particular focus on scrutiny in the early part of budget development and report back to the Chair of overview and scrutiny when this is completed.
- 5.38 The Scrutiny Function and engagement with the public
- 5.39 The Scrutiny Function is not only about reviewing strategies, decisions and plans. It is also about understanding and reflecting upon the lived experience of residents and service users. It is also important that residents understand and see the work that Councillors undertake on their behalf. Scrutiny Members do meet residents or service users from time to time. However, a more structured approach to public engagement is needed as public engagement is a powerful way in which to raise the profile of this important function and to increase public knowledge of its work.
- 5.40 Dedicated Improvement Actions. Actions officers will take forward with Overview and Scrutiny subject to their direction.
- 5.41 Subject to the agreement of Overview and Scrutiny Committee, links to the agenda planning and the Council's comms and engagement function will be put in place to pre plan early the opportunities for resident engagement and the best way to organise it.
- 5.42 The work of the scrutiny function will be the subject of higher levels of internal and external facing communications with a dedicated communications plan.
- 5.43 Overview and Scrutiny will be invited to explore the development of a scrutiny outreach programme where members of scrutiny will be supported go into the community including schools and colleges to explain the important role of scrutiny and the work that it does.
- 5.44 A report addressing the above will be presented to Overview and Scrutiny Committee (OSC) shortly for their comment and consideration. Following that, decisions for the Chief Executive will be actioned and the OSC will agree areas it wishes to progress.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no adverse equalities implications of this report. The recommendations specific to the selection of chair, vice chairs and scrutiny leads encourage the selection of female councillors to these positions where they are underrepresented in such positions across the council.

## **7. OTHER STATUTORY IMPLICATIONS**

7.1 This *section* of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

### **Best Value Implications**

7.2 The Scrutiny function of the Council is an important part of the governance arrangements of the Council and a key element of the Councils arrangements to ensure continuous improvement and meet its statutory best value duty. This is that the Council “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness”.

7.3 The proposed actions set out in the report address recommendations made by the LGA corporate peer challenge report published in December 2023 and meet the Councils published commitments to address those recommendations also published in December 2023. They are considered necessary to further improve this function of the council and accelerate the speed of that improvement.

### **Statutory Nature of the Scrutiny Function.**

7.4 Members should note that the Executive should do all it can to support and enhance the working of its scrutiny function and much of what is in this report will do this. However, recommendations specific to engagement with the public, positive engagement with scrutiny and the executive, nature and frequency of scrutiny meetings will require the active consideration, agreement and support of Overview and Scrutiny Committee separate from the deliberations of the Executive. The Overview and Scrutiny committee has a statutory status that is independent of the Executive and will therefore be invited to develop its own agenda to improve the scrutiny function which may well add further positive actions to those outlined in this report. It is also the case that some of the suggestions within the report will require the active support and ongoing cooperation of all political groups / parties represented on the Council.

## **8 COMMENTS OF THE CHIEF FINANCE OFFICER**

8.1 The report sets out improved member training and scrutiny arrangements to address the recommendations of the LGA Peer review.

- 8.2 A growth of £45k was approved by Council from 2024-25 as part of budget setting in February 2024 to support member training. The total budget is £60k.
- 8.2 These recommendations will need to be implemented from existing resources and if this is not possible additional funding will need to be approved through the appropriate governance process.

## **9 COMMENTS OF LEGAL SERVICES**

9.1 Legal comments have been incorporated within the report.

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

#### **Linked Report**

- NONE.

#### **Appendices**

Appendix 1. Member Learning & Development Plan 2024-2025

#### **Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012**

- None.

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

N/A

**Member Learning & Development Plan 2024-2025**

**This Plan is for Year 3 of the 4-year electoral cycle. Initial training sessions and date ranges will be agreed at the start of the year and the Plan will be updated throughout the year with progress, completions and any newly identified training.**

**Included below are the sessions planned for 2024-25. This list does not include training arranged through the individual Member training budgets, or any regular committee training.**

**If there is any training not listed that you would like us to arrange, or if you have any queries about the sessions below please contact Democratic Services.**

<b>Training (group sessions)</b>	<b>Trainer</b>	<b>Date</b>	<b>Status</b>
Ethics & Probity (councillors)	Linda/Matthew	27 June 2024	Scheduled
Important training for Members on Outside Bodies	Beth Evens	23 May 2024	Scheduled
Chairing skills	TBC	TBC	Pending
Meet the Directorates (re-run)	Directors	5 June 2024	Scheduled
Licensing training	Gary Grant	13 June 2024	Scheduled
Coaching for elected and civic Mayors and Chairs of Council	David McGrath Check NACO training	TBC TBC	Pending
Social Media training	TBC	TBC	Pending
Public Speaking	TBC	TBC	Pending
Dealing with abuse and Intimidation	TBC	TBC	Pending
Strategy on Effective Communication with Communities	TBC	TBC	Pending
Effective Committee Participation	David McGrath	TBC	Pending
Chamber Skills	David McGrath	TBC	Pending
Reading and evaluating reports/speed reading	TBC	TBC	Pending
<b>Training (Selected Individual sessions)</b>	<b>Trainer</b>	<b>Date</b>	<b>Status</b>
Member PDPs (pilot)	Mark Palmer SEEMP	3 May 2024	Scheduled

Coaching for Members pilot	Kash Haroon	Started March 2024 and ongoing	
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