# Corporate Overview and Scrutiny Committee

# Agenda

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| **Date:** | **Thursday, 31st October, 2019** |
| **Time:** | **2.00 pm** |
| **Venue:** | **Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ** |

**Membership**

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| **Chairman** | **J Clowes (Conservative)** |
| **Vice Chairman** | **B Murphy (Independent)** |
| **Conservative Councillors** | **JP Findlow, J Saunders, M Simon and L Wardlaw** |
| **Labour Councillors** | **J Bratherton, S Brookfield and M Hunter** |
| **Independent Group Councillors** | **P Butterill and A Moran** |
| **Liberal Democrat Councillors** | **R Fletcher** |

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

It should be noted that Part 1 items of Cheshire East Council decision making and Overview and Scrutiny meetings are audio recorded and the recordings will be uploaded to the Council's website

**PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

1.  **Apologies for Absence**

2.  **Minutes of Previous Meetings**  (Pages 3 - 12)

    To approve the Minutes of the meetings held on 6 June 2019 and 3 October 2019.

3.  **Declarations of Interest**

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For any apologies or requests for further information, or to give notice of a question to be asked by a member of the public
**Contact**:     Joel Hammond-Gant
**Tel:**          01270 686468
**E-Mail:**       joel.hammond-gant@cheshireeast.gov.uk

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

4.   **Declaration of Party Whip**

To provide an opportunity for Members to declare the existence of a party whip in relation to any item on the agenda.

5.   **Public Speaking Time/Open Session**

A total period of 15 minutes is allocated for members of the public to make a statement(s) on any matter that falls within the remit of the Committee.

Individual members of the public may speak for up to 5 minutes, but the Chairman will decide how the period of time allocated for public speaking will be apportioned, where there are a number of speakers.

Note: In order for officers to undertake any background research, it would be helpful if members of the public contacted the Scrutiny officer listed at the foot of the agenda, at least one working day before the meeting to provide brief details of the matter to be covered.

6.   **Pre-Budget 2020/21 Consultation**

To receive a verbal presentation.

7.   **Best4Business Programme Update**

To receive a verbal presentation.

8.   **Statutory Scrutiny Guidance and Scrutiny Healthcheck**  (Pages 13 - 156)

To consider the most recent statutory guidance relating to overview and scrutiny, published by the Ministry of Housing, Communities and Local Government in May 2019, alongside the 'Scrutiny Healthcheck' report undertaken by the former chairmen and vice-chairmen of the council's overview and scrutiny committees from 2018/19.

9.   **Forward Plan**  (Pages 157 - 168)

To note the current forward plan, identify any new items, and to determine whether any further examination of new issues is appropriate.

10.   **Work Programme**  (Pages 169 - 178)

To consider the committee's work programme.

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Corporate Overview and Scrutiny Committee**
held on Thursday, 6th June, 2019 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor J Clowes (Chairman)
Councillor B Murphy (Vice-Chairman)

Councillors   S Brookfield,   B Evans,   JP Findlow,   R Fletcher,   M Hunter,
A Moran, J Saunders, M Simon and L Wardlaw

**PORTFOLIO HOLDERS IN ATTENDANCE**

Councillor  J Rhodes,  Portfolio  Holder  for  Public  Health  and  Corporate
Services
Councillor A Stott, Portfolio Holder for Finance, ICT and Communications

**OFFICERS IN ATTENDANCE**

Mark Taylor, Interim Executive Director of Corporate Services
Alex Thompson, Director of Financial and Customer Services
Paul Bayley, Director of Environment and Neighbourhood Services

1  **APOLOGIES FOR ABSENCE**

   An apology for absence was received from Councillor J Bratherton.

2  **MINUTES OF PREVIOUS MEETING**

   **RESOLVED –**

   That  the  minutes  of  the  previous  meeting  held  on  4  April  2019,  be
   approved as a correct record and signed by the Chairman.

3  **PUBLIC SPEAKING TIME/OPEN SESSION**

   There were no members of the public present.

4  **DECLARATIONS OF INTEREST**

   No declarations of interest were received.

5  **DECLARATION OF PARTY WHIP**

   No declarations of a party whip were received.

6   **2018/19 REVIEW OF PERFORMANCE QUARTER 4**

The Acting S151 Officer and Head of Finance and Procurement presented the item to the committee, which covered the council's 2018/19 financial outturn as well as an overall review of performance.

Members asked questions and made comments in relation to;

- The considerable budgetary swings experienced in 2018/19, what the causes of these were and how they were resolved;
- How the statistic of 88% of Cheshire East schools being rated good or outstanding compares to other authorities or areas;
- Whether the new administration had discussed altering the 2019/20 budget, for example, in relation to the planned Mutually Agreed Resignation Scheme (MARS);
- Concern at the potential negative implications if the council did not adopt a locality model for any future work with the New Homes Bonus;
- How effectively the council's funding into projects supporting children whose first language is not English;
- How the council, is a significant corporate body in the area of Cheshire, is pushing for more carbon neutrality across the borough;
- How sustainable the council's homelessness projects were that had been funded by government grants;
- The context behind the improvement in the council's improvement in handling Freedom of Information (FOI) requests;
- Concern at the 11% annual turnover rate of council staff; and
- More information relating to some of the regeneration projects noted in the report.

The committee was advised that officers would provide the additional information requested by members and also provide more thorough, detailed responses to some of the members' questions outside of the meeting.

**RESOLVED**

1   That the report and supporting appendices be noted.

2   That Cabinet be asked to consider the following comments and recommendations raised by the committee:

   a) That Cabinet ensures that pragmatic actions are taken to resolve unexpected financial pressures that may impact on the Council's approved budget for 2019/20.
   b) That the Corporate Overview and Scrutiny Committee be involved in any consultation process undertaken for new, proposed ways that the Council may implement the New Homes Bonus (Phase 2).

c) That consideration be given to the air quality and pollution implications arising from motor traffic and highways, as part of any environmental improvement strategies.

d) That the Corporate Overview and Scrutiny Committee be kept informed of any review undertaken of, or modification to, the Medium Term Financial Strategy Reserve (or central contingency.)

7  **FLY-TIPPING GROUP**

The Chairman updated the committee on the background to the initiation and development of the Fly Tipping working group, which had originated as an overview and scrutiny task and finish group before being established as a Cabinet-approved working group, led by the 2018/19 Portfolio Holder for Adult Social Care Integration.

**RESOLVED**

1  That, in view of recent changes to Cabinet portfolios and the allocation of chairmen of the overview and scrutiny committees, Cabinet be requested to consider whether the Fly Tipping Working Group should continue in its existing form, but with a new lead member.

2  That, subject to Cabinet's decision in respect of the Fly Tipping Working Group, it consider which new portfolio within the new Cabinet it should fall under, and subsequently advise as to which overview and scrutiny committee that it should report to on the performance and activity of the working group.

8  **ORACLE (BEST4BUSINESS)**

Consideration was given to a verbal update provided by the Interim Executive Director of Corporate Services on the progress of the Best4Business programme. The committee was provided with a background of the project, as well as the joint working arrangements established with Cheshire West and Chester Council to oversee this work.

Members were advised that both councils were working towards achieving a solution within the next 12 months; there is an understanding that both councils have to be absolutely assured that the new system can replace the current system and provide the additional functionality agreed to in the original business case.

Members expressed concern that deadlines for this project had previously been missed and that its suggested date of completion had continued to be put back to a later date; were keen for the item to continue as a standing item.

**RESOLVED –**

That this matter remain as a standing item on all agendas of this committee and a further update be presented at its next meeting on 5 September 2019.

9  **FORWARD PLAN**

Consideration was given to the council's forward plan.

**RESOLVED –**

1      That the committee receive the draft Economic Strategy – being formally considered by the Environment and Regeneration Overview and Scrutiny Committee – for information only.

2      That the decision 'CE 18/19 – 62: Next Generation WAN Contract' be added to the committee's work programme.

10  **WORK PROGRAMME PROGRESS REPORT**

Consideration was given to the committee's current programme of work. The following comments or suggestions were made by members;

- That the Chairman and Vice-Chairman hold further discussions in respect of the committee's review of the council's communications protocol at its next internal liaison meeting with senior officers and portfolio holders;
- That the members of the Members' Facilities, Accommodation and Culture Task and Finish Group meet to discuss the current position, and future plans, for the group;
- Future meeting agendas could be arranged so that items pertaining to the same issue, for example, ICT-related matters, are on the same meeting agenda. It was felt that this might help to improve the focus and quality of the scrutiny undertaken; and
- That officers explore whether this committee could be kept abreast about the progress of the Constitution Committee in respect of its investigation of potential committee system governance arrangements that the council could put in place from 2020/21.

**RESOLVED –**

That the supporting Scrutiny Officers take responsibility for contacting the relevant officers about the points raised by the committee, and liaise with the Chairman between now and the committee's next meeting on 5 September, 2019.

The meeting commenced at 11.00am and concluded at 1.15pm

Councillor J Clowes (Chairman)

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Corporate Overview and Scrutiny Committee**
held on Thursday, 3rd October, 2019 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

**PRESENT**

Councillor J Clowes (Chairman)
Councillor B Murphy (Vice-Chairman)

Councillors  S Brookfield,  B Evans,  JP Findlow,  R Fletcher,  M Hunter,
A Moran, M Simon and L Wardlaw

**Apologies**

Councillors J Bratherton and J Saunders

24 **ALSO PRESENT**

Councillor Jill Rhodes - Portfolio Holder for Public Health and Corporate
Services
Councillor Amanda Stott - Portfolio Holder for Finance, IT and
Communications
Councillor Penny Butterill – Visiting Member
Frank Jordan - Executive Director - Place
Jane Burns - Executive Director of Corporate Services
Jan Bakewell - Director of Governance and Compliance
Paul Goodwin - Finance Partnering & Accountancy Manager

25 **MINUTES OF PREVIOUS MEETING**

**RESOLVED –**

That the minutes of the meeting held on 5 September 2019 be confirmed
as a correct record and signed by the Chairman.

26 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

27 **DECLARATION OF PARTY WHIP**

There were no declarations of the existence of a party whip.

28 **PUBLIC SPEAKING TIME/OPEN SESSION**

There were  no members of the public present who wished to speak.

29 **MID-YEAR PERFORMANCE**

The Committee considered a report of the Director of Finance and Customer Services on the Mid-Year Review of Performance for 2019/20 which outlined how the Council was managing its resources to provide value for money services during the 2019/20 financial year.

The report outlined the budgetary pressures facing the Council and provided an overview of progress towards achievement of the priority outcomes as set out in the Corporate Plan.

At the mid-year position, the Council's forecast overspend was estimated at £7.5million compared to the 2019/20 Budget.

**RESOLVED –**

(a) That the content of the report be noted;

(b) That the following comments be submitted to Cabinet:

- That in relation to CCTV, the Committee is of the view that the Council should consider making more use of 'invest to save' initiatives and would therefore request Cabinet to provide more information as to how partners such as Town and parish Council's, the Police and Fire Authorities work with the Council on such matters;

- That Cabinet be requested to lobby the Government regarding the Government's ongoing policy review and anticipated Green Paper on Adult Social Care ;

- That Cabinet be requested to consider how the Council would mitigate against a potential reduction in business rates revenue in the event that changes to national non domestic rates arrangements, as announced by the government recently, are introduced.

30 **MEDIUM TERM FINANCIAL STRATEGY**

This matter was withdrawn from the agenda.

31 **BEST FOR BUSINESS PROGRAMME UPDATE**

Councillor Arthur Moran declared a personal interest in this matter on the grounds that he had been appointed to the Shared Services Committee.

The Acting Deputy Chief Executive and Executive Director of Place gave a presentation on the Best for business programme.

A new programme Director and Programme Manager had been appointed as part following on from the appointment of Ameo to support the re-planning and implementation of the programme.

In terms of Member involvement in the process, meetings of the Shared Services Committee were now being held on a quarterly basis since beginning in August 2019 and the joint scrutiny working group was due to be reconvened following the appointment of representatives of this committee at this meeting

**RESOLVED –**

    (a) That the presentation be noted;

    (b) That the following members be appointed to the Joint Scrutiny Working Group:

    Councillors Paul Findlow, Bryon Evans and Michael Hunter

32 **FORWARD PLAN**

The Committee considered the current forward plan.

**RESOLVED –**

That the forward plan be received and noted.

33 **WORK PROGRAMME PROGRESS REPORT**

The Committee reviewed its work programme

**RESOLVED –**

    (a) That the work programme be noted;

    (b) That Councillor Brookfield, Chair of the Fly tipping working group be requested to liaise with the Scrutiny manager about the scheduling of an update report from the fly tipping working group;

    (c) That arrangements be put in place to hold an additional meeting of this committee in December 2019 to review the financial implications of the proposed change of governance arrangements currently under consideration by the Constitution Committee;

    (d) That Executive Director of Corporate services be requested to seek an update on the progress of the Communications Strategy.

The meeting commenced at 10.00 am and concluded at 12.42 pm

Councillor J Clowes (Chairman)

**Cheshire East Council**

*Working for a brighter future together*

| Version Number: 1.0 |
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| Key Decision: N<br><br>Date First Published: N/A |
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# Corporate Overview and Scrutiny Committee

**Date of Meeting:**    31 October 2019

**Report Title:**    Statutory Scrutiny Guidance and Overview and Scrutiny Healthcheck

**Senior Officer:**    Jane Burns, Executive Director of Corporate Services

## 1.  Report Summary

1.1. This report presents the following two documents to the Corporate Overview and Scrutiny Committee:

1.1.1.  Statutory Scrutiny Guidance, as published by the Ministry of Housing, Communities and Local Government in May 2019 (Appendix A).

1.1.2.  Overview and Scrutiny Healthcheck (Appendix B). This report is submitted together with six appendices; detail on these is in paragraph 3.5 of the Overview and Scrutiny Healthcheck report.

## 2.  Recommendations

2.1. To note the Statutory Scrutiny Guidance and the council's duty to "have regard" to its content.

2.2. To note the report and recommendations of the Overview and Scrutiny Healthcheck, and consider what further actions may be taken to accommodate these.

## 3.  Reasons for Recommendations

3.1. To ensure that the council is aware and informed of the new Statutory Scrutiny Guidance.

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3.2. To ensure that the findings and recommendations of overview and scrutiny are appropriately considered and dealt with.

## 4. Other Options Considered

4.1. N/A.

## 5. Background

Statutory Scrutiny Guidance

5.1. In January 2017, the Department for Communities and Local Government (now the Ministry of Housing, Communities and Local Government) carried out an inquiry as to whether overview and scrutiny arrangements in England were effective. This work culminated in the production of new statutory guidance on overview and scrutiny, published on 8 May 2019.

5.2. The new guidance was issued under Section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A of the Local Democracy, Economic Development and Construction Act 2009. As a piece of statutory guidance, all councils must have regard to it.

5.3. In this context, the requirement to 'have regard' means that councils should follow the guidance at all times, unless there is good reason not to.

Overview and Scrutiny Healthcheck

5.4. In February 2019, the Scrutiny Chairman's Group (comprising the former chairmen and vice-chairmen of the council's four overview and scrutiny committees) undertook a self-evaluation of the council's overview and scrutiny function.

5.5. The methodology and objectives for this piece of work was developed based on best practice and advice from the Centre for Public Scrutiny (see paragraph 8.1 for more detail).

## 6. Implications of the Recommendations

6.1. **Legal Implications**

6.1.1. All local authorities are required to 'have regard' to statutory guidance published by the government. There are no other direct legal implications.

6.2. **Finance Implications**

6.2.1. There are no direct financial implications.

6.3. **Policy Implications**

6.3.1. There are no direct policy implications at this stage; however, policies may need to be reviewed if recommendations for change are made following consideration of the statutory guidance.

6.4. **Equality Implications**

6.4.1. There are no direct equalities implications.

6.5. **Human Resources Implications**

6.5.1. There are no direct human resources implications.

6.6. **Risk Management Implications**

6.6.1. There are no direct risk management implications, beyond ensuring that the statutory guidance is taken into consideration at all times in respect of overview and scrutiny.

6.7. **Rural Communities Implications**

6.7.1. There are no direct implications for rural communities.

6.8. **Implications for Children & Young People/Cared for Children**

6.8.1. There are no direct implications for children and young people.

6.9. **Public Health Implications**

6.9.1. There are no direct implications for public health.

6.10. **Climate Change Implications**

6.10.1. There are no direct implications for the environment and climate change.

7. **Ward Members Affected**

7.1. All ward members are potentially affected.

8. **Access to Information**

8.1. The Scrutiny Evaluation Framework. Centre for Public Scrutiny (2017). Available at: https://www.cfps.org.uk/wp-content/uploads/CfPS-Scrutiny-Evaluation-v2-SINGLE-PAGES.pdf

8.2. Overview and Scrutiny in Cheshire East. Available at: https://www.cheshireeast.gov.uk/council_and_democracy/your_council/overview_and_scrutiny/overview_and_scrutiny.aspx

9. **Contact Information**

9.1. Any questions relating to this report should be directed to the following officer:

Name: Joel Hammond-Gant

Job Title: Scrutiny Officer

Email: joel.hammond-gant@cheshireeast.gov.uk

Ministry of Housing, Communities & Local Government

# Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities

**OGL**

# Contents

# Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.

**Rishi Sunak MP**
**Minister for Local Government**

# About this Guidance

Who the guidance is for
This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance
This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance
This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

Terminology
Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.[1]

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

Expiry or review date
This guidance will be kept under review and updated as necessary.

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[1] A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

# 1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.

2. Overview and scrutiny committees have statutory powers[2] to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

> Effective overview and scrutiny should:
> - Provide constructive 'critical friend' challenge;
> - Amplify the voices and concerns of the public;
> - Be led by independent people who take responsibility for their role; and
> - Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.

4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.

6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

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[2] Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

# 2. Culture

7.  The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.

8.  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, given their role in setting and maintaining the culture of an authority.

9.  Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.

10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

   a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for <u>all</u> authorities operating executive arrangements and for combined authorities.

   Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

   b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

   Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

> In particular:
>
> - The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
>
> - The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.

g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.

h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).

j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.

13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
   - rights of access to documents by the press, public and councillors;
   - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
   - delegated decisions by the Mayor;
   - whistleblowing protections for both staff and councillors; and
   - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

# 3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.

16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.

17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

> When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:
> - Scrutiny's legal powers and responsibilities;
> - The particular role and remit scrutiny will play in the authority;
> - The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
> - The need for ad hoc external support where expertise does not exist in the council;
> - Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
> - Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,[3] someone whose role is to:
- promote the role of the authority's scrutiny committee;
- provide support to the scrutiny committee and its members; and
- provide support and guidance to members and officers relating to the functions of the scrutiny committee.

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[3] Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:

- Committee – officers are drawn from specific policy or service areas;
- Integrated – officers are drawn from the corporate centre and also service the executive; and
- Specialist – officers are dedicated to scrutiny.

21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.

22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

# 4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.

24. While there are proportionality requirements that must be met,[4] the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny[5].

> Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.[6] Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.

26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.[7] This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

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[4] See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

[5] See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf

[6] Section 9FA(3) of the Local Government Act 2000.

[7] 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.

30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

> Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives[8]. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person[9].

32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair[10].

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.

34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

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[8] A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

[9] See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

[10] Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:
   - Co-option – formal co-option is provided for in legislation[11]. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
   - Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

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[11] Section 9FA(4) Local Government Act 2000

# 5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.

38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information[12]. In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.

40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.

41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

> While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision[13]. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

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[12] Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
[13] Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

> Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member[14]. When agreeing to such requests, authorities should:
    - consider whether seeking clarification from the information requester could help better target the request; and
    - Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions[15]. It is the duty of members and officers to comply with such requests.[16]

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

    a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;

    b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

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[14] Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.
[15] Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
[16] Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to 'set the record straight' in a public setting; and

d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority's pre-existing relationship with it.

Following 'the Council Pound'
Scrutiny committees will often have a keen interest in 'following the council pound', i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

# 6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.

48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

## Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.

50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.

51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.

52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

## Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:

- *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
    - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
    - Voluntary sector partners;
    - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
    - In parished areas, town, community and parish councils;
    - Neighbouring principal councils (both in two-tier and unitary areas);
    - Cross-authority bodies and organisations, such as Local Enterprise Partnerships[17]; and
    - Others with a stake and interest in the local area – large local employers, for example.

- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:
    - Performance information from across the authority and its partners;
    - Finance and risk information from across the authority and its partners;
    - Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
    - Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
    - Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

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[17] Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

> As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':
> https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

## Shortlisting topics

> Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:
> - Do we understand the benefits scrutiny would bring to this issue?
> - How could we best carry out work on this subject?
> - What would be the best outcome of this work?
> - How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

## Carrying out work

58. Selected topics can be scrutinised in several ways, including:

a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;

b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;

d) **Via a longer-term task and finish review** – the 'traditional' task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and

e) **By establishing a 'standing panel'** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

# 7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal 'task and finish' groups or at standalone sessions.

> Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

> Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.

62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.

63. After an evidence session, the committee might wish to hold a short 'wash-up' meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.

66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:

    i.   the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;

    ii.  the development of those findings, which will set out some areas on which recommendations might be made; and

    iii. the drafting of the full report.

67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.

68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

> Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

# Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

# Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

# Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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# Overview and Scrutiny Healthcheck

## Scrutiny Chairman's Group

**February '19 – April '19**

**Working for a brighter future together**

**Cheshire East**
Council

# Contents

# 1. Chairman's Foreword

1.1. I am pleased to present this report of the Scrutiny Chairman's Group, following a timely self-evaluation (or 'healthcheck') of the council's overview and scrutiny function.

1.2. All members of the Scrutiny Chairman's Group were keen to carry out this exercise, agreeing that such a review was both pertinent and important, in light of the council celebrating its tenth anniversary, and following a four-year period of relative stability for the overview and scrutiny committees.

1.3. Using best practice and advice from the Centre for Public Scrutiny, the Chairman's Group determined its objectives and methodology and, using all of the information gathered during the review, collectively agreed to the findings, conclusions and recommendations set out in this report.

1.4. We hope that this report presents a fair and balanced review that is also thought-provoking and promotes continued, positive discourse throughout the council about the overview and scrutiny function.

1.5. We look forward to receiving favourable responses from the executive and corporate leadership team, and working with them to deliver efficiencies and improvements to overview and scrutiny in Cheshire East.

1.6. I would finally like to thank the members of the Scrutiny Chairman's Group, the Scrutiny Team, and all other members, officers and external stakeholders that contributed to this piece of work.



Councillor Margaret Simon,
Chairman – Corporate Overview and Scrutiny Committee & Scrutiny Chairman's Group

## 2. Introduction and Background

2.1. Since its inception in 2009, Cheshire East Borough Council's overview and scrutiny function has been subject to several reviews of its structure and remits; the most recent major restructure took place following a report produced by Professors Steve Leach and Colin Copus.

2.2. Following on from the recommendations of Leach and Copus, the structure of the overview and scrutiny committees was altered to ensure that committee structures more closely aligned with portfolio holder responsibilities, and to fine-tune minor parts of the overview and scrutiny function to maintain its effectiveness.

2.3. The confidence gained from a period of relative stability during this current electoral cycle, led the Scrutiny Chairman's Group to the view that it would be opportune to reflect on the practice, culture and effectiveness of the overview and scrutiny function, using suggested best practice for scrutiny self-evaluation exercises from the independent Centre for Public Scrutiny.

## 3. Terms of Reference

### Membership

3.1. This review was undertaken by the Scrutiny Chairman's Group (SCG) comprising the chairmen and vice-chairmen of the four overview and scrutiny committees and led by its Chairman, Councillor Margaret Simon.

(L to R): Councillors Rhoda Bailey, Harold Davenport, Tony Dean, and Beverley Dooley

(L to R): Councillors Stewart Gardiner, Mo Grant, Arthur Moran and Margaret Simon

## Aim of the Review

3.2. The aim of this project was to undertake a candid review of the council's current overview and scrutiny function, and to produce workable recommendations that could deliver improvements and efficiencies to the function going forward.

## Objectives

3.3. The group set out the following objectives to be achieved through this investigative piece of work, which included;

- ascertaining the perception and understanding of the role and value of scrutiny in Cheshire East from elected members, council officers and other stakeholders;
- determining how effectively scrutiny enables the voice of the public, takes into account community concerns, and engages with partners and stakeholders;
- reviewing the effectiveness of the different types of work undertaken by the overview and scrutiny committees;

## Methodology

3.4. The table below details the different pieces of work carried out as part of the Scrutiny Healthcheck and when they were undertaken.

| 22 October 2018 | Meeting of the Scrutiny Chairman's Group at which it was agreed that the Scrutiny Healthcheck would be undertaken between February and April 2019. |
|---|---|
| 22 January 2019 | Initial scoping meeting undertaken by the Scrutiny Chairman's Group to develop the project plan and outline the desired methodology for the review. |
| 5 February 2019 | Desktop exercise carried out by the Chairman and Scrutiny Team, to determine the discussion points and questions that would be raised during the scheduled interviews. |
| 15 February 2019 | First set of interviews carried out with portfolio holders, senior council officers and external partners. |
| 27 February 2019 | Self-evaluation questionnaire submitted to all 81 Cheshire East councillors, as well as senior officers and representatives from external partners. |

| 11 March 2019 | Second set of interviews carried out with portfolio holders, senior council officers and external partners. |
|---|---|
| 15 March 2019 | Self-evaluation questionnaire closed. |
| 21 March 2019 | Meeting of the Scrutiny Chairman's Group to review the results of the self-evaluation questionnaire and other independent research undertaken by the group and supporting officers, and consider the findings and potential recommendations of the project. |
| 18 April 2019 | Meeting of the Scrutiny Chairman's Group to review and agree its final report. |

3.5. The following are the pieces of information and research considered by the Scrutiny Chairman's Group that contributed to the findings, conclusions and recommendations of this report:

- Scrutiny healthcheck survey results (Appendix 1)

- Anonymised notes collated from the interviews held with portfolio holders, senior council officers and external stakeholders (Appendix 2)

- The council's current overview and scrutiny committee structure and the remits of each committee (Appendix 3)

- Analysis of the overview and scrutiny committee structures of the ten unitary councils with the most comparable resident population levels (Appendix 4)

- A review of the matters considered at each meeting of the four overview and scrutiny committees since 2014/15. An attempt was also made to breakdown the committees' overview (support) and scrutiny ('holding to account'), as per the report of professors Leach and Copus (Appendix 5)

- Examples of overview and scrutiny arrangements and practice at other local authorities at which executive councillors and senior officers submit written responses to scrutiny recommendations

- Cheshire East Council's internal report sign-off process

- The final report produced by Professors Leach and Copus (Appendix 6)

## 4. Findings

4.1. The findings of this review were put together after considering all of the information that the Scrutiny Chairman's Group (hereafter referred to as 'the group') had collated, as set out in paragraph 3.5 of this report.

These have been set out in the following three sections: scrutiny environment, scrutiny practice and scrutiny impact.

## Scrutiny Environment

### Overview and Scrutiny Set-up in Cheshire East

4.2. The present four committee structure has been in place since June 2014, and was the result of the last significant reorganisation of the overview and scrutiny function. Some minor amendments have since been made to ensure the committees operated as efficiently as possible and remained aligned to portfolio holder responsibilities.

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                  │ Scrutiny Committee (12  │
                  │         members)        │
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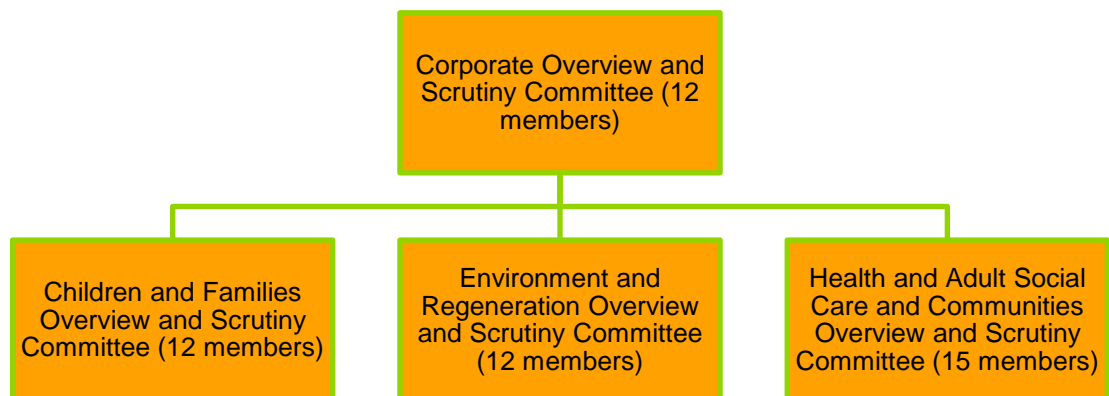
Figure 1. Cheshire East Council's present overview and scrutiny committee organisation.

4.3. A comparative analysis, attached at Appendix 3 to this report, revealed that the council's current overview and scrutiny arrangement is not dissimilar to that of other unitary councils in the UK with similarly sized resident populations.

4.4. The council's four overview and scrutiny committees are supported by three dedicated officers: one Scrutiny Manager and two Scrutiny Officers. The survey results showed a broad agreement between elected members, officers and stakeholders that the current officer resource allows sufficient support to the overview and scrutiny function, including the ordinary

business of the committees and the in-depth, detailed pieces of work through spotlight inquiries and task and finish group reviews.

### Recognition and Support from the Executive and Corporate Leadership Team

4.5.  The views of members and officers did not concur regarding the effectiveness of support provided to the overview and scrutiny function by portfolio holders and the corporate leadership team.

4.6.  The interviews, for example, revealed that officers and portfolio holders felt that they had demonstrated a healthy respect for the role of overview and scrutiny within the council.

4.7.  The SCG was advised that overview and scrutiny reports and recommendations had always been given proper and serious consideration. Regular attendance at liaison meetings (see paragraph 4.43 for more detail) furthermore, was cited as another positive example of the support given to the overview and scrutiny function.

| How strongly do you agree or disagree that the scrutiny process **receives effective support from the council's corporate leadership team?** | Overall response | Response – elected members (39 total respondents) | Response – council officers (14 total respondents) | Response – external stakeholders (6 total respondents) |
|---|---|---|---|---|
| Strongly agree | 11.9% | 7.7% (3) | 28.6% (4) | 0.0% |
| Agree | 40.7% | 30.8% (12) | 57.1% (8) | 66.7% (4) |
| Neither agree nor disagree | 18.6% | 25.6% (10) | 7.1% (1) | 0.0% |
| Disagree | 15.3% | 23.1% (9) | 0.0% | 0.0% |
| Strongly disagree | 6.8% | 10.3% (4) | 0.0% | 0.0% |
| Don't know | 6.8% | 2.6% (1) | 7.1% (1) | 33.3% (4) |

Figure 2. Perception of support to overview and scrutiny from the corporate leadership team (in brackets are the actual numbers of respondents correlating to each percentage figure)

4.8.  The data in Figure 2 above reflects a disparity between the views of members and council officers; only 39% (15) of councillors that responded to the survey agreed that the corporate leadership team provides effective support to the overview and scrutiny function, compared to 86% (12) of officers.

4.9.  In the case of the Review of Available Walking Routes to School, the meeting held by the Children and Families Overview and Scrutiny Committee on 19 July, 2016 to consider the call-in attracted significant public

interest, attendance and representation which, along with members' discussions and questions at the meeting, contributed to the committee's final recommendations put to Cabinet. This ultimately led to the revision of the original proposals put forward.

4.10. The group perceived that these examples of overview and scrutiny not necessarily being valued, consulted with, or used effectively during the development of some policies and decisions.

4.11. There was an agreement amongst portfolio holders and senior officers that lessons had been learnt from these instances about the need to involve scrutiny at an early stage in the decision-making process. Officers and portfolio holders involved in the interviews process emphasised to the group that consultation and engagement with overview and scrutiny was a high priority and as such, had been factored into the report writing and decision making structures of the council.

4.12. The group discussed some of the more positive and impactful examples of early engagement and consultation undertaken with overview and scrutiny, including the Cemeteries Strategy (Sept 2018), Bus Review (Sept 2016), Air Quality Strategy (Sept – Nov 2018) and Pre-Budget 2019/20 Consultation (December 2018).

4.13. The group agreed that these examples showed how overview and scrutiny can positively support the decision-making process, by enabling cross-party discussions and being able to provide relevant feedback, comments and recommendations on proposals.

4.14. In addition to simply being engaged and consulted with on proposed decisions, the group also reiterated that overview and scrutiny can be used as a mechanism for enabling community engagement and can enable more informed, democratic decision-making.

| How strongly do you agree or disagree that overview and scrutiny is **recognised by the executive (cabinet) and corporate leadership team as an important council mechanism for community engagement?** | Overall response | Response – elected members (39 total respondents) | Response – council officers (14 total respondents) | Response – external stakeholders (6 total respondents) |
|---|---|---|---|---|
| Strongly agree | 15.3% | 15.4% (6) | 21.4% (3) | 0.0% |
| Agree | 32.2% | 25.6% (10) | 50.0% (7) | 33.3% (2) |
| Neither agree nor disagree | 8.5% | 10.3% (4) | 7.1% (1) | 0.0% |
| Disagree | 23.7% | 30.8% (12) | 14.3% (2) | 0.0% |
| Strongly disagree | 11.9% | 17.9% (7) | 0.0% | 0.0% |
| Don't know | 8.5% | 0.0% | 7.1% (1) | 66.7% (4) |

Figure 3. Recognition that scrutiny can be an important community engagement mechanism (in brackets are the actual numbers of respondents correlating to each percentage figure)

4.15. The findings presented in this section, together with the results shown in Figure 3, suggests that there is an awareness and understanding from portfolio holders and officers of how overview and scrutiny can be used to engage and support more community-led democracy.

4.16. However, the fact that there were a greater number of elected members that responded to the survey who disagreed with the statement in Figure 3 (19 total), than those who agreed with it (16 total), suggests that there could be a perception amongst some of the council's elected membership that this awareness and understanding has not been reflected in practice as effectively, or as often as it could have been.

## Communications

4.17. The council's communications protocol – specifically the lack of support it provides to the overview and scrutiny function – was discussed during the scrutiny healthcheck interviews as something that required improvement.

4.18. The group discussed some of the potential ways in which the overview and scrutiny function would benefit from being supported by a revised communications protocol, which included;

- increased public awareness and understanding of the business that the committees are undertaking at their scheduled, 'ordinary' meetings;

- better engagement with community groups and third sector organisations prior to undertaking in-depth scrutiny inquiries, to encourage interested members of the public or potential expert witnesses to come forward and support the reviews; and

- proactively issuing press releases following overview and scrutiny activity.

4.19. There was support from portfolio holders and officers for the relevant overview and scrutiny committee to formally review the communications protocol, to identify where and how improvements could be made to ensure the overview and scrutiny function is supported.

### Member Training and Development

4.20. Following the interviews, there was an agreement amongst the SCG, portfolio holders, officers and external stakeholders that overview and scrutiny councillors needed to have effective training on overview and scrutiny matters.

4.21. Improving the knowledge and awareness of overview and scrutiny members on the subject matters within the committees they sit on would improve questioning skills, increase the challenge to the executive, officers and external bodies, and ensure the committees are collectively more effective in exercising their legislative powers and duties.

4.22. The survey revealed that only 27.1% of the total survey respondents (16 of the 59 respondents) felt that scrutiny members had the training and development opportunities that needed to undertake their role effectively.

4.23. The group noted that the Member Training and Development Panel recently agreed to an induction programme for all new council members following the upcoming election on 2 May 2019, which will help to make sure that the new memberships of the overview and scrutiny committees in 2019/20 onwards are quickly and effectively educated on the role, value and powers of overview and scrutiny.

4.24. More frequent training could also be facilitated at regular points throughout the next four-year electoral term, to continue to refresh and improve on members' knowledge and skills.

4.25. The four overview and scrutiny committees could benefit by making use of the range of skills, knowledge and experience held by the council's non-executive councillors, drafting in support and advice on an ad-hoc basis when needed.

4.26. The group discussed the need for officers and portfolio holders to also ensure they attend overview and scrutiny training, to maintain an up to date knowledge and awareness of scrutiny roles and regulations, and how to work effectively with overview and scrutiny committees.

4.27. The group discussed the potential impact to the effectiveness of the four overview and scrutiny committees should there be considerable turnover of the elected membership of the council following the 2019 local election. The group emphasised the need to retain as much experience and skills on each of the four committees following the election, to make sure that the committees are able to operate as effectively as possible.

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**Conclusions**

1. The current structure of, and officer resource to, the four overview and scrutiny function sufficiently and effectively supports the transacting of the business of the four committees.

2. The survey results and review highlighted that a smaller proportion of elected member respondents (39% - 15/39) than officers (86% - 12/14) felt that the overview and scrutiny function is effectively supported by the council's corporate leadership team.

3. The results of the survey (shown in Figure 3 of this report) suggests that there is a perception amongst a proportion of the council's elected membership that the overview and scrutiny function is not recognised by the executive and CLT as a mechanism for community engagement.

4. The council's current communications protocol does not presently provide any support to the overview and scrutiny function.

5. The majority of elected members, officers and stakeholders felt that overview and scrutiny members do not receive the training and development that they need in order to undertake their work most effectively.

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**Recommendations**

1. That the Member Technology and Development Panel support the development of a schedule of regular training and development for overview and scrutiny members.

2. That executive members and officers of the corporate leadership team endeavour to periodically attend training relating to overview and scrutiny.

3. That group leaders and whips ensure that core nucleus of overview and scrutiny councillors be retained on each of the four overview and scrutiny committees.

4. That the Corporate Overview and Scrutiny Committee be recommended to formally review the communications protocol, to identify how it can be revised to ensure that it supports the overview and scrutiny function.

## Scrutiny Practice

### Enabling the 'voice' of the public

4.28. Local authorities have a responsibility to their residents to be open and transparent, and to engage and involve the local public in its decision-making process wherever possible. Cheshire East Council has shown a commitment to fulfilling this responsibility and regularly engages with the public through consultation on a number of important decisions and proposals.

4.29. Overview and scrutiny has a role to play in facilitating more transparent, publicly-engaging decision-making. Guidance from the Centre for Public Scrutiny highlights one of the key roles of effective overview and scrutiny as its ability to engage with the public and truly enable the 'voice'.

| How strongly do you agree or disagree that overview and scrutiny function **enables the 'voice' of the local people and communities across the area to be heard as part of the council's decision-making and policy development?** | Overall response | Response – elected members (39 total respondents) | Response – council officers (14 total respondents) | Response – external stakeholders (6 total respondents) |
|---|---|---|---|---|
| Strongly agree | 3.4% | 5.1% (2) | 0.0% | 0.0% |
| Agree | 30.5% | 23.1% (9) | 50.0% (7) | 33.3% (2) |
| Neither agree nor disagree | 28.8% | 23.1% (9) | 42.9% (6) | 33.3% (2) |
| Disagree | 15.3% | 17.9% (7) | 7.1% (1) | 16.7% (1) |
| Strongly disagree | 18.6% | 28.2% (11) | 0.0% | 0.0% |
| Don't know | 3.4% | 2.6% (1) | 0.0% | 16.7% (1) |

Figure 4. Does the overview and scrutiny function enable the voice of the public (in brackets are the numbers of respondents to each of the percentage figures)

4.30. The data above shows that only a third of survey respondents (34% - 20 of the 59 total respondents) agreed that the overview and scrutiny function effectively enables the voice of the local people and communities.

4.31. Overview and scrutiny is an important function that, if used and carried out with effect, can help to facilitate more transparent, publicly-engaging decision-making. This requires positive and proactive attitudes from all involved with the overview and scrutiny function.

4.32. It is also good practice for portfolio holders and officers to proactively present (at a very early stage in the development of a policy, strategy or action) to

the responsible overview and scrutiny committee its proposed plans for consulting and engaging the public on a decision to be taken, and ask for the committee to input on how best to engage with the public and other stakeholders on the matter.

4.33. The group came up with suggestions to how the council's overview and scrutiny committees could raise awareness amongst Cheshire East residents of its role, value and powers, in addition to how it can promote the views and concerns of the local public. These included;

- establishing arrangements with community groups, or organisations within the voluntary and faith sectors, and circulating meeting agendas directly to them (in addition to publishing them to the council's website) in attempt to promote greater public attendance, interest and participation in the matters being considered at meetings;

- holding meetings in the community, particularly when considering items of high public interest;

- being more flexible about changing the location of meetings between the three main council sites (Crewe Municipal Buildings, Macclesfield Town Hall and Westfields,) so that meetings can be held geographically closer to residents and areas of the borough most affected by matters being considered.

4.34. The group acknowledged that Cheshire East Council was one of many councils that struggled with the national disconnect between the public and local democracy, and noted that improving public awareness, engagement and participation in the council's decision-making would require a long-term, concerted effort from both officers and elected members.

## Work programming

4.35. At present, each of the four overview and scrutiny committees has responsibility for reviewing and approving its work programme, adding or deleting items as it agrees is wanted or required. The work programme is included as a standing item on every overview and scrutiny committee meeting agenda.

4.36. Overview and scrutiny liaison meetings – comprising committee chairmen and vice-chairmen, portfolio holders and senior officers or relevant external partners – were established to support the work programming process by providing a forum for portfolio holders and officers to inform each overview and scrutiny chairman about upcoming decisions, policies, strategies, as well as any potentially contentious matter, as well as to discuss how scrutiny can be actively involved in their development.

4.37. Whilst acknowledging the overall positive efforts made by all involved in the overview and scrutiny process to enable effective work programming, the group felt that further improvements could still be made by keeping the overview and scrutiny chairmen abreast of upcoming matters further in advance of their inclusion on the council's forward plan.

4.38. Furthermore, the interviews highlighted that portfolio holders and officers felt that overview and scrutiny committees should be more probing and challenging and make better use of scrutiny liaison meetings to obtain desired information.

4.39. Scrutiny members, other non-executive councillors and members of the public are able to refer matters to overview and scrutiny and, subject to the matter meeting the criteria for new work programme items, committees may agree to add it to their work programme and determine how best to deal with the item.

4.40. The survey results showed that on the whole, the view of elected members, council officers and external stakeholders is that the overview and scrutiny committees are in control of their work programmes (64% agreed) and determining how best to undertake their work (55% agreed.)
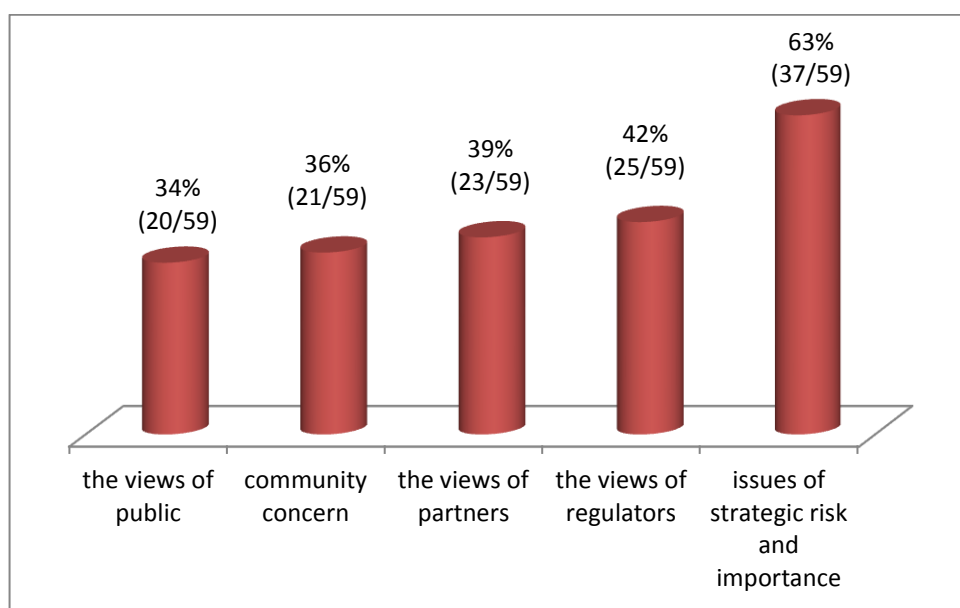


Figure 5. Overall proportion of members, officers and stakeholders that agreed that the scrutiny work programming process took into account the views of the public, partners, regulators, community concern and issues of strategic risk and importance. (In brackets next to each percentage figure are the number of respondents who agreed with the above statement, out of the total number of respondents).

4.41. However, the graph above shows that fewer survey respondents agreed that the work programming process adequately took into account the views of the public, partners, regulators and wider community concern.

4.42. The group discussed the potential for working with all political groups within Cheshire East to collate and review the issues raised by residents during the lead up to the 2019 local election. The aim of this would be to improve the awareness of the priority concerns and issues of residents, and would support the committees to produce work programmes that have greater regard for the views of the public and community concerns.

## Meetings

4.43. The survey evidenced that members, officers and external stakeholders perceived the meetings of the four overview and scrutiny committees to be well planned and chaired effectively.

4.44. The overview and scrutiny committees had found difficulty in requisitioning at short notice a council meeting room for extraordinary/special meetings, due to the lack of any formal arrangement for the prioritisation of meeting rooms.

4.45. The group acknowledged that overview and scrutiny committee meetings should not need to conform to the same formal meeting layout arrangements as the council's other committees and sub-committees.

4.46. Separating the overview and scrutiny function from other council business and operating with more flexible arrangements, could allow the overview and scrutiny committees to encourage greater attendance and participation from members of the public, community groups and other non-executive councillors.

4.47. Although the survey results showed a slight majority (53%) of respondents agreed that the overview and scrutiny committees made best use of the resources available to them, the group acknowledged that efforts could be made to enhance the use of site visits and where possible, hold meetings within the community, particularly when scrutinising contentious decisions.

4.48. As aforementioned, the group discussed the need for each of the four committees to be able to change meeting locations between the council's three main sites – Crewe Municipal Buildings, Macclesfield Town Hall and Westfields – dependent upon the area(s) of the borough most affected by the matters being considered at each meeting.

4.49. The group agreed that granting priority, or establishing priority booking arrangements, for the use of certain meeting rooms by the council's committees and sub-committees would better support the introduction and sustained success of this new, flexible approach to holding meetings. The

group noted that a previous task and finish group, which had commenced in 2016 and had not yet concluded, was expected to have made recommendations in respect of room bookings arrangements at Westfields.

4.50. This would hopefully make it easier for interested or affected members of the public to attend meetings, and be encouraged to participate in the council's democratic process.

4.51. The overall view of survey respondents was that the overview and scrutiny committees operate non-politically and deal with tension and contentious matters effectively during meetings. Only 36% of members agreed with this, compared to 64% of officers.

## Scrutiny building relationships

4.52. Scrutiny liaison meetings have helped to establish positive relationships between overview and scrutiny committee chairmen and vice-chairmen, and portfolio holders, senior officers and external partners.

4.53. In order for the council's statutory health scrutiny body (presently the Health and Adult Social and Communities Overview and Scrutiny Committee) to discharge its health-specific scrutiny duties, efforts have been made to support the committee in developing positive working relationships and two-way communication with local NHS providers and commissioners, regulators and Healthwatch.

4.54. There was an acknowledgement, however, that not all relationships with health partners were as effective as they could be. The group agreed the Health and Adult Social Care and Communities Overview and Scrutiny Committee should attempt to improve these relationships to ultimately improve its health scrutiny activity.

4.55. External stakeholders suggested that there is not a consistent understanding of the role, value and powers of local authority scrutiny within the local NHS providers and commissioners, which can result in the underestimation or overestimation of scrutiny members' knowledge, skills and understanding.

4.56. The group discussed the potential for jointly holding informal training and learning sessions between the Health and Adult Social Care and Communities Overview and Scrutiny Committee and representatives from local NHS bodies, to improve the committee's awareness and understanding of how NHS bodies operate, as well as improve the understanding that NHS officers have of the role, value and powers of local authority scrutiny.

**Timeliness and quality of information submitted to overview and scrutiny**

4.57. There was a consensus amongst officers and portfolio holders that interviewed with the group that, best practice was to involve overview and scrutiny at the earliest possible point in the creating of a proposal or policy, or taking of a decision.

4.58. The recent consultation with overview and scrutiny on the council's 2019/20 budget was agreed to be a good example of engagement and consultation.

4.59. Portfolio holders and officers agreed that the overview and scrutiny committees should be informed of, and receive sight of, all upcoming pieces of work or decisions to be taken, even if this is considerably further in advance of its publication on the forward plan. This would help to ensure items can be more easily planned into the relevant committee's work programme.
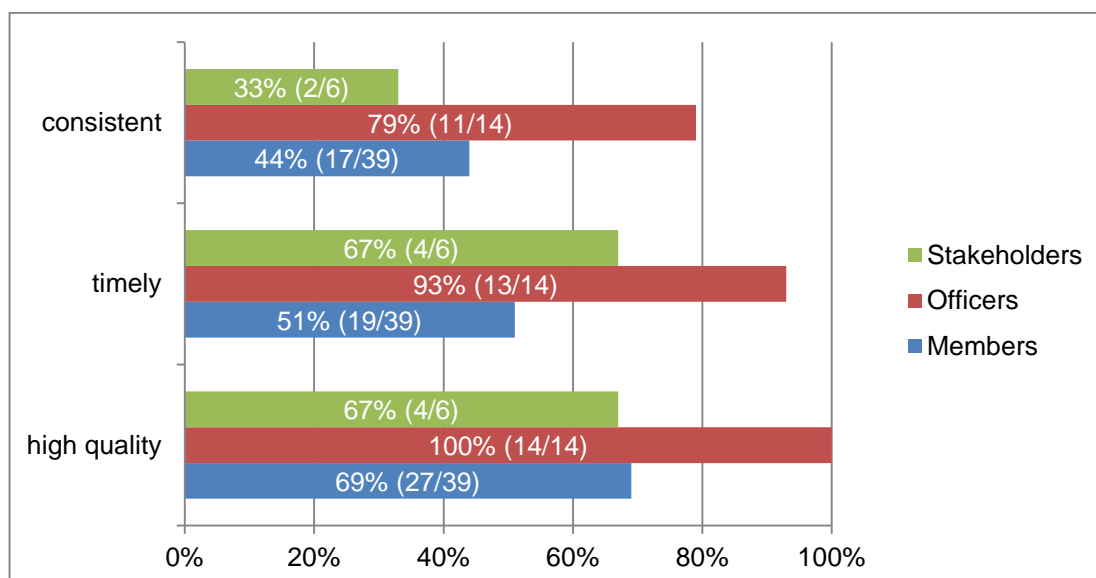


Figure 6. Proportion of members, officers and stakeholders that agreed that information provided to the overview and scrutiny committees is consistent, timely and of high quality. (In brackets next to each percentage figure are the number of respondents that agreed with the above statements, out of the total number of elected member, officer and external stakeholder respondents).

4.60. Figure 6 above shows that, whilst there is an overall agreement that information submitted to overview and scrutiny is consistent, timely and of high quality, there is a significant difference between the views of elected members and officers on the matter.

4.61. Although 51% of members that responded to the survey agreed that information is provided to overview and scrutiny on time, this is considerably lower than the proportion of officers that agreed. The group felt that this reflected a perception amongst some of the council's elected members that

portfolio holders and officers could be more forthright and open with overview and scrutiny about upcoming decisions, issues or proposals.

4.62. It could also allude to an issue surrounding the attitude and behaviour towards overview and scrutiny; the report of Professors Copus and Leach (Appendix 6) references organisational culture as a potential barrier to realising the potential benefits of the structures and processes in place relating to overview and scrutiny.

4.63. Following consideration of the council's procedure for internally signing-off reports, it became apparent to the group that the process for overview and scrutiny reports – which would only go to the relevant Directorate Management Team meeting prior to submission to overview and scrutiny – was not being adhered to and that all reports to overview and scrutiny had gone through the full internal sign-off procedure including Informal Cabinet and Corporate Leadership Team meetings.

### Urgent decisions

4.64. The group discussed the frequency of urgent decisions, i.e. when the council cannot provide 28 calendar days' notice of a key decision to be taken (General Exception procedure) or 5 clear working days' notice (Urgent Decision procedure.)

4.65. There was also a perception that the two urgent decision procedures had not always been followed correctly, and that some decisions had been presented as urgent due to delays caused by ineffective internal planning or delayed internal report sign-off.

4.66. After reflecting on the process of urgent decisions, the group agreed that the two urgency procedure rules should be more clearly communicated to officers across the council. This would help to emphasise the need for sufficient planning in advance of a report being written, and to ensure that the only urgent decisions are those that cannot be practicably deferred to the next meeting of the committee or sub-committee.

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**Conclusions**

6. The overview and scrutiny work programming process does not sufficiently take into account the views of the public, partners, regulators, or wider community concern.

7. The overview and scrutiny function does not adequately enable the voice of the public.

8. The lack of a priority arrangements for the booking of council meeting rooms does not formally prioritise the needs of elected members, committees or sub-

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committees.

9. Scrutiny liaison meetings are a useful mechanism for improving communication between the overview and scrutiny committees, portfolio holders and officers, but are not always as effective as they could or should be.

10. The survey highlighted that members and officer respondents had contrasting views on how timely and consistent information submitted to the overview and scrutiny committees had been.

11. The council's internal report development and sign-off procedure is a lengthy process that arguably makes it more likely to result in overview and scrutiny reports being delayed, or missed altogether, if strict timescales are not met.

12. There was a perception that urgent decision procedures had not always been followed correctly, and that some decisions that had been presented as urgent did not strictly meet constitutional requirements insofar that they could not be "practically delayed" to the next committee or sub-committee meeting, and had simply been delayed due to ineffective internal planning or delayed internal report sign-off.

## Recommendations

5. That the overview and scrutiny committees make a collective, concerted effort to increase engagement with the public, partners and regulators in the work programming process.

6. That Cabinet be invited to consider reviewing the arrangements for booking and retaining meeting rooms, to prioritise the needs of elected members and council committees.

7. That the overview and scrutiny committees give consideration to holding informal briefing meetings prior to formal committee meetings to allow the overview and scrutiny committees to collectively run through meeting agendas, prepare lines of questioning and discuss potential recommendations and solutions to be raised.

8. That the Corporate Overview and Scrutiny Committee be invited to explore options for engaging with each of the council's political groups to collate and review the issues raised by residents.

9. That Cabinet and the corporate leadership team endeavour to further improve the openness and transparency of discussions at scrutiny liaison meetings, and strive to inform the overview and scrutiny committees even farther in advance of upcoming policies, strategies and decisions.

10. That Cabinet considers introducing measures to provide consistency in the decision-making process so that formal consultation with overview and

> scrutiny becomes a routine part of the decision-making process, particularly with contentious decisions.
>
> 11. That the Health and Adult Social Care and Communities Overview and Scrutiny Committee undertakes to develop and foster closer working relationships with all local health bodies and providers, focusing on those that have been least engaged with the committee in recent years.
>
> 12. That the Scrutiny Chairman's Group collectively reviews and discusses urgent decision requests at its meetings.
>
> 13. That the corporate leadership team be invited to consider implementing a clearer and measured approach to dealing with urgent matters, to ensure that any urgent decisions requests are legitimate and meet legislative requirements.

## Impact of Scrutiny

### Evidence-based challenge at committee meetings

4.67. The survey results revealed that only 46% (18/39) of the elected members that responded to the survey felt that overview and scrutiny regularly engaged in evidence-based challenge of the council's decision makers and service providers, compared to 86% (12/14) of officers and 67% (4/6) of external stakeholders.

4.68. Discussions with portfolio holders, officers and external stakeholders revealed that the Health and Adult Social Care and Communities Overview and Scrutiny Committee most frequently evidenced the most significant challenge to decision makers, specifically towards external bodies.

4.69. However, it was acknowledged that the Health and Adult Social Care and Communities Overview and Scrutiny Committee was arguably in a better position to make more direct recommendations due to the specific legislative health scrutiny regulations.

4.70. The group also considered the possibility that some overview and scrutiny members may be less willing to offer the same challenge towards portfolio holders and officers as with external organisations, due to group allegiance and not wanting to seen as a disruptor to party leadership.

**Portfolio holders and officers giving public account for themselves at scrutiny meetings**
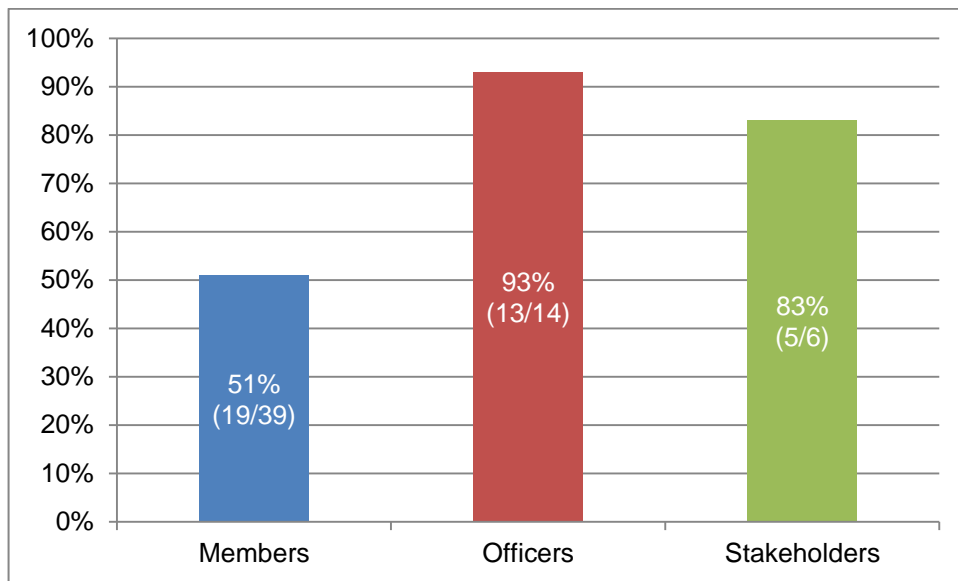


Figure 7. The proportion of members, officers and stakeholders that agreed portfolio holders and officers give public account for themselves and their portfolio responsibilities at meetings. (In brackets next to each percentage figure are the number of respondents that agreed with the above statements, out of the total number of elected member, officer and external stakeholder respondents).

4.71. As shown in Figure 7 above, the results from the survey highlighted that a considerably lower proportion of elected member respondents than officer respondents felt that portfolio holders and officers gave account for themselves and their portfolio responsibilities at meetings.

4.72. As mentioned earlier in this report, discussions with portfolio holders revealed that they would welcome a greater challenge from scrutiny members and felt that the overview and scrutiny committees needed to ask more difficult, probing questions to themselves, the wider Cabinet and officers.

**Producing recommendations and solutions**

4.73. There was agreement amongst the group and all of those involved in the scrutiny healthcheck exercise that the most impactful work undertaken by overview and scrutiny was through in-depth spotlight reviews or task and finish group inquiries.
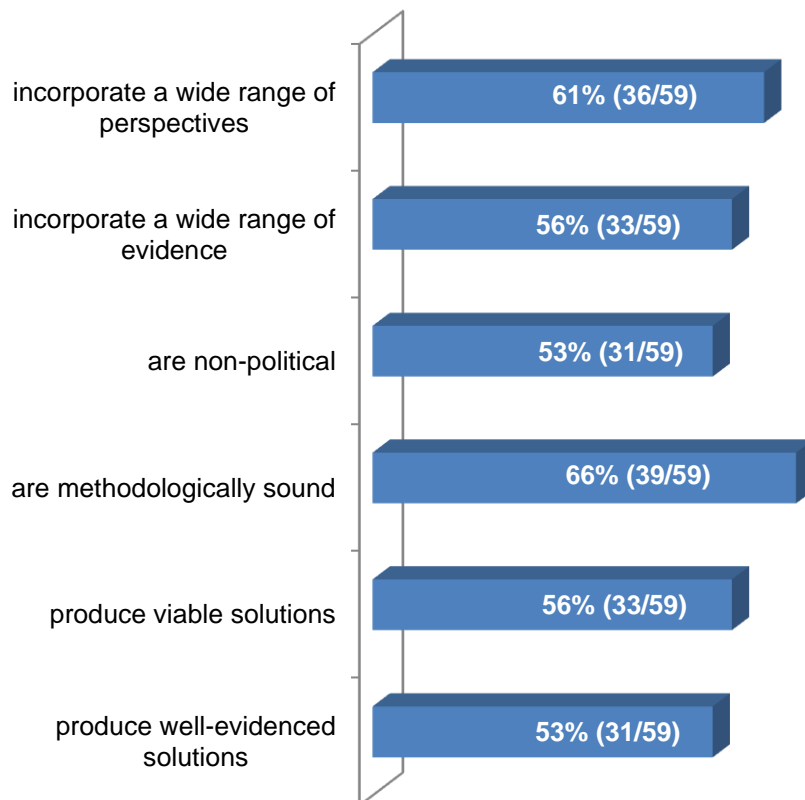
Figure 8. Combined responses of elected members, officers and stakeholders in response to how strongly they agreed that overview and scrutiny inquiries achieved the above aims. (In brackets next to each percentage figure are the number of respondents that agreed with the above statements, out of the total number of elected member, officer and external stakeholder respondents).

4.74. The graph above portrays a largely positive picture of how committees and task and finish groups undertake their work and how effective their recommendations are, however; there is still room for improvement.

4.75. The group was presented with contrasting views regarding how viable and well-evidenced scrutiny recommendations and solutions are. Portfolio holders, officers and external stakeholders reiterated that regular learning, training and development for scrutiny members would improve the viability and evidence-based nature of recommendations.

4.76. Whilst all four of the overview and scrutiny committees did often produce recommendations and make suggestions on how to find solutions to recognised problems, the business transacted at ordinary committee meetings did not lend itself to the production of well-evidenced recommendations, in the same way that task and finish or spotlight inquiries do.

4.77. During the interviews the group discussed the need for committee members to be as informed and aware about the subject matter being considered as possible. Suggestions were made that short briefing papers could be

provided to accompany substantive business items, or for attending officers to brief members on certain items/subject areas prior to a meeting if required.

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**Conclusions**

13. The overview and scrutiny committees most effectively scrutinise and challenge external bodies and partners, more so than internal officers, services and portfolio holders.

14. A comparatively lower proportion of members (51% - 19/39) than officers (93% - 13/14) who responded to the survey felt that portfolio holders and officers gave a good public account of themselves and their portfolio responsibilities at meetings.

15. Some overview and scrutiny members may not be as willing to challenge members of their own party as they are external bodies or opposition councillors.

16. Recommendations and solutions submitted by overview and scrutiny committees are on the whole well-informed and viable.

17. Training and development of overview and scrutiny councillors would help to improve the evidence-based on which recommendations are made and likely improve their validity and impact.

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**Recommendations**

14. That learning, training or development for scrutiny members emphasise the positive role of overview and scrutiny and how providing an apolitical, 'critical friend' challenge can support the decision-making of the executive.

15. That questioning skills be included in the training and development of scrutiny members, to increase the challenging and probing nature of questions put to officers and portfolio holders.

16. That the overview and scrutiny committees consider how they can increase the frequency of, and improve the quality of, recommendations and solutions made by the committees at 'ordinary' business meetings.

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## Holistic review of findings

4.78. After reflecting on its findings and recommendations, as well as the independent review of the overview and scrutiny function carried out by esteemed professors Leach and Copus in 2014, the group agreed that the function had demonstrated good practice in a number of areas, but that encouraging the implementation of the recommendations included in this

report would help to deliver considerable improvements to the present function.

4.79. The group was in agreement that the findings, conclusions and recommendations of this self-evaluation should be seen a baseline for similar iterations of this exercise to be undertaken in the future, to continue to review the effectiveness of the overview and scrutiny function and ensure recommendations made and updated best practice are implemented.

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**Conclusions**

18. The council's overview and scrutiny function demonstrates good practice in a number of areas, however, significant improvements can still be made to its efficiency and effectiveness by implementing the recommendations of this report, and committing to periodically undertaking similar self-evaluation reviews of the function,

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**Recommendations**

17. That the outcomes of this review be used as a baseline from which future iterations of the Scrutiny Chairman's Group can continue to review the council's overview and scrutiny function on a regular, periodic basis.

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## 5. Conclusions

6.1. The current structure of, and officer resource to, the four overview and scrutiny function sufficiently and effectively supports the transacting of the business of the four committees.

6.2. The survey results and review highlighted that a smaller proportion of elected member respondents (39% - 15/39) than officers (86% - 12/14) felt that the overview and scrutiny function is effectively supported by the council's corporate leadership team.

6.3. The results of the survey (shown in Figure 3 of this report) suggests that there is a perception amongst a proportion of the council's elected membership that the overview and scrutiny function is not recognised by the executive and CLT as a mechanism for community engagement.

6.4. The council's current communications protocol does not presently provide any support to the overview and scrutiny function.

6.5. The majority of elected members, officers and stakeholders felt that overview and scrutiny members do not receive the training and development that they need in order to undertake their work most effectively.

6.6. The overview and scrutiny work programming process does not sufficiently take into account the views of the public, partners, regulators, or wider community concern.

6.7. The overview and scrutiny function does not adequately enable the voice of the public.

6.8. The lack of a priority arrangements for the booking of council meeting rooms does not formally prioritise the needs of elected members, committees or sub-committees.

6.9. Scrutiny liaison meetings are a useful mechanism for improving communication between the overview and scrutiny committees, portfolio holders and officers, but are not always as effective as they could or should be.

6.10. The survey highlighted that members and officer respondents had contrasting views on how timely and consistent information submitted to the overview and scrutiny committees had been.

6.11. The council's internal report development and sign-off procedure is a lengthy process that arguably makes it more likely to result in overview and scrutiny reports being delayed, or missed altogether, if strict timescales are not met.

6.12. There was a perception that urgent decision procedures had not always been followed correctly, and that some decisions that had been presented as urgent did not strictly meet the legislated criteria that they could not be "practicably delayed" to the next committee or sub-committee meeting, and had simply been delayed due to ineffective internal planning or delayed internal report sign-off.

6.13. The overview and scrutiny committees most effectively scrutinise and challenge external bodies and partners, more so than internal officers, services and portfolio holders.

6.14. A comparatively lower proportion of members (51% - 19/39) than officers (93% - 13/14) who responded to the survey felt that portfolio holders and officers gave a good public account of themselves and their portfolio responsibilities at meetings.

6.15. Some overview and scrutiny members may not be as willing to challenge members of their own party as they are external bodies or opposition councillors.

6.16. Recommendations and solutions submitted by overview and scrutiny committees are on the whole well-informed and viable.

6.17. Training and development of overview and scrutiny councillors would help to improve the evidence-based on which recommendations are made and likely improve their validity and impact.

6.18. The council's overview and scrutiny function demonstrates good practice in a number of areas, however, significant improvements can still be made to its efficiency and effectiveness by implementing the recommendations of this report, and committing to periodically undertaking similar self-evaluation reviews of the function.

## 6. Recommendations

6.1. That the Member Technology and Development Panel support the development of a schedule of regular training and development for overview and scrutiny members.

6.2. That executive members and officers of the corporate leadership team endeavour to periodically attend training relating to overview and scrutiny.

6.3. That group leaders and whips ensure that core nucleus of overview and scrutiny councillors be retained on each of the four overview and scrutiny committees.

6.4. That the Corporate Overview and Scrutiny Committee be recommended to formally review the communications protocol, to identify how it can be revised to ensure that it supports the overview and scrutiny function.

6.5. That the overview and scrutiny committees make a collective, concerted effort to increase engagement with the public, partners and regulators in the work programming process.

6.6. That Cabinet be invited to consider reviewing the arrangements for booking and retaining meeting rooms, to prioritise the needs of elected members and council committees.

6.7. That the overview and scrutiny committees give consideration to holding informal briefing meetings prior to formal committee meetings to allow the overview and scrutiny committees to collectively run through meeting agendas, prepare lines of questioning and discuss potential recommendations and solutions to be raised.

6.8. That the Corporate Overview and Scrutiny Committee be invited to explore options for engaging with each of the council's political groups to collate and review the issues raised by residents.

6.9. That Cabinet and the corporate leadership team endeavour to further improve the openness and transparency of discussions at scrutiny liaison

meetings, and strive to inform the overview and scrutiny committees even farther in advance of upcoming policies, strategies and decisions.

6.10. That Cabinet considers introducing measures to provide consistency in the decision-making process so that formal consultation with overview and scrutiny becomes a routine part of the decision-making process, particularly with contentious decisions.

6.11. That the Health and Adult Social Care and Communities Overview and Scrutiny Committee undertakes to develop and foster closer working relationships with all local health bodies and providers, focusing on those that have been least engaged with the committee in recent years.

6.12. That the Scrutiny Chairman's Group collectively reviews and discusses urgent decision requests at its meetings.

6.13. That the corporate leadership team be invited to consider implementing a clearer and measured approach to dealing with urgent matters, to ensure that any urgent decisions requests are legitimate and meet legislative requirements.

6.14. That learning, training or development for scrutiny members emphasise the positive role of overview and scrutiny and how providing an apolitical, 'critical friend' challenge can support the decision-making of the executive.

6.15. That questioning skills be included in the training and development of scrutiny members, to increase the challenging and probing nature of questions put to officers and portfolio holders.

6.16. That the overview and scrutiny committees consider how they can increase the frequency of, and improve the quality of, recommendations and solutions made by the committees at 'ordinary' business meetings.

6.17. That the outcomes of this review be used as a baseline from which future iterations of the Scrutiny Chairman's Group can continue to review the council's overview and scrutiny function on a regular, periodic basis.

## 7. Background Documents

7.1. Documents referenced during the review or to assist in the forming of this final report:

7.1.1. The Scrutiny Evaluation Framework. Centre for Public Scrutiny (2017). Available at: https://www.cfps.org.uk/wp-content/uploads/CfPS-Scrutiny-Evaluation-v2-SINGLE-PAGES.pdf

7.1.2. Overview and scrutiny in Cheshire East (council's public website) https://www.cheshireeast.gov.uk/council_and_democracy/your_council/overview_and_scrutiny/overview_and_scrutiny.aspx

7.1.3. Tameside Metropolitan Borough Council scrutiny report on Victim Based Crime (to look at its format for written recommendations being requested by overview and scrutiny.) https://tameside.gov.uk/scrutiny/statutory/victimbasedcrime.pdf

## 8. Contact Information

8.1. Any questions relating to this report should be directed to the following officer:

Name:       Joel Hammond-Gant

Job Title:   Scrutiny Officer

Email:       joel.hammond-gant@cheshireeast.gov.uk

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## Scrutiny Healthcheck Survey

### Key stats

- Survey was open from 27th February to 15th March 2019
- **39/81 Councillors** responded
- **14/23 Council officers** responded
- **6/14 External stakeholders** responded
- **33/59 of the total respondents** provided a written comment at the end of the survey on how Cheshire East Council's overview and scrutiny function could be improved

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that overview and scrutiny has a **clearly defined role** in the council's improvement arrangements? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 15.3% | 23.1% | 0.0% | 0.0% |
| Agree | 57.6% | 46.2% | 85.7% | 66.7% |
| Neither agree nor disagree | 8.5% | 10.3% | 7.1% | 0.0% |
| Disagree | 8.5% | 12.8% | 0.0% | 0.0% |
| Strongly disagree | 5.1% | 7.7% | 0.0% | 0.0% |
| Don't know | 5.1% | 0.0% | 7.1% | 33.3% |

| How strongly do you agree or disagree that overview and scrutiny has a **valued role** in the council's improvement arrangements? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 20.3% | 23.1% | 14.3% | 16.7% |
| Agree | 42.4% | 30.8% | 71.4% | 50.0% |
| Neither agree nor disagree | 10.2% | 12.8% | 7.1% | 0.0% |
| Disagree | 13.6% | 20.5% | 0.0% | 0.0% |
| Strongly disagree | 8.5% | 12.8% | 0.0% | 0.0% |
| Don't know | 5.1% | 0.0% | 7.1% | 33.3% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| **How strongly do you agree or disagree that overview and scrutiny committees build trust with a wide variety of internal and external stakeholders?** | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 13.6% | 17.9% | 7.1% | 0.0% |
| Agree | 37.3% | 33.3% | 42.9% | 50.0% |
| Neither agree nor disagree | 27.1% | 17.9% | 42.9% | 50.0% |
| Disagree | 16.9% | 23.1% | 7.1% | 0.0% |
| Strongly disagree | 5.1% | 7.7% | 0.0% | 0.0% |
| Don't know | 0.0% | 0.0% | 0.0% | 0.0% |

| **How strongly do you agree or disagree that overview and scrutiny committees build good relationships with a wide variety of internal and external stakeholders?** | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 15.3% | 20.5% | 0.0% | 16.7% |
| Agree | 40.7% | 35.9% | 57.1% | 33.3% |
| Neither agree nor disagree | 30.5% | 25.6% | 35.7% | 50.0% |
| Disagree | 10.2% | 12.8% | 7.1% | 0.0% |
| Strongly disagree | 3.4% | 5.1% | 0.0% | 0.0% |
| Don't know | 0.0% | 0.0% | 0.0% | 0.0% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that overview and scrutiny committees provide viable solutions to recognised problems? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 10.2% | 15.4% | 0.0% | 0.0% |
| Agree | 45.8% | 46.2% | 57.1% | 16.7% |
| Neither agree nor disagree | 25.4% | 17.9% | 28.6% | 66.7% |
| Disagree | 11.9% | 10.3% | 14.3% | 16.7% |
| Strongly disagree | 6.8% | 10.3% | 0.0% | 0.0% |
| Don't know | 0.0% | 0.0% | 0.0% | 0.0% |

| How strongly do you agree or disagree that overview and scrutiny committees provide well-evidenced solutions to recognised problems? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 15.3% | 23.1% | 0.0% | 0.0% |
| Agree | 37.3% | 35.9% | 50.0% | 16.7% |
| Neither agree nor disagree | 25.4% | 17.9% | 35.7% | 50.0% |
| Disagree | 16.9% | 15.4% | 14.3% | 33.3% |
| Strongly disagree | 5.1% | 7.7% | 0.0% | 0.0% |
| Don't know | 0.0% | 0.0% | 0.0% | 0.0% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that meetings of the overview and scrutiny committees are well planned? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 16.9% | 15.4% | 7.1% | 50.0% |
| Agree | 62.7% | 59.0% | 78.6% | 50.0% |
| Neither agree nor disagree | 13.6% | 15.4% | 14.3% | 0.0% |
| Disagree | 5.1% | 7.7% | 0.0% | 0.0% |
| Strongly disagree | 1.7% | 2.6% | 0.0% | 0.0% |
| Don't know | 0.0% | 0.0% | 0.0% | 0.0% |

| How strongly do you agree or disagree that meetings of the overview and scrutiny committees are chaired effectively? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 27.6% | 23.1% | 30.8% | 50.0% |
| Agree | 41.4% | 33.3% | 61.5% | 50.0% |
| Neither agree nor disagree | 20.7% | 28.2% | 7.7% | 0.0% |
| Disagree | 5.2% | 7.7% | 0.0% | 0.0% |
| Strongly disagree | 5.2% | 7.7% | 0.0% | 0.0% |
| Don't know | 0.0% | 0.0% | 0.0% | 0.0% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that decision-makers (portfolio holders and senior officers) give public account for themselves at overview and scrutiny committees for their portfolio holder responsibilities? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 16.9% | 15.4% | 28.6% | 0.0% |
| Agree | 47.5% | 35.9% | 64.3% | 83.3% |
| Neither agree nor disagree | 8.5% | 7.7% | 7.1% | 16.7% |
| Disagree | 15.3% | 23.1% | 0.0% | 0.0% |
| Strongly disagree | 10.2% | 15.4% | 0.0% | 0.0% |
| Don't know | 1.7% | 2.6% | 0.0% | 0.0% |

| How strongly do you agree or disagree that overview and scrutiny committees deal with sensitive political issues, tension and conflict in an effective manner? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 11.9% | 15.4% | 7.1% | 0.0% |
| Agree | 32.2% | 20.5% | 57.1% | 50.0% |
| Neither agree nor disagree | 18.6% | 15.4% | 28.6% | 16.7% |
| Disagree | 20.3% | 28.2% | 0.0% | 16.7% |
| Strongly disagree | 13.6% | 20.5% | 0.0% | 0.0% |
| Don't know | 3.4% | 0.0% | 7.1% | 16.7% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that scrutiny inquiries (undertaken as a full committee or a task and finish group) are methodologically sound? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 11.9% | 15.4% | 7.1% | 0.0% |
| Agree | 54.2% | 53.8% | 64.3% | 33.3% |
| Neither agree nor disagree | 18.6% | 17.9% | 21.4% | 16.7% |
| Disagree | 10.2% | 12.8% | 7.1% | 0.0% |
| Strongly disagree | 0.0% | 0.0% | 0.0% | 0.0% |
| Don't know | 5.1% | 0.0% | 0.0% | 50.0% |

| How strongly do you agree or disagree that scrutiny inquiries (undertaken as a full committee or a task and finish group) are non-political? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 11.9% | 15.4% | 7.1% | 0.0% |
| Agree | 40.7% | 30.8% | 71.4% | 33.3% |
| Neither agree nor disagree | 15.3% | 17.9% | 14.3% | 0.0% |
| Disagree | 16.9% | 23.1% | 7.1% | 0.0% |
| Strongly disagree | 8.5% | 10.3% | 0.0% | 16.7% |
| Don't know | 6.8% | 2.6% | 0.0% | 50.0% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that scrutiny inquiries (undertaken as a full committee or a task and finish group) incorporate a wide range of evidence? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 16.9% | 20.5% | 14.3% | 0.0% |
| Agree | 49.2% | 43.6% | 71.4% | 33.3% |
| Neither agree nor disagree | 20.3% | 25.6% | 14.3% | 0.0% |
| Disagree | 6.8% | 7.7% | 0.0% | 16.7% |
| Strongly disagree | 1.7% | 2.6% | 0.0% | 0.0% |
| Don't know | 5.1% | 0.0% | 0.0% | 50.0% |

| How strongly do you agree or disagree that scrutiny inquiries (undertaken as a full committee or a task and finish group) incorporate a wide range of perspectives? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 6.8% | 10.3% | 0.0% | 0.0% |
| Agree | 54.2% | 43.6% | 92.9% | 33.3% |
| Neither agree nor disagree | 23.7% | 30.8% | 7.1% | 16.7% |
| Disagree | 6.8% | 10.3% | 0.0% | 0.0% |
| Strongly disagree | 3.4% | 5.1% | 0.0% | 0.0% |
| Don't know | 5.1% | 0.0% | 0.0% | 50.0% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that information provided to the overview and scrutiny committees is of high quality? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 11.9% | 10.3% | 21.4% | 0.0% |
| Agree | 64.4% | 59.0% | 78.6% | 66.7% |
| Neither agree nor disagree | 13.6% | 17.9% | 0.0% | 16.7% |
| Disagree | 6.8% | 10.3% | 0.0% | 0.0% |
| Strongly disagree | 1.7% | 2.6% | 0.0% | 0.0% |
| Don't know | 1.7% | 0.0% | 0.0% | 16.7% |

| How strongly do you agree or disagree that information provided to the overview and scrutiny committees is submitted in a timely manner? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 13.6% | 7.7% | 35.7% | 0.0% |
| Agree | 49.2% | 43.6% | 57.1% | 66.7% |
| Neither agree nor disagree | 23.7% | 33.3% | 7.1% | 0.0% |
| Disagree | 8.5% | 12.8% | 0.0% | 0.0% |
| Strongly disagree | 1.7% | 2.6% | 0.0% | 0.0% |
| Don't know | 3.4% | 0.0% | 0.0% | 33.3% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that information provided to the overview and scrutiny committees is submitted in a consistent manner? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 6.8% | 5.1% | 14.3% | 0.0% |
| Agree | 44.1% | 38.5% | 64.3% | 33.3% |
| Neither agree nor disagree | 30.5% | 35.9% | 21.4% | 16.7% |
| Disagree | 10.2% | 12.8% | 0.0% | 16.7% |
| Strongly disagree | 3.4% | 5.1% | 0.0% | 0.0% |
| Don't know | 5.1% | 2.6% | 0.0% | 33.3% |

| How strongly do you agree or disagree that members of the overview and scrutiny committees are in control of their work programmes? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 20.3% | 23.1% | 21.4% | 0.0% |
| Agree | 44.1% | 33.3% | 64.3% | 66.7% |
| Neither agree nor disagree | 6.8% | 10.3% | 0.0% | 0.0% |
| Disagree | 16.9% | 23.1% | 7.1% | 0.0% |
| Strongly disagree | 6.8% | 10.3% | 0.0% | 0.0% |
| Don't know | 5.1% | 0.0% | 7.1% | 33.3% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that members of the overview and scrutiny committees are in control of deciding how best to carry out their work? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 10.3% | 15.4% | 0.0% | 0.0% |
| Agree | 44.8% | 33.3% | 76.9% | 50.0% |
| Neither agree nor disagree | 13.8% | 15.4% | 7.7% | 16.7% |
| Disagree | 20.7% | 28.2% | 7.7% | 0.0% |
| Strongly disagree | 5.2% | 7.7% | 0.0% | 0.0% |
| Don't know | 5.2% | 0.0% | 7.7% | 33.3% |

| How strongly do you agree or disagree that stakeholders have the ability to contribute to the development and delivery of overview and scrutiny work programmes? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 5.1% | 5.1% | 7.1% | 0.0% |
| Agree | 35.6% | 38.5% | 21.4% | 50.0% |
| Neither agree nor disagree | 28.8% | 28.2% | 42.9% | 0.0% |
| Disagree | 15.3% | 12.8% | 21.4% | 16.7% |
| Strongly disagree | 8.5% | 12.8% | 0.0% | 0.0% |
| Don't know | 6.8% | 2.6% | 7.1% | 33.3% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that the work programme process takes into account the views of the public? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 5.1% | 5.1% | 0.0% | 16.7% |
| Agree | 28.8% | 25.6% | 28.6% | 50.0% |
| Neither agree nor disagree | 23.7% | 25.6% | 21.4% | 16.7% |
| Disagree | 25.4% | 28.2% | 28.6% | 0.0% |
| Strongly disagree | 8.5% | 12.8% | 0.0% | 0.0% |
| Don't know | 8.5% | 2.6% | 21.4% | 16.7% |

| How strongly do you agree or disagree that the work programme process takes into account the views of partners? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 5.1% | 7.7% | 0.0% | 0.0% |
| Agree | 33.9% | 33.3% | 28.6% | 50.0% |
| Neither agree nor disagree | 39.0% | 41.0% | 50.0% | 0.0% |
| Disagree | 10.2% | 10.3% | 7.1% | 16.7% |
| Strongly disagree | 5.1% | 7.7% | 0.0% | 0.0% |
| Don't know | 6.8% | 0.0% | 14.3% | 33.3% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that the work programme process takes into account the views of regulators? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 5.1% | 7.7% | 0.0% | 0.0% |
| Agree | 37.3% | 46.2% | 21.4% | 16.7% |
| Neither agree nor disagree | 35.6% | 38.5% | 35.7% | 16.7% |
| Disagree | 10.2% | 2.6% | 28.6% | 16.7% |
| Strongly disagree | 3.4% | 5.1% | 0.0% | 0.0% |
| Don't know | 8.5% | 0.0% | 14.3% | 50.0% |

| How strongly do you agree or disagree that the work programme process takes into account community concerns? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 6.8% | 5.1% | 7.1% | 16.7% |
| Agree | 28.8% | 30.8% | 14.3% | 50.0% |
| Neither agree nor disagree | 25.4% | 23.1% | 35.7% | 16.7% |
| Disagree | 20.3% | 23.1% | 21.4% | 0.0% |
| Strongly disagree | 10.2% | 15.4% | 0.0% | 0.0% |
| Don't know | 8.5% | 2.6% | 21.4% | 16.7% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that the work programme process takes into account issues of strategic risk and importance? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 8.5% | 10.3% | 7.1% | 0.0% |
| Agree | 54.2% | 43.6% | 71.4% | 83.3% |
| Neither agree nor disagree | 22.0% | 28.2% | 14.3% | 0.0% |
| Disagree | 5.1% | 7.7% | 0.0% | 0.0% |
| Strongly disagree | 6.8% | 10.3% | 0.0% | 0.0% |
| Don't know | 3.4% | 0.0% | 7.1% | 16.7% |

| How strongly do you agree or disagree that overview and scrutiny councillors have the training and development opportunities they need to undertake their role effectively? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 3.4% | 5.1% | 0.0% | 0.0% |
| Agree | 23.7% | 23.1% | 21.4% | 33.3% |
| Neither agree nor disagree | 28.8% | 28.2% | 42.9% | 0.0% |
| Disagree | 22.0% | 23.1% | 21.4% | 16.7% |
| Strongly disagree | 13.6% | 20.5% | 0.0% | 0.0% |
| Don't know | 8.5% | 0.0% | 14.3% | 50.0% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that the scrutiny function has the dedicated support it needs from officers? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 20.3% | 25.6% | 14.3% | 0.0% |
| Agree | 47.5% | 30.8% | 78.6% | 83.3% |
| Neither agree nor disagree | 16.9% | 23.1% | 7.1% | 0.0% |
| Disagree | 11.9% | 17.9% | 0.0% | 0.0% |
| Strongly disagree | 1.7% | 2.6% | 0.0% | 0.0% |
| Don't know | 1.7% | 0.0% | 0.0% | 16.7% |

| How strongly do you agree or disagree that the scrutiny process receives effective support from the council's corporate leadership team? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 11.9% | 7.7% | 28.6% | 0.0% |
| Agree | 40.7% | 30.8% | 57.1% | 66.7% |
| Neither agree nor disagree | 18.6% | 25.6% | 7.1% | 0.0% |
| Disagree | 15.3% | 23.1% | 0.0% | 0.0% |
| Strongly disagree | 6.8% | 10.3% | 0.0% | 0.0% |
| Don't know | 6.8% | 2.6% | 7.1% | 33.3% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that overview and scrutiny makes the best use of resources available (e.g. undertaken site visits, holding meetings in the community etc)? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 3.4% | 2.6% | 7.1% | 0.0% |
| Agree | 49.2% | 48.7% | 64.3% | 16.7% |
| Neither agree nor disagree | 22.0% | 28.2% | 14.3% | 0.0% |
| Disagree | 11.9% | 15.4% | 7.1% | 0.0% |
| Strongly disagree | 3.4% | 5.1% | 0.0% | 0.0% |
| Don't know | 10.2% | 0.0% | 7.1% | 83.3% |

| How strongly do you agree or disagree that overview and scrutiny is recognised by the executive (cabinet) and corporate leadership team as an important council mechanism for community engagement? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 15.3% | 15.4% | 21.4% | 0.0% |
| Agree | 32.2% | 25.6% | 50.0% | 33.3% |
| Neither agree nor disagree | 8.5% | 10.3% | 7.1% | 0.0% |
| Disagree | 23.7% | 30.8% | 14.3% | 0.0% |
| Strongly disagree | 11.9% | 17.9% | 0.0% | 0.0% |
| Don't know | 8.5% | 0.0% | 7.1% | 66.7% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that overview and scrutiny is characterised by effective communication to raise awareness of, and encourage participation in, democratic accountability? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 8.5% | 10.3% | 7.1% | 0.0% |
| Agree | 30.5% | 23.1% | 42.9% | 50.0% |
| Neither agree nor disagree | 23.7% | 20.5% | 35.7% | 16.7% |
| Disagree | 20.3% | 25.6% | 14.3% | 0.0% |
| Strongly disagree | 13.6% | 20.5% | 0.0% | 0.0% |
| Don't know | 3.4% | 0.0% | 0.0% | 33.3% |

| How strongly do you agree or disagree that overview and scrutiny regularly engages in evidence-based challenge of decision-makers and service providers? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 6.8% | 5.1% | 14.3% | 0.0% |
| Agree | 50.8% | 41.0% | 71.4% | 66.7% |
| Neither agree nor disagree | 16.9% | 15.4% | 14.3% | 33.3% |
| Disagree | 16.9% | 25.6% | 0.0% | 0.0% |
| Strongly disagree | 8.5% | 12.8% | 0.0% | 0.0% |
| Don't know | 0.0% | 0.0% | 0.0% | 0.0% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| How strongly do you agree or disagree that overview and scrutiny function enables the 'voice' of the local people and communities across the area to be heard as part of the council's decision-making and policy development? | Overall response | Response – elected members | Response – council officers | Response – external stakeholders |
|---|---|---|---|---|
| Strongly agree | 3.4% | 5.1% | 0.0% | 0.0% |
| Agree | 30.5% | 23.1% | 50.0% | 33.3% |
| Neither agree nor disagree | 28.8% | 23.1% | 42.9% | 33.3% |
| Disagree | 15.3% | 17.9% | 7.1% | 16.7% |
| Strongly disagree | 18.6% | 28.2% | 0.0% | 0.0% |
| Don't know | 3.4% | 2.6% | 0.0% | 16.7% |

Appendix B (1) – Scrutiny Healthcheck Survey Results

| **How do you feel the overview and scrutiny process could best be improved?** |
|---|
| more engagement by local people and communities |
| In my opinion, the Committess might benefit form enhanced guidance from their support officers in planning meetings and assessing agenda items in advance |
| Engage in more topics that the general public are interested in or concerned about |
| Better resourcing and more training for members, including chairmen |
| Better communication / information sharing |
| Chaired by councillors from opposition groups.<br>Adopt the recommendations of the CHLG select committee enquiry into local government scrutiny that was published a year or so ago and has been largely ignored to date by CEC. |
| Chairman from opposition groups. They are allowed to make decisions rather than portfolio holders. Consistently high standard of chairmanship. Better training for chairs and committee members |
| With reference to para 27 of https://publications.parliament.uk/pa/cm201719/cmselect/cmcomloc/369/369.pdf we have concerns that sometimes chairs can be chosen so as to cause as little disruption<br>as possible for their Leaders. It is vital that the role of scrutiny chair is respected and<br>viewed by all as being a key part of the decision-making process, rather than as a form<br>of political patronage.<br>Scrutiny chairs should be from the opposition or elected by the committees in secret ballot (as recommended in para 35 of the Parliamentary report.<br>Resourcing of Scrutiny should be reviewed as its role is reviewed<br>I did like Cllr Brian Roberts's comment that he has more teeth than Cheshire East Scrutiny.<br>Task & Finish Groups seem to work well, but there are very few of them. |
| Support for all councillors to understand the role of scrutiny and further specialist trading for members of scrutiny committees |
| Scrutiny is controlled and packed by the ruling party, their members are present but do not contribute. Chairs should be from Opposition groups if they are to be effective |

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|---|
| Chairman and Vice Chairman of Scrutiny Committees should be from opposition parties. Recommendations from the Scrutiny Commitie are ignore by Cabinet without an adequate explanation |
| There is little input by Members into policy development at the embryonic stage |
| Firstly please be assured that any criticism levelled is not towards the officers specifically Joel and Katie - who are both excellent. We are continually "told" that scrutiny is NOT political or has to be apolitical - but I am sorry we have to sit there and "scrutinise" (which is really levelling criticism) at other public services and organisations that are facing as many challenges and difficulties as local authorities due to the actions of a "political" government - to say that this is not political is in my opinion contrary! The purpose of the scrutiny committees should be to overlook the work of the Council whereas specifically in some of the committees we find ourselves scrutinising outside bodies and organisations more. There is little scrutiny levelled at the Portfolio Holders. Too many decisions or policies are directed to Cabinet and do not even get to Scrutiny. Whilst I am critical of Scrutiny generally at least there may be a chance of some worthy questioning from "opposition" members whereas Cabinet. The process could be improved by Scrutiny Committees being able to "Scrutnise" policies, documents etc BEFORE they get to Cabinet. Cabinnet would then be assured it had been scrutinised before they ratify. The process could be improved by having opposition Chairs and Vice Chairs. Opposition Chairs and Vice Chairs of Task and Finish Groups. In respect of the democracy question and political representation - the numbers would still be heavily in favour of the "leading political group". But having opposition Chairs and Vice would provide a variance. Scrutiny needs to be improved also with more engagement with local people and communities. Meetings primarily at 10am or 2pm prevents the inclusion of many "local people". Through my own conversations with my own residents - they are not even aware of the Scrutiny Committees, their existence or their purpose. And if by chance they were aware - they did not know these meetings were public. If I were being honest - again stressing the committment of the officers - Scrutiny often feels as it is just the Local Authority going through the motions. These committees need to have the ability to make decisions. |
| More support from ov3rwoked staff. Cabinet to listen and be more forthcoming with information |
| Put opposition Cllrs as Chairs or reduce the ruling groups seats to no more than 50% |
| By their recommendations to reverse Cabinet and Portfolio decisions are acted upon and not ignored. There is much overview but little effective scrutiny. Opposition chairmen would help to redress the balance and bring a more effective challenge to the process |

Appendix B (1) – Scrutiny Healthcheck Survey Results

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| Wider publicity of investigations in progress available to all members, partners and public.<br>Quicker response to national issues and concerns that affect CE<br>Confirmed budgetary commitments and timelines to agreed findings |
| Possibly meet more often with more practical integration with various services where practically possible |
| Be less politically motivated and focus on the needs of the entire population |
| The officers who support the scrutiny system are excellent in their support to members of the committees.<br>The fact that all committees are chaired by the Conservative group is not good practice the practice in parliament of opposition members chairing select committees should be introduced to Cheshire East. I have attended many committees where some members have not asked one question, one wonders why they attend |
| All scrutiny members should undertake relevant training in their respective OSC areas. Some OSC are excellent others are less well known to me hence some of my neither agree nor disagree answers. All Portfolio Holders must attend their respective OSC's BUT where their responsibilities cover more than one, OSC committees may all be best served by holding joint OSC meetings to cover the more generic subject areas - this would avoid repetition, duplication and save on officer time. OSC should NOT be used for party political grandstanding as this is not the role of OSC debate, nor would non-agenda items be raised during a meeting. (This require good, strong chairmanship and officer support as its getting too common and wastes valuable discussion time). |
| More training for members, more emphasis on task & finish groups, chairs allocated to opposition groups |
| Enhanced interface with CLT and Cabinet. This has improved more recently, but needs to become embedded |
| Change it's structure and membership |
| More evidence gathering capability provided and more public advertisement of its work |
| Perhaps a greater understanding of the issues before making any decisions would be helpful? |
| Needs to be more open, given more publicity, explained to the public |
| More calls for evidence of need from our service users when scrutinising service delivery or policy implementation |
| Introduce a CPD system so that training and knowledge is regularly updated and improved |

| |
|---|
| Progress on actions should be reviewed to ensure they had an impact. Timeliness is less of an issue than quality, so no reason not to take longer to analyse and assess the decisions they scrutinise |
| More training and regular training. More site visits, more talking to communities. |
| If chairs were changed to opposition groups, there would be more opportunity for effective scrutiny. |
| A change of administration to one who is fairer to members and more transparent |

Appendix B (2) - Scrutiny Healthcheck Interviews – Anonymised Notes

**Effectiveness of Overview and Scrutiny in Cheshire East**
- The most effective scrutiny undertaken by the four committees (outside of task and finish or spotlight review work) is the discharging of the council's statutory health scrutiny requirements
- On balance, the scrutiny committees more effectively scrutinise external partners/bodies, potentially because the committee members have no affiliations or investment in them. (compared to potentially being less willing to sufficiently challenge internally and be seen to 'ruffle feathers')
- The health scrutiny committee seems to be in a position to make more direct recommendations or solutions to problems
- Individual members / committees don't challenge portfolio holders enough, or ask enough
- Portfolio holders would welcome greater challenge from scrutiny
- In order for scrutiny to 'have more teeth' it needs to probe and ask hard questions to the Cabinet: what decisions is it making and why? Where is the money coming from? Where are these decisions within the Medium Term Financial Strategy?
- Scrutiny effectiveness could be improved by holding short pre-meetings before the formal committee meetings for 15 minutes (in a caucus style) to run through the agenda and determine collective lines of questioning and any potential recommendations or solutions the committee wishes to raise
- At the end of each four year term, there should be an emphasis placed on party leaders and whips to try to retain a core nucleus of members on each of the four overview and scrutiny committees, so that in spite of whatever membership turnover there is, the majority of each committee will be highly knowledgeable and well-versed, and could help to assimilate new members
- Overall impression is that scrutiny at Cheshire East Council works effectively (both the committee meetings and liaison meetings

**The overview and scrutiny committees are not informed or made aware of potentially sensitive issues or contentious decisions far enough in advance**
- Consensus that involving scrutiny at the earliest stage in the decision-taking process helps to iron out any potential barriers before they develop into more significant issues
- There should be as much communication and consultation with scrutiny as possible
- The recent consultation with each scrutiny committee on the 2019/20 budget was a good example of how to successfully have two-way communication between scrutiny and cabinet, and showed that it might prove useful for consulting on other decisions at an early stage
- Consensus of support for scrutiny being informed of, or getting sight of, upcoming pieces of work or decisions to be taken in advance of them being formally published on to the Forward Plan
- Informal Cabinet discuss how scrutiny can and should be involved for each upcoming decision
- Cabinet regularly discusses what to bring forward to scrutiny and when
- Improvements could be made to the current internal decision-taking process to make sure there is better planning and setting of timescales, so that scrutiny is involved at an earlier stage
- Liaison meetings should identify these sensitive matters at an earlier stage
- The best practice for liaison meetings would be to hold open, informal discussions with the Chairmen and Vice-Chairmen about upcoming decisions (yet to be on the forward plan) and potentially contentious issues, to ensure cross-party scrutiny consideration and support can be obtained at the earliest possible stage.
- Good scrutiny is part of good governance and makes the decision-making of a council more effective and transparent, if done properly

Appendix B (2) - Scrutiny Healthcheck Interviews – Anonymised Notes

**Can pre-decision scrutiny be better and more frequently used to support Cabinet's decision-making, by involving and representing community concerns at an earlier stage in the process**
- Scrutiny already works well as a 'critical friend' to Cabinet
- Discussions at Informal Cabinet always refer to the need to involve scrutiny and build scrutiny engagement within the timescales for producing a report and consulting on it
- Scrutiny should be seen as a good sounding board for policy/strategy ideas
- Consensus that there is a need for clear timescales within the decision-making process to ensure scrutiny involvement and to allow it to function effectively
- The 'overview' side of scrutiny work could be improved and used for greater benefits to the council. At the start of each civic year the overview and scrutiny committees could benefit from each being informed of the 3 or 4 key upcoming policy/strategy development points within their remits so that they can get involved at an early stage in the consultation well in advance of a decision being taken
- Ensuring pre-decision scrutiny requires it to be built into the decision-making process at an early stage
- The development and formulation of policy is an area that scrutiny could actively help Cabinet and full Council with, by being able to identify gaps or potential issues at an early stage
- Scrutiny is actively used in some instances to design the process for engagement with the public before a decision is taken
- Engagement with scrutiny should be done at the earliest possible point, to ensure pre-decision consultation and engagement can take place, as this can help to refine how the officers should consult and design the process for making decisions
- Taking issues and upcoming decisions to scrutiny early helps to present the final information in the least contentious way

**Does scrutiny produce viable, well-evidence solutions to recognised problems?**
- Yes to being well-evidenced
- No to always being viable. Sometimes it is not possible financially to implement all recommendations put forward by scrutiny
- Doesn't always produce well-evidenced solutions regarding health matters because members may not have received the full picture from all associated parties. Having more information from all involved parties would ensure the recommendations and decisions being made by scrutiny are more evidence-based and robust
- Yes – the health scrutiny committee's work on the local CCGs' mental health redesign is a good example of scrutiny using its powers to effect and making recommendations to health partners on behalf of the local community
- Members show maturity and experience through questioning at committee meetings
- Yes – budget scrutiny is good evidence of this
- Yes – the Local Transport Plan and Car Parking Charges are good examples of scrutiny challenging Cabinet and saying they could not endorse Cabinet's initial proposals, which resulted in changed decision on the back of scrutiny's recommendations
- Sometimes evidence presented to, and used by scrutiny, is anecdotal, which can be useful and important
- Generally, the recommendations from scrutiny are well-informed but they could be based on more solid evidence. This could be done by increasing the training or learning for members before meetings through briefings
- Committees do help to create solutions, but they do not necessarily suggest or produce them by themselves
- Yes – when the recommendations or solutions are being made to external health bodies
- Ordinary committee business doesn't necessarily produce well-evidenced recommendations

Appendix B (2) - Scrutiny Healthcheck Interviews – Anonymised Notes

- Bringing providers in to scrutiny as well as the commissioners is very important to getting the full picture

**Public involvement with scrutiny and its influence on decision-making**
- The decision to review bus routes was used by many interviewees as an example for how scrutiny involvement, and scrutiny enabling the voice of the public, allowed for feedback to Cabinet and officers to successfully remodel a decision in the interests of the public
- It was posed to the Chairmen and Vice-Chairmen that shouldn't it be scrutiny asking the responsible officers what their plans are for engagement and consultation with the public when they are alerting scrutiny to upcoming planning and development of policies and strategies, and for scrutiny to help to inform this process
- The importance of public engagement in local decision making was emphasised as evidence of good consultation and governance
- There was a suggestion that scrutiny meeting agendas could be sent out to different groups e.g. the voluntary/faith sector to further promote matters being considered and improve public interest and engagement in scrutiny
- Scrutiny is a forum that helps NHS bodies explain matters to the public, engage with the public and be present to answer their concerns

**Do scrutiny councillors have the training and development they need?**
- Committees could make use of councillors with expertise in particular areas at their meetings; use them as a source of information to support their inquiries
- New members of the council (and scrutiny) could be trained in a way to assimilate them quickly and get them up to speed with returning scrutiny members
- The Member Training and Development Panel has looked at the induction process and are striving to make sure that new members after the upcoming 2nd May 2019 election have a good understanding of scrutiny and its role and value within the council
- There needs to be – and there is in the budget for 2019/20 – more funding for member development
- Scrutiny could hold regular training sessions for members (in the same fashion as for planning committee members) either before or after meetings
- Members would benefit from an annual refresh of the key areas of their committee's remit and the areas of change, or major issues expected to come about during the next year
- On the whole, the questions asked by members are the right ones, but more training could help to improve members' background knowledge and awareness of issues and further improve lines of questioning
- Scrutiny needs to see the full picture of what the NHS is responsible for, and how they operate from the perspectives of the commissioners and providers, in order for it to most effectively scrutinise and make recommendations
- Members would benefit from regular refresher training sessions on the statutory requirements of the Council with respect to adults and children's services etc. and how scrutiny should 'look' at different service areas
- There needs to be a focus on statutory obligations of scrutiny within the training, e.g. budget scrutiny, statutory council services etc. members need to be fully cognisant of what the council is responsible for and what the statutory scrutiny duties are
- Anecdotal accounts were given about new councillors struggling in the first year of being scrutiny members; that it was difficult to quickly develop a good understanding of how scrutiny works and the committee remit(s) to become more confident and effective in putting questions and effectively challenging
- Good scrutiny questioning comes from good awareness, knowledge and understanding of the matter being scrutinised

Appendix B (2) - Scrutiny Healthcheck Interviews – Anonymised Notes

- There needs to be a cross-party understanding and agreement that each group whip will be involved in ensuring the take up of scrutiny training is adequate
- Group leaders should emphasise to their new membership of councillors after the elections about the kind of skills and commitment you need to bring to be an effective scrutiny councillor. This would help to allocate overview scrutiny committee seats to members that are potentially better skilled and more keen to be part of the scrutiny function
- It is important that scrutiny training reiterates the role of scrutiny and that it is not there to destabilise Cabinet or party leadership, but to be a collective, objective body acting as a 'critical friend' to its council's decision-makers

## Relationship between Cabinet and Scrutiny
- Portfolio holders would welcome being invited to Chairman's Group meetings
- Chief executive would welcome being invited to Chairman's Group meetings
- Scrutiny could benefit from visiting Cabinet meetings and engaging with portfolio holders more regularly
- Cabinet takes scrutiny reports and recommendations seriously
- Scrutiny members could attend Cabinet meetings more regularly
- Scrutiny members could shadow portfolio holders to get a better understanding of how decisions are made
- Communication between cabinet and scrutiny could be improved, but at the same time, committee chairmen or vice-chairmen could always press and question a bit harder or more frequently

## Is scrutiny supported sufficiently by the corporate leadership team?
- Yes – liaison meetings are a good example of CLT's willingness to engage and have open dialogue with scrutiny
- There is healthy respect for the role of scrutiny
- CLT have learnt lessons from not bringing contentious decisions to the attention of scrutiny
- Chief Executive and CLT would be happy to attend Scrutiny Chairman's Group meetings
- Not where we would want to be right now in terms of communication and links between the two – there is no longer a scrutiny champion
- Scrutiny reports are taken seriously by officers

## Does overview and scrutiny operate non-politically?
- Yes on the whole
- Sometimes questions from different members on the same issue can indicate certain political views on matters, but not to an extent that it impacts the meeting significantly
- Councillors could have a specific seating plan at meetings to avoid members of the same party grouping and sitting together, as a means of avoiding the potential for party politics at meetings
- Sometimes there is a sense that questions are coming from negative political points of views about certain situations with regards to NHS plans or activities
- Some similar comments made that politics had never trumped the issue at hand when being considered by scrutiny, and community and public concern have appeared to come through first and foremost from members
- Politics will always come into play and may be hard to avoid entirely

Appendix B (2) - Scrutiny Healthcheck Interviews – Anonymised Notes

**Do you feel NHS bodies engaged with Cheshire East scrutiny underestimate the knowledge of members on the Health and Adult Social Care and Communities Overview and Scrutiny Committee?**
- Yes, particularly if people are new to the NHS, as they are less likely to be aware of the experience and knowledge that scrutiny members have on the particular issues and technical matters
- Not everyone at the NHS is knowledgeable about the powers of scrutiny, or what the value of scrutiny is
- Officers can underestimate members' knowledge and understanding, and also overestimate it at times and use too much jargon and be too technical

**Are meetings well planned, well chaired and does scrutiny make the best use of its resources?**
- Yes to being chaired effectively
- Scrutiny could make better use of alternate meeting locations to encourage the public to attend (albeit wherever a meeting is held, you cannot guarantee better engagement and interest from the public)
- Liaison meetings are very helpful insofar that informal conversations help to keep the committee Chairmen abreast of upcoming issues, and to allow for the discussion of matters impacting the local NHS bodies, in confidence
- Site visits are good when scrutiny doesn't have all of the information relating to a decision being made and it feels that it needs a greater understanding to make more informed recommendations

**Task and finish group / spotlight reviews**
- These pieces of work have produced positive outcomes and help to enable multi-agency working
- Previous reviews have helped partners to better identify the causes of issues and where joint solutions can be implemented
- When reports come forward to Cabinet, there are always some recommendations that cannot be implemented due to financial unviability
- Cabinet always welcomes the work of task and finish groups and committee spotlight reviews
- Cabinet is keen to act on recommendations from scrutiny wherever possible
- A lot of the recommendations put forward by scrutiny (either through a report, or from comments raised at committee meetings) are taken on board by the Cabinet
- Spotlight reviews are intense but bring about good results in a short space of time
- Positive response about the work of task and finish groups and spotlight reviews
- Scrutiny produces credible, well-researched reports

**Support for scrutiny through council communications**
- Annual reports help to capture the work undertaken by scrutiny
- Communications Team could be more proactive in promoting the work of scrutiny
- CLT would support scrutiny looking into the current communications strategy to find where improvements could be made
- Consensus that communications needs to provide better support to scrutiny to ensure the right information is getting out to the public directly from the council, rather than just through the press or public.
- Agreement that the council's current communications strategy does inhibit proper support for scrutiny

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## OVERVIEW AND SCRUTINY COMMITTEES STRUCTURE - 2018

### Children & Families (People)

- Children Act 2004
- 0-19 Mental Health (with Health)
- Education and Schools
- Children's Social care and Wellbeing
- Youth Support and offending Services
- Services to Children & Young People to 25 years old
- Domestic Violence
- Cared for Children & care Leavers
- Children's Trust and Board
- Children's Safeguarding
- Fostering and adoption
- Corporate Parenting Lead
- Health under 19 (with health)
- Early Intervention Strategies
- Lifelong Learning/skills

### Corporate (Resources)

- Devolution
- CNN/LGA
- Internal Audit
- Constellation Partnership
- Strategic Partnerships
- Sub Regional Activity
- Government Liaison
- Equality and Diversity
- Customer Operations, engagement, complaints and Resources
- ICT
- Libraries
- Asylum Seekers
- Gypsies and Travellers
- Community Hubs
- All aspects of Community Safety

- Governance and Performance of ASDV
- Budget
- Pensions
- Capital Programme and Strategy
- Reserves, Income and Funding Strategy
- Treasury and Business Mgt
- Insurance
- Revenue
- External Audit
- investment
- Digital/Customer Access/Media
- Procurement/ Corporate contracts
- Emergency Planning/ Civil Protection
- Registration
- Democratic Services
- Health and safety
- Human Resources
- Shared Services
- Business Improvements
- Legal
- EMB
- Information Governance
- Decision Making Process
- Corporate Risk Management

### Health and Adult Social Care (People)

- Community Strategy
- Voluntary, Community & Faith sector
- Public Health
- Health and Wellbeing Strategy
- Lead for Health
- Joint Strategic Needs Assessment
- NHS England/Acute Trusts
- Leisure Services/Strategy
- ESAR

- Care Act 2014
- Adult safeguarding
- Care and Carer Assessment
- Care Services
- Care Service Commissioning
- Equality in Service Access & Delivery
- Extra care Housing (with Housing and Planning)
- Adult Health (in Consultation with Health and Communities)
- Health and Wellbeing Board (with Children and Families and Communities and Health)
- Rural Affairs

### Environment and Regeneration (Places)

- Planning Policy
- S106 and CIL
- Street naming and numbering
- Land Charges
- Housing
- Development Mgt & Building Control
- Neighbourhood Planning
- Heritage
- Macclesfield TC Scheme
- Civicance
- Master Planning Crewe
- Regulatory Services
- Economic Development
- Regeneration
- Lead for land assets
- Farms
- Energy
- Bus Service Review
- Crewe Market Scheme

- Engine of the North
- Orbitas
- Economic Twinning
- Carbon Reduction
- Skills and Growth
- Ansa
- Highways and Transport Strategy and Operations
- Public Rights of Way
- Local Transport Plan
- Transport Service Solutions
- Rangers
- Car parking
- Cultural Service and Delivery
- Green Infrastructure
- Strategic Highways
- waste and Env Services
- HS2 and rail strategy

### Key - Colour Denotes Portfolio Holder

- R Bailey - Leader
- J Saunders – Children and Families
- P Findlow – Corporate Policy and Legal Services
- P Bates – Finance and Communications
- J Clowes – Adult social care and Integration
- A Arnold – Housing and Planning
- D Stockton - Regeneration
- L Wardlaw Health

Portfolio Holders are responsible for Enforcement matters within their Portfolio

OFFICIAL

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Appendix B (4) – Comparison of overview and scrutiny functions at similarly sized unitary authorities

| Authority | Resident population | No. of elected councillors | Committees | Committee membership |
|---|---|---|---|---|
| Cheshire East Council | 378,800 | 82 | Children and Families OSC | 12 members + 2 co-optees |
| | | | Corporate OSC | 12 members |
| | | | Environment and Regeneration OSC | 12 members |
| | | | Health and Adult Social Care and Communities OSC | 15 members |

| Authority | Resident population | No. of elected councillors | Committees | Committee membership |
|---|---|---|---|---|
| Cornwall Council | 561,300 | 123 | Children and Families OSC | 15 members, 2 co-optees |
| | | | Customer and Support Services OSC | 15 members |
| | | | Economic Growth and Development OSC | 15 members |
| | | | Health and Adult Social Care OSC | 15 members |
| | | | Neighbourhoods OSC | 15 members |
| Durham County Council | 523,000 | 126 | Adults, Wellbeing and Health OSC | 21 members, 2 co-optees |
| | | | Children and Young People's OSC | 21 members, 4 church reps, 3 school governor reps, 2 co-optees |
| | | | Corporate Overview and Scrutiny Management Board | 26 members, 4 faith reps, 3 parent governor reps |
| | | | Economy and Enterprise OSC | 21 members, 2 co-optees |
| | | | Environment and Sustainable Communities OSC | 21 members, 2 co-optees |
| | | | Safeter and Stronger Communities OSC | 21 members, 2 co-optees |
| Wiltshere Council | 496,000 | 98 | Children's Select Committee | 13 members |
| | | | Environment Select Committee | 13 members |
| | | | Health Select Committee | 13 members |
| | | | Overview and Scrutiny Management Committee | 15 members |
| Bristol City Council | 459,300 | 70 | Adults, Children and Education Scrutiny Commission | 11 members |
| | | | Communities Scrutiny Commission | 11 members |
| | | | Growth and Regeneration Scrutiny Commission | 11 members |
| | | | Overview and Scrutiny Management Board | 11 members |
| | | | Resources Scrutiny Commission | 11 members |

Appendix B (4) – Comparison of overview and scrutiny functions at similarly sized unitary authorities

| Authority | Resident population | No. of elected councillors | Committees | Committee membership |
|---|---|---|---|---|
| Leicester City Council | 353,500 | 54 | Adult Social Care Scrutiny Commission | 7 members |
| | | | Children, Young People and Schools Scrutiny Commission | 7 members + co-optees |
| | | | Economic Development, Transport and Tourism Scrutiny Commission | 8 members |
| | | | Health and Wellbeing Scrutiny Commission | 7 members |
| | | | Heritage, Culture, Leisure and Sport Scrutiny Commission | 7 members |
| | | | Housing Scrutiny Commission | 8 members |
| | | | Neighbourhood Services and Community Involvement Scrutiny Commission | 7 members |
| East Riding of Yorkshire Council | 338,100 | 67 | Children and Young People Sub-Committee | 12 + 2 co-optees |
| | | | Environment and Regeneration Sub-Committee | 12 members |
| | | | Health, Care and Wellbeing Sub-Committee | 12 members |
| | | | Overview Management Committee | 12 members |
| | | | Safer and Stronger Communities Sub-Committee | 12 + 3 co-optees |
| Cheshire West and Chester Council | 338,000 | 75 | Cheshire West and Chester Overview and Scrutiny Committee | 10 members |
| | | | People Overview and Scrutiny Committee | 9 members + co-optees |
| | | | Places Overview and Scrutiny Committee | 9 members |
| Northumberland County Council | 319,000 | 67 | Communities and Place OSC | 10 members |
| | | | Corporate Services and Economic Growth OSC | 10 members |
| | | | Family and Children's Services OSC | 9 members |
| | | | Health and Wellbeing OSC | 10 members |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

## **Breakdown of work undertaken by the overview and scrutiny committees since 2014**

This is intended to quickly evidence the proportion of 'overview' and 'scrutiny' work that each committee has undertaken in that time.

A generic definition of the type of work that would fall under the two terms 'overview' (support) and 'scrutiny' (holding to account) is set out below. There is no clear published definition of the two terms and, as was evidenced throughout the interview process with officers and portfolio holders, they can be subjective.

'Overview' =   pre-decision scrutiny / policy development / output from task and finish and spotlight reviews

'Scrutiny' = post-decision scrutiny / performance monitoring

GREEN = 'Overview' or pre-decision scrutiny

ORANGE = 'Scrutiny' or post-decision scrutiny

DARK ORANGE = Joint reports/work

BLUE = task and finish group or spotlight review work

***BOLD/ITALIC TEXT*** = refers to external stakeholders/partners

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Children and Families OSC – 2014/15**

| 1 Sept 2014 | 6 Oct 2014 | 1 Dec 2014 | 10 Feb 2015 | 10 March 2015 |
|---|---|---|---|---|
| Relationship with Schools and Raising Achievement | Special Educational Needs – update presentation | Health Responsibilities for 5-19 Year Olds – update | Local Children's Safeguarding Board – update on work of board and safeguarding issues | School Attainment – CfPS Project |
| Recruitment and Retention of Social Workers | Home to School Transport - update | Update on Scrutiny Recommendations on Care Leavers | Ofsted inspection – Chairman update | |
| | Improvement Board – oral update | Feedback from interviews between Members and children's services social workers re working conditions | Closing the Gap – Key Stage 4 | |
| | | Child Sexual Exploitation Task and Finish Group – set up | Child Sexual Exploitation Task and Finish Group – Chairman update | |
| | | Ofsted Inspection – oral update | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Children and Families OSC– 2015/16**

| 28 Sept 2015 | 30 Nov 2015 | 25 Jan 2016 | 4 April 2016 |
|---|---|---|---|
| Ofsted inspection – inspection of services for children in need of help and protection, children looked after and care leavers | Draft Children and Young People's Improvement Plan (pre-decision) | 0-19 Healthy Child Programme | Education Performance 2014/15 |
| Review of the effectiveness of the Local Safeguarding Children's Board | Summary of Provisional Schools' Performance 2014/15 | Children's Social Care Recruitment and Retention | Child Sexual Exploitation Task and Finish Group – Chairman's update |
| Local Safeguarding Children's Board – 2014/15 annual report | School Organisation and Capital Strategy Framework | Cabinet response to Care Leavers Task and Finish Group report | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Children and Families OSC – 2016/17**

| 27 June 2016 | 19 July 2016 | 26 Sept 2016 | 31 Oct 2016 | 28 Nov 2016 | 19 Dec 2016 | 20 Jan 2017 | 30 Jan 2017 | 27 March 2017 |
|---|---|---|---|---|---|---|---|---|
| Children and Young People's Improvement Plan – progress update | Call-in of the Cabinet decision relating to the Review of Available Walking Routes to Schools | Children and Families Performance Scorecard – Quarter 1, 2016/17 | Independent Review Officers – Annual Report 2015/16 | Local Authority Designated Officer – Annual report 2015/16 | Emotionally Healthy Schools Project – update on pilot scheme progress | Budget Consultation 2017-20 | Neglect / Innovation Fund | Children and Families Performance Scorecard – Quarter 3, 2016/17 |
| Performance Monitoring | | Local Safeguarding Children's Board – Annual report 2015/16 | | Children and Families Performance Scorecard – Quarter 2, 2016/17 | 0-19 Healthy Child Programme update | | School Organisation Capacity | Annual Education Report |
| | | Update on national and local developments regarding Cheshire East care leavers | | Progress Report on the Children and Young People's Improvement Plan | Child Sexual Exploitation Task and Finish Group – final report | | | |
| | | | | Children's Social Care Recruitment and Retention (workforce stability) | | | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Children and Families OSC – 2017/18**

| 26 June 2017 | 25 September 2017 | 27 Nov 2017 | 15 Jan 2018 | 26 March 2018 | 10 May 2018 |
|---|---|---|---|---|---|
| Children and Adolescents Mental Health Services – Tier 3 and 4 – update | Local Safeguarding Children's Board – Annual Report 2016/17 | Summer Born Children - update | Children and Families Budget Proposals 2018-21 | Children and Adolescents Mental Health Services – Tier 3 and 4 – update | Neglect Strategy – impact progress report |
| Education Travel (policy development) | Transport Across Children's Services, including oversight of proposed consultation of transport policies (policy development) | Transport Across Children's Services, including oversight of proposed consultation of transport policies (policy development) | Transport Across Children's Services, including oversight of proposed consultation of transport policies (policy development) | Children's Centres and Prevention Service | Signs of Safety – briefing and progress update |
| Cabinet response to Child Sexual Exploitation Task and Finish Group Report and recommendations | Corporate Parenting Committee – Annual report 2016/17 | Local Authority Designated Officer – Annual Report 2016/17 | | Children and Families Performance Scorecard – Quarter 3, 2017/18 | Sustainable Modes of Travel Strategy (outcomes of consultation) (policy development) |
| Children and Families Performance Scorecard – Quarter 4, 2016/17 | Member Frontline Visits – Annual Report 2016/17 | Annual Improvement Progress Report (self-assessment against Ofsted recommendations) | | Annual Education Report | Special Educational Needs and Disabilities Inspection - update |
| | Children and Families Performance Scorecard – Quarter 1, 2017/18 | Children and Families Performance Scorecard – Quarter 2, 2017/18 | | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Children and Families OSC – 2018/19**

| 16 July 2018 | 24 Sept 2018 | 26 Nov 2018 | 10 Dec 2018 | 28 Jan 2019 |
|---|---|---|---|---|
| Consideration of written statement of action for SEND by Health and Wellbeing Board | Update on Children and Adolescent Mental Health Services | Ofsted-focused Visit to Children's Social Care – update on outcome | Children and Families Budget Proposals – 2019/20 to 2021/22 | Child and Young Person's Story (receive a case study) |
| SEND Reforms Task and Finish Group – final report | Corporate Parenting Annual Report 2017-18 | Local Authority Designated Officer Annual Report 2017-18 | 2017/18 Integrated Front Door Update | Re-design of Early Help Services – update presentation |
| FACT22 – Impact Progress Report | | Local Safeguarding Children's Board – Annual Report 2017/18 | | Children's Home Commission – progress update |
| Member Frontline Visits – Annual Report 2017/18 | | Children and Families Performance Scorecard – Quarter 1, 2018/19 | | Children and Families Performance Scorecard – Quarter 2, 2018/19 |
| Children and Families Performance Scorecard – Quarter 4, 2017/18 | | | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014
**Corporate – 2014/15**

| 21 July 2014 | 11 Sept 2014 | 10 Nov 2014 | 2 Dec 2014 | 20 Jan 2015 | 2 Feb 2015 | 30 March 2015 |
|---|---|---|---|---|---|---|
| 2013/14 Final Outturn Review of Performance | 2014/15 quarter 1 performance review | 2014/15 mid year review of performance | Budget setting process 2015/16 - update | 2015/16 Budget | Digital Customer Services | 2014/15 quarter 3 performance review |
| | Budget Consultation | | Local Plan – review of revised approval process | | | Medium Term Financial Strategy |
| | Senior Management Review | | | | | Digital Customer Services |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Corporate OSC– 2015/16**

| 9 July 2015 | 3 Sept 2015 | 5 Nov 2015 | 4 Feb 2016 | 7 April 2016 |
|---|---|---|---|---|
| Final Outturn Report 2014/15 | 2015/16 quarter 1 performance review | 2015/16 quarter 2 performance review | 2016/17 Budget | Chancellor's Budget Announcements 2016 |
| Local Plan | | Pre-budget consultation 2016/17 | 2015/16 quarter 3 performance review | Future Budget Development and Engagement |
| Business Planning Process 2016-19 | | | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Corporate OSC – 2016/17**

| 7 July 2016 | 8 Sept 2016 | 3 Nov 2016 | 1 Dec 2016 | 12 Jan 2017 | 2 Feb 2017 | 9 March 2017 | 6 April 2017 |
|---|---|---|---|---|---|---|---|
| Final Outturn Performance Report | 2016/17 quarter 1 performance report | Council's Enforcement Agents | Pre-Budget Consultation 2017-20 | Budget Consultation 2017-20 | 2016/17 quarter 3 performance report | Parking Outside Schools – Task and Finish Group – report | Devolution |
| Business Planning Process 2017/20 | ASDV Governance Structure | 2016/17 quarter 2 performance report | | | Corporate Plan 2017/20 | | Highways Contract Procurement |
| | Budget Consultation arrangements 2017/18 | Budget consultation 2017/18 | | | Budget Consultation Responses | | |
| | | | | | Medium Term Financial Strategy | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Corporate OSC – 2017/18**

| 15 June 2017 | 1 Aug 2017 | 7 Sept 2017 | 15 Nov 2017 | 11 Jan 2018 | 19 Jan 2018 | 1 Feb 2018 | 5 April 2018 |
|---|---|---|---|---|---|---|---|
| 2016/17 Financial Outturn and Review of Performance | Communications Peer Review | 2017/18 quarter 1 performance review | 2017/18 quarter 2 performance report | Review of decision to change 2nd pump utilisation at Crewe Fire Station | New Homes Bonus – options available to the council | 2017/18 quarter 3 performance report | Developing effective member and officer relations |
| Digital Customer Services – progress update | Best4Business – report of the joint working group | Crewe Fire Station 2nd Pump | Pre-budget consultation 2018-21 | | | Medium Term Financial Strategy 2018-21 | New Homes Bonus – Community Fund |
| Best4Business Oracle replacement | Review of Committee Remits | | Scrutiny review of the Oracle Replacement Programme (Best4Business) | | | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Corporate OSC – 2018/19**

| 7 June 2018 | 6 Sept 2018 | 5 Oct 2018 | 1 Nov 2018 | 10 Dec 2018 | 4 Feb 2019 |
|---|---|---|---|---|---|
| 2017/18 Financial Outturn | Cheshire East Fly Tipping Update | 2018/19 mid-year performance review | Pre-budget consultation 2019-22 | Pre-budget consultation 2019-22 | 2018/19 quarter 3 performance review |
| Review of quarter 4 performance 2017/18 | Cheshire East Enforcement Contract | | New Homes Bonus - update | | Budget Consultation 2019/20 |
| | | | | | Fly Tipping Update |
| | | | | | New Homes Bonus – Community Fund - update |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Environment OSC – 2014/15**

| 4 Sept 2014 | 2 Oct 2014 | 6 Nov 2014 | 4 Dec 2014 | 8 Jan 2015 | 5 Feb 2015 | 5 March 2015 | 24 March 2015 |
|---|---|---|---|---|---|---|---|
| A New Energy Supply Company – a local solution for local residents | Draft Municipal Waste Strategy 2030 | Fuel Poverty in Cheshire East | Planning Support Company - update | Developing the Environmental Services Hub | Cheshire East Council Energy Framework (comments submitted to Cabinet) | Borough-wide Speed Limit Review | Call-in of Cabinet decision on 'Car Parking Consolidation Order 2015' |
| Draft Waste Strategy 2030 | | Transport Service Solutions (pre-Cabinet) | 2015/16 Pre Budget Report | Planning Support Company (pre-Cabinet) | 2014/15 quarter 3 reports from ANSA and Orbitas | Flood Risk Management | |
| 2014/15 quarter 1 reports from ANSA and Orbitas | | 2014/15 quarter 2 reports from ANSA and Orbitas | Vulnerable and Older Persons Handyperson service (pre-Cabinet) | Assessment of Waste Collection – compliance with new TEEP legislation (pre-Cabinet) | | | |
| | | Highways Services Contract – Extension to the service period (pre-Cabinet) | | | | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Environment OSC – 2015/16**

| 30 July 2015 | 17 Sept 2015 | 26 Nov 2015 | 28 Jan 2016 | 24 March 2016 |
|---|---|---|---|---|
| Recycling of garden and food waste through anaerobic digestion to generate energy / high quality compost – presentation | Energy Programme Update - presentation | Speed Management Strategy / Highways Service Contract (policy development) | Council's Major Highway Schemes | Flood Risk Management |
| | Draft Highway Asset Management Policy and Strategy | | Environmental Services Hub | Parks Strategy (pre-Cabinet) |
| | 2015/16 quarter 1 reports from ANSA and Orbitas | | 2015/16 quarter 2 reports from ANSA and Orbitas | 2015/16 quarter 3 reports from ANSA and Orbitas |
| | | | Environmental Services Operating Contract (pre-Cabinet) | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Environment OSC – 2016/17**

| 14 July 2016 | 22 Sept 2016 | 24 Nov 2016 | 20 Dec 2016 |
|---|---|---|---|
| Fly Tipping Task and Finish Group – Progress Report | 20mph Speed Limits Outside Schools | Draft Guidance for 'On Street Parking' | Draft Guidance for 'On Street Parking' |
| Highways Service and Performance | 2016/17 quarter 1 reports from ANSA and Orbitas | Highway Service and Performance | 2016/17 quarter 2 reports from ANSA and Orbitas |

**Environment and Regeneration OSC – 2016/17**

| 16 Jan 2017 | 26 Jan 2017 | 21 March 2017 | 4 May 2017 |
|---|---|---|---|
| Budget Consultation 2017-20 | Bus Service Review – evaluation of proposed review methodology | Community Infrastructure Levy – progress update | Support Bus Service Review (discussion of consultation proposals, prior to Cabinet decision) |
| | | Household Waste and Recycling Centres Review | Food Waste Collection, Organic Waste Treatment Solution (pre-Cabinet) |
| | | Draft Local Flood Risk Management Strategy 2017 | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Environment and Regeneration OSC – 2017/18**

| 20 June 2016 | 19 Sept 2016 | 23 Oct 2016 | 16 Nov 2016 | 23 Jan 2018 | 12 Feb 2018 | 20 March 2018 |
|---|---|---|---|---|---|---|
| Key Strategic Issues facing the Borough | Air Quality – presentation on recent investigation | Supported Local Bus Service Review – Proposals for Implementation (pre-Cabinet) | Civicance progress update | Homelessness in Cheshire East | Engine of the North – Performance update | Food Waste Recycling and Composting Plant |
| Highways Services Performance Report | Supported Bus Service Review (pre-Cabinet) | | Draft Cheshire East Housing Strategy 2018-23 (policy development) | Extra Controls in the Private Rented Sector | Local Transport Plan Refresh (comments forwarded to Cabinet) | Green Infrastructure (supporting the development of a plan) |
| ANSA and Orbitas Performance Report | HS2 Hub Consultation (comments forwarded to Cabinet) | | | Environment and Regeneration Budget Proposals 2018-21 | | Flood Risk Management Update 2018 |
| | Cheshire East Council Parking Charges and Off-Street Parking Order (pre-Cabinet) | | | Mid-year ANSA and Orbitas reports | | |
| | Transport Service Solutions – Performance Update | | | Highway Service Contract | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Environment and Regeneration OSC – 2018/19**

| 18 June 2018 | 17 Sept 2018 | 15 Oct 2018 | 12 Nov 2018 | 21 Jan 2019 |
|---|---|---|---|---|
| Well-Managed Highway Infrastructure Code of Practice – update presentation | Cheshire East Air Quality Action Plan 2018 review (recommendations made to Cabinet / Portfolio Holder) | Strategic Infrastructure Programme | Review of Household Waste and Recycling Centres | Environment and Regeneration Budget Proposals 2019/20 – 2021/22 |
| Charging for Waste Bins | Air Quality Strategy | Well-Managed Highway Infrastructure Public Consultation Feedback | Air Quality Annual Status Report | Place Performance Scorecard 2018/19 quarter 2 |
| Place Performance Scorecard 2017/18 | Cheshire East Low Emission Strategy | Place Performance Scorecard 2018/19 quarter 1 | | |
| | Local Transport Plan – Consultation Feedback (pre-decision) | | | |
| | Cemeteries Strategy Consultation (pre-decision) | | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Health and Adult Social Care and Communities – 2014/15**

| 12 June 2014 | 10 July 2014 | 7 Aug 2014 | 11 Sept 2014 | 26 Sept 2014 | 6 Nov 2014 | 4 Dec 2014 | 5 Feb 2015 | 5 Mar 2015 | 2 Apr 2015 |
|---|---|---|---|---|---|---|---|---|---|
| *Clatterbridge Cancer Centre (consultation on cancer serv.)* | *Healthwatch annual report* | Call-in of Cabinet decision on Dementia Commissioning Plan | Adult Social Care Commissioning Strategy | Amended Adult Social Care Commissioning Strategy | ESAR - report on first 6 months | Director of Public Health – annual report | Carers Task and Finish Group – final report | Quality Assurance | Ambulance Services – update from NWAS and First Responders |
| *NWAS annual quality account* | *NHS England (consultation on cancer serv.)* | Call-in of Cabinet decision on Mountview Services Review | *Winter Wellbeing (joint by council and CCGs)* | | Deferred Payment Policy - Care Act 2014 Changes | *ECCCG Stroke Service Transformation* | Assistive Technology Task and Finish Group – final report | Feedback from committee workshop on 'Developing the role of social and private landlords in health and wellbeing' | Joint carers strategy (pre-decision scrutiny) |
| *CWP annual quality account* | *NHS England / Cheshire Warrington and Wirral Area Team - 2 yr operational plans* | | | | | | The Care Act 2014 in Cheshire East | | Leisure and Healthier Lifestyle Opportunities |
| | | | | | | | Adult Services Charging and Top-Up Policy | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Health and Adult Social Care and Communities – 2015/16**

| 9 July 2015 | 7 August 2015 | 10 Sept 2015 | 5 Nov 2015 | 26 Nov 2015 | 14 Jan 2016 | 19 Feb 2016 | 3 March 2016 | 11 March 2016 | 24 March 2016 | 29 April 2016 |
|---|---|---|---|---|---|---|---|---|---|---|
| *Caring Together - ECCCG* | Call-in of Cabinet decision on moving to local and personalised carer respite | *Improving outcomes and Access – Specialised Cancer Pathways (ECCCG / SCCCG)* | Cheshire East Council Better Care Fund Briefing | Implementing the Care Act 2014 – Moving to a local and personalised care and support system | Progress report on recommendations made by Carers Task and Finish Group | Spotlight review of ambulance services | Cabinet response to Assistive Technology Task and Finish Group | *CQC Inspection of East Cheshire Trust May 2015 - report* | Spotlight review of ambulance services | Ambulance Services Review – final report |
| *Caring Together (Community-based Coordinated Care) – ECCCG* | | *Healthwatch annual report* | Update on progress of securing residential respite for carers in the independent sector | Adult Social Care Fee Rates | *Winter Wellbeing and Winter Planning (joint by Council / ECCCG / SCCCG)* | | Better Care Fund 2016/17 | *East Cheshire NHS Trust – response following CQC report* | | Update on the implementation of local and personalised carer respite in Cheshire East |
| Adult Social Care Charging Policy Review (pre-decision) | | *Update on development progress of Cheshire East Strategy for Carers (ECCCG)* | *Impact analysis of investment in general practice (ECCCG)* | | *Hyper-acute stroke pathway for South Cheshire patients (SCCCG)* | | | | | |
| | | ESAR – first 12 months report | *Community and primary care services review (SCCCG)* | | | | | | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Health and Adult Social Care and Communities – 2016/17**

| 17 May 2016 | 19 May 2016 | 9 June 2016 | 6 July 2016 | 8 Sept 2016 | 6 Oct 2016 | 3 Nov 2016 | 1 Dec 2016 | 12 Jan 2017 | 18 Jan 2017 | 2 Feb 2017 | 9 March 2017 | 6 April 2017 | 25 April 2017 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| *Mid Cheshire Hospitals NHS Foundation Trust Quality Account 2015/16* | *East Cheshire NHS Trust Quality Account 2015/16* | *ECCCG - Financial Position Briefing* | *SCCCG – Financial recovery plan* | Response to Spotlight review of Ambulance Services | Director of Public Health Annual Reports – (outcomes from 2012/13, 2013/14, 2014/15 reports) | *Cheshire and Wirral partnership NHS Foundation Trust quality account 2015/16 (update on cttee expectations* | *Joint Strategy for Carers* | *CCG Recovery Plans* | Spotlight review on delayed transfers of care | *Local safeguarding adults board* | *CWP – Draft redesign consultation proposal (adults and older people mental health services)* | *Potential relocation of outpatient clinics from Handforth (East Cheshire NHS Trust)* | Special meeting on Community Safety Partnership Plan and Performance |
| | *Cheshire and Wirral Partnership NHS Foundation Trust 2015/16* | *ECCCG - proposals to change stroke services* | *SCCCG – Mental Health Gateway* | *CWP – initial report on redesigning adult and older peoples mental health services* | *ECCCG - Cheshire and Wirral Sustainability and Transformation Plan* | *ECCCG / SCCCG - Cheshire and Wirral Commissioning Policy* | Better Care Fund | Budget Consultation 2017-20 | | Community Cohesion Strategy / Safer Cheshire East Partnership | *CWP Quality Accounts* | *Review of new Healthwatch Service commission* | |
| | | *ECCCG – proposals for changes to medicine prescribing and self-care* | *ECCCG - Caring Together Programme Update* | *ECCCG – Childrens and Adults Mental Health Services* | *Redesigning Adult and Older Peoples Mental Health Services* | Update on local and personalised carer respite for older people in Cheshire East | | | | | | *South Cheshire Mental Health Gateway* | |
| | | *NHS England / Public Health England – Cancer screening* | | | | | | | | | | *Carer Breaks and the Joint Strategy for Carers delivery plan (joint report)* | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Health and Adult Social Care and Communities – 2017/18**

| 11 May 2017 | 15 June 2017 | 6 July 2017 | 14 Sept 2017 | 12 Oct 2017 | 9 Nov 2017 | 7 Dec 2017 | 18 Jan 2018 | 8 Feb 2018 | 8 March 2018 | 12 April 2018 | 3 May 2018 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| CWP – quality accounts presentation | Update on the potential relocation of outpatient clinics from Handforth (East Cheshire NHS Trust) | South Cheshire Mental Health Gateway | Local Safeguarding Adults Board – annual report | Evaluation of proposed consultation re the proposed relocation of outpatient services, Handforth (East Cheshire NHS Trust ) | Review of third sector grant provision in South Cheshire (SCCCG) | Pre-consultation business case on adults and older peoples mental health service redesign | Home First Model (internal) | NWAS performance report (Aug – Dec 2017) | DToC – 12 month x review | Spotlight review – mental health services in Cheshire East | Future arrangements for Eastern Cheshire dermatology contract |
| Mid-Cheshire Hospital Foundation Trust – quality accounts presentation | Update following NWAS Spotlight review report | Potential branch surgery closure at Rode Heath, Scholar Green (joint report) | Community Cohesion Strategy | SCCCG – capped expenditure programme | Review of respite services | Local Safeguarding Adults Board – annual report / improvement plan 2017-19 | Budget Setting Proposals 2018-2021 | 2017/18 quarter 3 performance scorecard | Integrated Carers Hub | | East Cheshire NHS Trust – Quality accounts presentation |
| East Cheshire NHS Trust – quality accounts presentation | Spotlight DToC review – final report | | | ECCCG – capped expenditure programme | Accommodation with Care | | | | | | CWP – quality accounts presentation |
| | People Live Well For Longer and 3 Year Commissioning Plain | | | Mental Health and Dementia Reablement | Care at Home | | | | | | Mid-Cheshire Hospital Foundation Trust – quality accounts presentation |
| | | | | | ESAR Performance Report 2016/17 | | | | | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

**Health and Adult Social Care and Communities – 2018/19**

| 14 June 2018 | 5 July 2018 | 13 Sept 2018 | 27 Sept 2018 | 11 Oct 2018 | 8 Nov 2018 | 22 Nov 2018 | 6 Dec 2018 | 17 Jan 2019 | 7 Feb 2019 | 7 March 2019 |
|---|---|---|---|---|---|---|---|---|---|---|
| *Update on working arrangements at Congleton Minor Injuries Unit (East Cheshire NHS Trust)* | *Winter services review 2017/18 (East and Mid Cheshire Trusts)* | *Future CCG arrangements in Cheshire East (ECCCG / SCCCG)* | Special meeting to consider feedback from the public consultation on the redesign of adult and older people's mental health services (CWP / CCGs) | Cheshire East Place Partnership Board (ECCCG) | NWAS performance update | *Special meeting to consider the final decision-making business care for adult's and older peoples mental health services (CWP / CCGs)* | *NHS England – provision of dental services in Cheshire East* | *CWP – autism screening at Cheshire's custody suites* | *Healthwatch presentation – update and overview of role and work carried out* | NHS England / East Cheshire Trust – proposed changes to specialist orthodontic and oral surgery services |
| Update on Palliative Care across East Cheshire | Care4CE options project (update presentation) | *Capped Expenditure Programme (ECCCG /SCCCG)* | | 2018/19 Quarter 1 performance scorecard | Learning Disabilities Strategy (pre-decision / policy development) | | Next steps regarding mental health service redesign (CWP / CCGs) | Findings from addn. 4-week public consultation on mental health service redesign | DToC – 18 month update | *Working Together Across Cheshire (CCGs)* |
| Public Health Annual Report 2017 | Overview of role of CE Health and Wellbeing Board | *Elective Care Model (ECCCG)* | | Mental Health Spotlight Review – final report | Personal Care Record project | | Pre-consultation budget 2019-22 | | ESAR Performance Report 2017/18 | |
| Health and Wellbeing Strategy 2018-21 | Mental Health Awareness Week 2018 at CEC | *Update on working arrangements at Congleton Minor Injuries Unit (East NHS Trust)* | | | Adult Social Care Local Account 2017/18 | | Anti-social Behaviour Task and Finish Group – final report | | 2018/19 Quarter 2 performance scorecard | |
| | | *Dermatology Services (ECCCG)* | | | Update on proposed business cases following the public consultation on adults and older peoples mental health services | | | | NHS England – proposed changes to specialist oral surgery and orthodontic services from Macclesfield General Hosp. | |
| | | Better Care Fund / Improved Better Care Fund -- 2017/18 end of year report | | | | | | | | |
| | | Implementation of the Local Safeguarding Adults Board Improvement Plan | | | | | | | | |
| | | Local Safeguarding Adults Board – annual report 17/18 | | | | | | | | |

Appendix B (5) – Breakdown of work undertaken by the overview and scrutiny committees since 2014

Appendix B (6)

**OVERVIEW AND SCRUTINY IN CHESHIRE EAST**

**DRAFT REPORT**

**Steve Leach and Colin Copus; DeMontfort University**

## 1     Context

1.1    The new unitary authority of Cheshire East commenced operations in April 2009. It has thus had only 5 years of experience of the overview and scrutiny function, much less than all those authorities which were in existence in 2000 when overview and scrutiny were first introduced. No doubt councillors elected in 2009 from the four predecessor authorities brought their own experience of the function into the new authority. But the fact remains that Cheshire East has a much shorter history of dealing with overview and scrutiny than almost all existing authorities (most new unitaries designated in 2007/08 were co-terminous with former counties or districts).

1.2    The system installed in 2009 was (understandably) based on the dominant pattern prevailing at the time. The overview (support) and scrutiny ('holding to account') functions were operated together in five (later six) scrutiny committees (see Section 2 for details). An informal co-ordination mechanism involving the five chairs and vice-chairs started to operate, with a view to achieving a consistent approach to the two related functions. A scrutiny support unit of three officers was appointed, which is broadly of the size one would expect in an authority with size and status of Cheshire East. Cabinet decisions could be called in if any eight members submitted a request, a provision which enabled opposition groups, individually or collectively to do so.

1.3    In May 2012, after just three years of existence, the overview and scrutiny arrangements were subjected to a major change. The existing Overview and Scrutiny Committees were dissolved, and replaced by six Policy Development Groups (see Section 2 for details). The Scrutiny Committee structure per se was slimmed down, with two Scrutiny Committees being retained to deal with the statutory scrutiny of Health and Community Safety, together with a single Corporate Strategy Committee to cover the full range of remaining council responsibilities.

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1.4     So far as we can judge from our interviews and the reports which justified the introduction of these changes, they were inspired less by a dissatisfaction with the existing system, than by a politically-led vision to give a strengthened emphasis to policy development, and the involvement of backbenchers in this task. The intention was to separate it out from the 'holding to account' role central to the operations of the previous committees, which combined both overview and scrutiny functions.  In these circumstances it was felt (not unreasonably) that fewer scrutiny committees were needed.

1.5     The reasons for introducing a system of PDGs are discussed in the next section.  A persuasive and coherent case was made for taking this step.  The report of the Constitution Committee (20th November 2012) also expressed concerns about the capacity of the existing system to meet council priorities.

'It is our ambition that we become an increasingly inclusive Council…which listens to a wider range of voices and which works in partnership with other key local agencies, as well as across the political divide for the benefit of all the people in Cheshire East. **The current Overview and Scrutiny arrangements have not achieved this'** (our emphasis).

1.6     There was little elaboration as to why the existing overview and scrutiny structure lacked the capacity to achieve these commendable objectives (and in our judgement the introduction of PDGs has failed to deliver on these priorities). We certainly picked up criticisms of the pre-2012 arrangements from our interviews, but also more positive evaluations, included a view that several high quality influential reports were produced, typically utilising 'task and finish groups'.  There is no sense that the arrangements instigated in 2009 had proved widely unacceptable, or were widely viewed as a disaster area.  It is also worthy of note that they had been in operation for a relatively short period of time – three years – perhaps insufficient to prove themselves?

1.7     In December 2013, a further review of the overview and Scrutiny arrangements was initiated, reflecting the original intention to review PDG arrangements after six months

of their introduction, but acknowledging that PDGs have taken longer than expected to settle into their new working arrangements. The review was to cover both PDGs and the three remaining scrutiny committees, but was also mindful of the potential impact on overview and scrutiny of the increased amount of partnership work, and 'the Council's long-term aims regarding new service delivery vehicles'. The focus on this potential impact, in particular the role of 'alternative service delivery vehicles' (ASDVs) and 'wholly-owned companies' (WOCs) intensified as the Review Group commissioned to manage the review developed its thinking.

1.8    On 6th March 2014, we were appointed by the Review Group to undertake the Review on behalf of the council. The agreed terms of reference and scope of the review are attached to this report as Appendix 1.

1.9    In this report, we first provide an evaluation of the effectiveness of the five PDGs since their inception late in 2012 (Section 2). We then examine in Section 3) the three Scrutiny Committees on the same basis. In Section 4 we consider the challenges posed by the move to a Commissioning Council and the introduction of ASDVs and WOCs for the redesign of effective overview and scrutiny arrangements. Finally in Section 5, having clarified the principles of effective scrutiny, we set out and justify our recommendations, which are summarised in Section 6.

1.10   The fieldwork for the review commenced on 6 March 2014 and concluded on April 3rd 2014. During this period we observed meetings of all five PDGs and the Corporate Scrutiny Committee (our intention to observe the other two Scrutiny Committees were frustrated by postponements and timetable clashes). We interviewed 32 councillors (sometimes in pairs or small groups), and 15 council officers. Minutes, agendas and reports of previous PDG and scrutiny meetings were examined.

1.11   In forming our recommendations, we have drawn on our experience in carrying out similar evaluations of overview and scrutiny in over 20 local authorities over the past ten years. We have also incorporated evidence of good practice from reports published by the Centre for Public Scrutiny (including two by one of the researchers) and from other authorities of which we have experience. But it is important to stress that we

have applied good practice experience to Cheshire East only where it is appropriate to do so, given the unique history and political and organisational culture of the authority.

1.12 Dependent upon the outcome of the Review, and any subsequent decision by the Council it may be necessary to prepare terms of reference of any decision-making or other bodies which Council decides to appoint. This work forms part of our brief.

1.13 We would like to thank all those who have discussed with us with such frankness their experience of overview and scrutiny in Cheshire East, and in particular Councillors Peter Groves and David Marren of the Review Group for liaising with us so effectively, and James Morley of the Scrutiny Team for his accessibility, the efficient way he organised our programme of interviews and observations, and his patience when we occasionally had to make late changes in the schedule.

## 2 The Policy Development Groups (PDGs)

2.1 In December 2012, six PDGs were established (Corporate and Performance; Finance, Health and Adult Care; Children and Families; Environment and Prosperity; and Communities). The expectations regarding the role of these PDGs were set out in the 20th November 2012 report of the Constitution Committee (8.1 – 8.5) and included the following

❖ the active involvement of backbench Members on a cross-party basis, giving them a key role in the formulation of policy across the board

❖ the development of major new Council policies from their most formative early stages through to their adoption

❖ 'real influence' on the role and work of the relevant cabinet members in the development of policies

❖ a key role in respect of major service and financial changes

2.2 The intention was that the PDGs should replace Scrutiny Committees in formulating policy, thereby allowing the latter to focus on monitoring and evaluation of existing policies and decisions.

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2.3    There were to be eight members on each PDG, allocated on a cross-party basis.  All chairs were Conservative nominees, but in two cases, Labour vice-chairs were nominated.  Meetings were normally to be held in private (to facilitate 'blue-sky thinking') but at least two per year were expected to take place in public.

2.4    The dilemma of how to deal with the two key elements of overview and scrutiny; policy development (overview) and 'holding to account' (scrutiny) has faced all authorities since the 2000 Local Government Act came into force.  The term 'critical friend' has been coined to characterise the challenging role involved.  In most authorities, the two functions have been carried out by the same organisational mechanisms (Panels, Committees or Commissions), but it is not illogical to separate out the two functions as Cheshire East did in 2012[*].  To do so gives a clearer focus for the respective 'support' and 'challenge' activities, although one must be careful not to over-emphasise the feasibility of a total role separation (the review of an existing policy is in principle a 'scrutiny' function which often results in a change in (or development of) policy).

2.5    The intentions behind the introduction of PDGs in Cheshire East were laudable.  For a council with a relatively large number of members, it is potentially beneficial to seek to involve a wider range of members in policy development.  In Cheshire East (as elsewhere) cabinet members have many demands on their time, and, in principle, support from a wider group of members, in an informal setting, in thinking about policy, would be expected to be welcomed by them.  Indeed the link between cabinet member and PDG is crucial for the success of the initiative.  If portfolio holders take the lead in initiating policy development projects which the PDGs work on in depth, and their reports prove helpful to the portfolio holders in influencing the cabinet, then you would have a system which demonstrably adds value.  The involvement of opposition members in the process is also a positive feature of Cheshire East's scheme; in some other authorities the kind of work earmarked for PDGs is carried out by small cabinet sub-committees whose membership is limited to majority party members only.

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[*] and as one of their report's authors recommended in LB Kingston-on-Thames in 2006

2.6    We observed meetings of each of the five remaining PDGs (Corporate and Performance was disbanded late in 2013) and analysed the content (and impact) of agendas and reports since they were introduced in December 2012.  It is worth remembering that PDGs have only been in operation for 15 months, a point emphasised to us by several of the chairs, who felt understandably that all new initiatives of this nature needed time to develop a clear picture of what was expected of them, before they could really make an impact ('steep learning curves' were often referred to).  All the chairs felt that the initial role uncertainty had now been overcome. Some members of the PDGs expressed positive views about their experience; others were more critical.

2.7    All the chairs could identify pieces of in-depth policy development work which their groups had produced, and which had wholly or largely been taken on board by the cabinet, via the relevant portfolio holder.  As far as we could judge they were justified in their view (examples include the Cheshire Neighbours Credit Union Support project, the work on the recruitment and retention of social workers, and the review of waste collection).

2.8    But there were also differences of approach which could be identified.  Some PDGs relied heavily on cabinet members to suggest topics.  Others took a more proactive approach to topic-definition; whilst others were more responsive to suggestions from officers (including the Scrutiny Support Team). Some developed close working relationships with their cabinet counterparts, others more of an 'arms-length' type of contact.  Some had used a 'task and finish' approach to policy development, whilst others preferred an intensive one-day approach to the subject.  There were several examples too of an officer presentation followed by question-and-answer sessions, from which a list of recommendations (to the cabinet) were drawn up.

2.9    Our observations of meetings yielded the following impressions:

❖    meetings were usually formal in their settings and procedures, with an ambience similar to traditional committee meetings.  They were not conducive to 'blue-sky thinking' or creativity

❖    it was not at all clear why some of the items had been tabled, in that they provided little if any scope for policy development as such.  Some agenda items

      (and presentations)   were in effect items for information, generating at best a smattering of diverse comments.  Others were concerned with existing policies which the group scrutinised (albeit often superficially), thus illustrating the difficulty of a clean break between the 'overview' and 'scrutiny' functions

❖ there was an absence of coherent programming, particularly in respect of adequate time being made available to undertake a piece of policy development work before it was scheduled to be considered by cabinet.  The lack of 'advance warning' made both in-depth 'policy development' and productive 'pre-decision scrutiny' difficult

❖ there was often lively discussion, but little in the way of tangible 'added value' which could be identified

❖ attendances varied.  The Environment and Prosperity PDG was well attended (and lively), others less so, including Finance, where there is a problem of overlap with work of all the other PDGs.

2.10 However the meetings, although patchy in content and limited in added value, were not without their uses.  Members undoubtedly ended up better-informed about a range of policy issues (as used to happen in the old committees) although there may be better vehicles for imparting such information.  There were occasions where officers clearly found members involvement and support helpful (e.g. over the proposal in Children and Families PDG to ensure a stronger council briefing for members who were school governors).  There were instances where cabinet members had clearly found the work of PDGs useful in influencing the cabinet (e.g. the Health Impact Assessment Policy in the Health and Adult Care PDG).  Some projects had proved beneficial at a more operational level (e.g. the work on the Recruitment and Retention of Social Workers).

2.11 However our overall conclusion would be that the beneficial outcomes of PDGs have not justified the organisational time and effort involved.  The time of both members and senior officers is a valuable resource, which has often not been made best use of in the PDGs.

2.12 Disappointment was expressed within the council leadership that the intention to hold at least two meetings a year in public had not been achieved.  But there is a dilemma

here.  If 'blue-sky thinking' is to be encouraged, as it should be, then the presence of the public (and in particular the press) is likely to have an inhibiting effect on discussion.  If a councillor was to think that the closure of half Cheshire East's branch libraries should be considered, as part of a savings package, he or she is not likely to bring this idea into the open, if there is a reporter from the press present!  However when a PDG is in a position to table and discuss a policy development report, resulting from a series of private sessions, then there is a much stronger case for holding the meeting in public.

2.13  It is important, however, to ensure that the potential benefits of PDGs (even if these have so far been realised only partially) continue to be built into the arrangements for overview and scrutiny, in particular the wider involvement of members in policy development, the scope for blue-sky thinking, and the support available for overworked cabinet members.  Even if PDGs were to be discontinued, it would be important to ensure that the organisational capacity to operate in this way was retained.

## 3      Scrutiny arrangements

3.1    As noted in 2.4, there are finely-balanced arguments for both keeping the overview and scrutiny functions together in the same organisational units, and for separating them out, as Cheshire East did in 2012.  In particular there is an area of overlap around 'pre-decision scrutiny' (which is in effect 'policy development') and 'policy review' (which although predominantly scrutiny, contributes to policy development) which hampers an organisational separation of the two functions, as some of the PDGs have discovered.  Although the role of 'critical friend' in one organisational unit is a difficult one to navigate satisfactorily, there are examples of authorities which have succeeded reasonably well doing so (Nottingham, LB Merton).

3.2    Before the changes introduced in 2012, our impression from interviews and documentary analysis is that a reasonable approximation to the 'critical friend' role was achieved in Cheshire East.

- ❖ there were several examples of cabinets decisions being 'called in' (call-in should be regarded as an important test of the legitimacy of 'holding to account' rather than a 'problem')

- ❖ there were several examples of productive policy reviews (contributing to policy development), most of them, carried out in 'task and finish' mode

- ❖ cabinet members were questioned (usually in a civilised manner; sometimes less so) about proposals or performance data which concerned scrutiny committee members.

3.3 Our interviews also suggested that there was variation in the achievements of the different scrutiny committees, and a degree of frustration about their mode of operation; but this is by no means unusual. We have yet to find a problem-free overview-and-scrutiny system! It was also apparent that some members found the pre-2012 system more rewarding than the arrangements which have replaced it

3.4 Although it has never been the practice in Cheshire East to share the chairs of scrutiny committees with opposition members, there has been readiness to allow opposition members to hold some vice-chairs, a practice which has continued in the post-2012 scrutiny committees. Some degree of sharing of positions of responsibility with opposition members in the overview and scrutiny arrangements is widely regarded as conducive to effective scrutiny and hence 'good practice'.

3.5 In the new system introduced in 2012, the role of 'holding to account' (scrutiny) has undoubtedly been weakened. In addition to the Health and Well-Being and Community Safety Scrutiny Committees (which are by statute required in some form), there is now only one other organisational mechanism for scrutinising the whole range of council activities. Our impression is that much of the time of Corporate Scrutiny is taken up in reviewing performance and financial information across this range of services (whether internally- or externally- delivered). Valuable though this process is, it leaves inadequate scope for the in-depth scrutiny of other features of council activity (including pre-decision scrutiny and policy review, assuming these are not seen as PDG tasks). Compared with most authorities, the scope for scrutiny as a 'holding to account'

mechanism is limited in Cheshire East – not a healthy situation in terms of transparency and accountability.

3.6   Not only had the cabinet members we interviewed  little or no experience of  being summoned to Corporate Scrutiny (as opposed to regular attendance at the performance review sessions), but call-in too has become increasingly rare, despite the accessible criterion for initiating a call-in procedure (8 members, irrespective of party).

3.7   Although the Health and Well-Being Scrutiny Committee has had to grapple with the complex organisational changes in the NHS over the past 18 months, in particular the move to Clinical Commissioning Groups, it has managed to undertake some 'holding to account' work (notably on response times in the North West Ambulance Service) as well as some valuable joint activities with the health representatives.  The Community Safety Scrutiny Committee has imaginatively operated in 'Select Committee' mode, and has on occasions proved influential. It has however found it difficult to persuade the Cheshire Constabulary that the Committee is an appropriate venue for it to be scrutinised. The view was expressed that the Committee would benefit from a widening of its' terms of reference to include other external partnership-related activities.

3.8   As was the case with the PDGs, our overall conclusion would be that although valuable work has been done in the three Scrutiny Committees, they have not always proved effective in their key task of 'holding to account', nor have they inspired commitment in some of their membership.

## 4   The implications of the 'Commissioning Council' model

4.1   Cheshire East has recently designated itself as a 'Commissioning Council', and, as part of the strategy which underpins this self-designation, is in the process of establishing a series of alternative service delivery vehicles (ASDVs) or 'wholly-owned companies' (WOCs).  These proposals have been recently set out in the report ''Best Fit' to be resident first' (February 2014) and elaborated in further reports ('Cheshire East Ltd –

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Group Structure and Governance Arrangements' and 'ASDV Scrutiny Governance and Stewardship' both March 2014).

4.2    There is a widespread recognition (which we endorse) that there needs to be a robust form of scrutiny mechanism for 'holding to account' the five WOCs already in the pipeline, and any further WOCs (or other forms of ASDV) which may be set up subsequently.  A proposal has already been made for the establishment of one or more cross-party commissions with scrutiny-like powers.  Amongst the functions that these commissions will be expected to carry out are 'assistance in policy development' and 'scrutinising performance'.  In principle there would also be scope, if desired, for these commissions to be consulted in relation to 'choice of service delivery vehicle' (for ASDVs considered in the future) and the 'commissioning process' (e.g. the outcomes sought in the contract which form the basis of the commission, which is in a sense an extension of the policy development role).

4.3    In the next section – A Fit-for Purpose Overview and Scrutiny System for Cheshire East- we seek to combine our understanding of the strengths and weaknesses of the council's current system (5 PDGs and 3 scrutiny committees) with what we see as the best way of dealing with the scrutiny implications of the move towards WOCs and ASDVs (which is likely to gather momentum in the next few years), taking into account the thinking on this issue that has already taken place within Cheshire East.  There is little in the way of precedents from other authorities to draw upon here, as few if any councils have moved in this specific direction. How the 'Commissioning Council' would work in practice, including how it could best be supported and held to account by a wider group of members would be an area for the Commission to continue to develop.

## 5    Towards a 'fit for purpose' overview and scrutiny system

5.1    There have been various attempts to establish 'principles of good scrutiny'.  The best known are those set out in the Centre for Public Scrutiny's 'Good Scrutiny Guide' (CfPR 2004):

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❖ to provide 'critical friend' challenge to executives, as well as external authorities and agencies (holding to account)

❖ to reflect the voice and concerns of the public and its communities (engaging the public as active citizens)

❖ to take the lead and own the scrutiny process on behalf of the public (facilitation of community leadership and effective representation)

❖ to make an impact on the delivery of public services (performance/quality assurance)

5.2 Although this list is admirable, it does not make specific reference to the benefits scrutiny can generate in terms of supporting the work of the executive, notably in relation to kind of policy development work which Cheshire East had in mind when it introduced the PDGs. It is appropriate, therefore, in our view to add a fifth principle, viz:

❖ to support the cabinet in the process of developing and reviewing council policy

These principles will be used in evaluating the potential benefits of our recommendations.

5.3 Our proposals, set out below, are also intended to

❖ provide a powerful mechanism for holding the WOCs and ASDVs to account

❖ incorporate into the new arrangements the ethos of the 'Commissioning Council' across the whole range of council responsibilities.

❖ provide ample scope for non-executive council members to be involved

❖ maximise opportunities to 'add value'

❖ embody a sense of fairness in relation to the involvement of the different party groups

5.4 There are four changes which can contribute to effective overview and scrutiny:

❖ changes in structure

❖ changes in processes and procedures

❖ changes in support mechanisms

❖ changes in attitudes and behaviour

5.5    Of these, the most important is arguably the fourth; changes in attitude and behaviour. Indeed changes in structure and processes which have potential benefit can often fail to realise that potential if the political/organisational culture of a council acts as a barrier.

Structural changes

5.6    If it were not for the major changes in the way Cheshire East sees its role, and in particular the move towards a Commissioning Council (including ASDVs, WOCs etc), we would be inclined to recommend only limited changes of structure. Most overview and scrutiny structures can be made to work, if the political and managerial commitment is there. The PDGs in Cheshire East have been patchy in achieving the objectives set for them, but they have only been in operation for 15 months and if their role was clarified and the processes for carrying out policy development strengthened, there is no reason to suppose that they could not deliver what it was hoped they would deliver. Similarly, with some structural adjustments, the effectiveness of the current Scrutiny Committees could be significantly enhanced.

5.7    But because of the introduction of its WOCs, and the (totally justified) recognition on the part of the council that there will need to be some scrutiny mechanism introduced to strengthen their accountability and ensure a wider involvement of council members in their operations, a more fundamental structured review is necessary, not least because it is envisaged that the proposed Commissions will have both a policy development **and** a Scrutiny role

5.8    Let us consider the structural options. In principle there are two.

    (1)    The introduction of one (or more) Commission as envisaged in the 'Best Fit' report, to deal with the unique circumstances of the five WOCs, but otherwise to make only minor amendments to the existing structure.

    (2)    The re-shaping of the overview and scrutiny arrangements on an authority-wide basis in the form of number of Policy and Performance Commissions which would operate both a scrutiny and policy development role for the whole range of council responsibilities.

5.9 The main problem with the first option (although it has its attractions) is that it would be incompatible with the (almost certain) extension of the number of services provided by ASDVs, WOCs etc. The vision underpinning 'The Commissioning Council' indicates that, in time, the majority of council services are likely to be provided by an arms-length mechanism, be it a WOC, a private or voluntary sector contractor or a partnership organisation. In these circumstances, there would be a cumulative increase in the number of Commissions to scrutinise the growing number of WOCs etc. The retention of the existing structure would in these circumstances be unsustainable.

5.10 The main advantage of the second option is that it embodies a flexibility which the first option lacks. Although it would be possible to designate, at this stage, a single Commission to cover the five WOCs which are soon to be created, it has to be said that they cover a disparate set of activities (Transport, Bereavement, Tatton Hall etc). If an authority-wide set of Commissions were to be introduced, then each WOC could be allocated to a Commission which also covered a related set of council activities not organised in this way. There would then be a much clearer focus to the activities of each Commission, resulting in a better opportunity for members to follow up their particular areas of interest.

5.11 What would be lost if Cheshire East were to adopt a scrutiny structure of this nature? Well if, as suggested above, the role of policy development were to be transferred to the Commissions, there would be no need to retain the PDGs. But there is no reason why the type of work carried out by PDGs (with varying degrees of success) should not be undertaken, where appropriate, in this new environment. So long as there was a mechanism for a portfolio holder to commission a piece of policy development work from the relevant Commission (which was intended to be the main way in which PDGs would operate) then this important facility would be retained. What might be needed would be a 'fall-back' position for the portfolio holder, if the Commission concerned chose not to agree to the proposal (which, as an independent piece of organisational machinery, would be within its rights).

5.12 If the council wished to retain a discrete policy development role on a more formal basis, it would be perfectly viable to establish a single policy development group (or

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panel) specifically to undertake commissions of this nature from cabinet members. It would be beneficial if it carried out all such commissions on a 'task and finish' basis (or, where appropriate, by means of a 'spotlight review' – see below). The panel should have the power to co-opt any member of the council to participate in a commission, depending on members' particular policy interests.

5.13 There are a range of different possibilities regarding the number and subject matter of the proposed Commission. We consider that five such Commissions would provide an adequate opportunity for topic specialism, without proving an over-elaborate piece of organisational machinery. One option would be Commissions with responsibility for:

- ❖ Health and Adult Social Care
- ❖ Children and Families
- ❖ Environment and Transport
- ❖ Community well-being (including Community Safety)
- ❖ Economic Development

But a better alternative might be to define the responsibilities of the five Commissions to reflect the council's five strategic priorities (see Section 6 below).

5.14 If a model such as the above is adopted, there would be less need for a Corporate Scrutiny Committee per se. In our view it would be preferable to reinstate an over-arching piece of machinery called a Cheshire East Policy and Performance Commission (or some such title). The argument for such a device is rehearsed in a recent Centre for Public Scrutiny publication.[*]

'There is value in a situation where the key overview and scrutiny players operate in a collective fashion (whilst leaving a good deal of choice for individual committees or panels). A mechanism for this nature provides a degree of parity with the executive, which of course meets regularly on a collective basis. It strengthens the ability of overview and scrutiny chairs to negotiate with the executive over work programme items'.

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[*] Party Politics and Scrutiny in Local Government; Clearing the Hurdles. Steve Leach CfPS, 2009

5.15 A list of suggested responsibilities for the Scrutiny Co-ordination Committee is set out in Section 6 below. But there is no reason why, in addition, it cannot undertake any aspects of overview and scrutiny which transcend the briefs individual Commissions (e.g. budget review) or which do not fit logically into the work programmes of any of the Commissions.

5.16 One of the main sources of tension in the operation of overview and scrutiny has always been the intrusion of party politics, either as a source of disruption in scrutiny committees engendered by opportunistic points-scoring on the part of the opposition, or alternatively by a sense on the part of opposition groups that they have been excluded or marginalised because there has been no (or very little) sharing of chairs and/or vice-chairs.

5.17 Cheshire East has been dominated by one party ever since its inception, and currently 50 of its 82 members (or 61%) belong to the Conservative Party. The Conservatives have been prepared to allocate some vice-chairs of PDGs and Scrutiny Committees (pre-and post-2012) to opposition members, but not, as yet, any chairs. The sharing of chairs amongst all represented groups is widely regarded as 'good practice' and conducive to effective scrutiny. Ultimately it is a matter of political judgement as to how far along this route (if at all) it is appropriate to go, given the political culture and tradition of the authority.

5.18 At the very least, the practice of having an opposition vice-chair of all Scrutiny Committees or Commissions should be continued. The vice-chair of the Scrutiny Co-ordinating Committee should ideally be a high profile member of the main opposition party. Over the next two or three years, if the majority group were prepared to allocate the chair of one or two of the Commissions to an opposition member, then that would certainly strengthen the perceived inclusiveness of the arrangements. Such a move should be accompanied by an agreed behavioural protocol, this would hopefully minimise the chances of disruptive politically-motivated behaviour. If such behaviour did occur, the majority party could of course reverse its decision.

Appendix B (6)

Changes in process

Call-in

5.19 Changes in process are just as important as changes in structure in contributing to effective scrutiny: probably more so set out below are a number of changes in process which in our view would be likely to improve the effectiveness of overview and scrutiny in Cheshire East.

5.20 The conditions for call-in in Cheshire East are relatively open (any eight members) which is healthy in democratic terms (in some authorities it is impossible for opposition groups to invoke a call-in without the support of majority party members), five or six members would be a more typical requisite number. However call-in in Cheshire East would benefit from a requirement that reasons should be given for requesting a call-in. The following criteria are typically seen as 'good practice':

❖ decision is outside the policy/budgetary framework

❖ inadequate consultation relating to the decision

❖ relevant information not considered

❖ viable alternatives not considered

❖ justification for the decision open to challenge on the basis of the evidence considered

5.21 It is suggested that the council's monitoring officer should assess whether a call-in is justified on any of these grounds, with the 'benefit of doubt' being given to those submitting the request.

5.22 Whilst call-in would continue to be relevant to cabinet decisions as such, it could not be used in relation to decisions made by one of the WOCs, or indeed any of the ASDVs. A more informal opportunity for discussion would have to be deployed in these circumstances.

Mode of operation

5.23 One of the advantages of overview and scrutiny machinery, however labelled, is the flexibility in relation to modes of operation. Although in formal session such committees are required to be politically-balanced, and to meet in public, they have the

        option of establishing task-and-finish groups to undertake particular policy development or review projects, which can legitimately meet in private, and are not required to be politically-balanced. Some of the PDGs, and the pre-2012 Scrutiny Committees have already taken advantage of this opportunity, with some beneficial results. Alternatively, intensive one-day or half-day spotlight reviews can be undertaken, to establish whether or not an issue giving cause for concern merits a full-scale scrutiny review (a practice well-established in Nottingham). Scrutiny can also operate in 'select committee' mode, replicating the practice of the House of Commons Select Committees (an approach which has become well-established in the Community Safety Scrutiny Committee. It is also possible to co-opt representatives of private and voluntary sector organisations, community groups, and individual members of the public (e.g. those with a relevant expertise) on to scrutiny committees.

5.24. With some notable exceptions (see above) Cheshire East has rarely taken advantage of this flexibility in mode of operation. The PDGs and Scrutiny Committees we observed operated in a formal way, very similar to the experience of the pre-2000 committees, with little scope for productive interactive discussion (including 'blue-sky thinking').The introduction, where appropriate, of the different alternatives set out in 5.22 above would enhance the effectiveness of overview and scrutiny in Cheshire East, and provide a more fulfilling experience for the members involved.

## Public Involvement

5.25. There are currently no co-optees on the Scrutiny Committees in Cheshire East, and indeed very little public involvement of any kind in their work. The council cannot be said to have implemented two of the key principles of 'good scrutiny', namely 'to reflect the voice and concerns of the public and its' communities' and 'to take the lead and own the scrutiny process on behalf of the public' (see 5.1 above). For a council which prides itself on a 'residents first' approach, this is a missed opportunity. Because of its' flexibility, overview and scrutiny provides scope for public involvement of various kinds in council affairs, which is rarely feasible in more formal settings (e.g. council meeting, cabinet or regulatory committee) There would thus be great advantage in opening-up the overview and scrutiny process to the public in the following ways, as appropriate to the task in hand. Recommendation (15) sets out some possible ways forward.

Appendix B (6)

Widening the support for Scrutiny

5.26. To be effective, overview and scrutiny has to be evidence-based. One of the functions of a Scrutiny Support Unit is to provide relevant evidence to facilitate the work of the committees it serves, and to ensure that their recommendations are supported by the evidence set out. Cheshire East's Scrutiny Support Unit was well-regarded by those we interviewed (and in a less austere financial climate an argument could be made for its enhancement). However support units cannot reasonably be expected to meet all the information needs involved by themselves. Some authorities have established funds to buy in expert advice when it is needed, but in the current financial climate that is probably not justifiable. But what is possible and desirable is to establish a series of 'scrutiny link officers' in each of the directorates (and indeed the WOCs, once these are established), part of whose job description would involve the requirement to provide the Scrutiny Support Unit with any information or professional/technical advice it needed to enable it to build up a proper evidence-based argument in any project which involved that particular directorate.

Conclusion.

5.27. Many of the requisite attitudinal conditions for making overview and scrutiny more effective are present in Cheshire East. The leadership emphasised to us its' commitment to openness and transparency in the way the council makes decisions and sets policy. It recognises the benefits in involving as many members as possible in both scrutiny and policy development. It is comfortable with its ability to deal with robust challenge in public settings, as an integral part of being 'held to account' There is an understandable concern about the potential dangers of openness (and the sharing of scrutiny chairs) being inappropriately exploited for political points –scoring. But these dangers exist in most authorities, and can be dealt with through a council agreed protocol (and/or by the agreement of appropriate guidelines within all party groups) which seeks to regulate opportunistic behaviour of this nature.  With these safeguards, overview and scrutiny could and should develop in Cheshire East in a way which results in a sense of shared ownership of the process amongst all parties, underpinned by a recognition of the need for all parties to behave responsibly, if this sense of shared ownership is to prevail.

19

Appendix B (6)

## 6    Summary of Recommendations

(1)    The current structure of Scrutiny Committees and PDGs should  be replaced by a cohort of five Policy and Performance Commissions, which combine the roles of policy development and review, performance monitoring, and 'holding to account' across the range of services within their purview.

(2)    That Cheshire East's five strategic priorities should form the basis for the definition of the responsibilities of the five Commissions, viz:

❖    Strong and Supportive LOCAL COMMUNITIES.

❖    Strong and Resilient LOCAL ECONOMY

❖    LIFE SKILLS AND EDUCATION that people need to thrive.

❖    A GREEN AND SUSTAINABLE Cheshire East.

❖    GOOD HEALTH AND LONGEVITY.

Note These would not necessarily be the titles given to the Commissions; that can be left to Cheshire East. We are rather indicating the subject matter which we think is appropriate.

(3)    The responsibility for overseeing the work of the WOCs, ASDVs, and other external service- providers should be allocated to the Commission in which they best fit, and that the various overview and scrutiny tasks require for these agencies should form part of the work programme of each Commission. (As the number and range of ASDVs increases, so the Commissions' work programmes will become increasingly dominated by overseeing their performance).

(4)     In relation to the WOCs, the Commissions should report to Cheshire East Residents First Ltd. In other cases the reporting link should be to the cabinet.

(5)    As Cheshire East introduces further ASDVs, there are four stages at which the Commissions should become involved: policy development: choice of delivery vehicle; specification of outputs required from contract; and performance monitoring.

Appendix B (6)

(6)    For existing WOCs and other ASDVs, policy development and performance monitoring would be the main priorities, plus output specification if the contract is being re-considered.

(7)    The five Commissions should be identified as the council's overview and scrutiny arrangements, to comply with the Local Government Act 2000, and would hence need to be politically-balanced. But they should operate in the distinctive and wide-ranging ways set out above.

(8)    The policy development work previously undertaken by the PDGs should now become one of the responsibilities of the five Commissions. Task-and-finish groups, meeting in private, should normally be used to carry out such work. Their reports should be presented at public meetings of the relevant Commissions.

(9)    If the cabinet wished to retain a policy development facility to ensure that work of this nature that it wished to have done by a small group of interested members could be carried out, then there would be no problem about retaining a single PDG for this purpose. It would operate solely on the basis of cabinet-commissioned projects, and would normally operate on a task-and-finish basis.

(10)    There should also be established an overarching Cheshire East Policy and Performance Commission. This body should include the chair and vice-chair of each of the five thematic Commissions, plus additional members needed to secure political balance. Its main functions should be as follows:

❖    Ensuring that the five Commissions operated in a coherent and integrated manner (but leaving as much choice as possible to the individual Commissions)

❖    Acting as an informal discussion forum with the cabinet regarding the Commissions' work programmes and priorities.

❖    Undertaking (typically using the task-and-finish model) pieces of work which did not fall within the remit of any of the five thematic Commissions, but which the Cheshire East Commission felt it important to undertake.

(11) The responsibilities of the existing Community Safety Scrutiny Committee and the Health and Well-being Scrutiny Committee should be included in the remits of the Commissions dealing with Communities and Health respectively. Those of the existing Corporate Scrutiny Committee should be allocated to the five thematic Commissions, or to the Cheshire East Commission as appropriate.

(12) The chair and vice-chair of each Commission should be held by councillors from different political parties. In the medium-term, it would be advantageous if the Council were to move to a position where there was some sharing of Commission chairs with opposition parties, provided an appropriate behavioural protocol could be agreed.

(13) The number of members required to call in a cabinet decision should be reduced to six. However the call-in process in Cheshire East must benefit from a requirement that a valid reason should be given for invoking the call-in procedure (see 5.19 above for a suggested list of criteria). The monitoring officer should be the arbiter if the justification for the call-in is disputed.(The call-in procedure cannot be used in relation to decisions made by WOCs or other ASDVs).

(14) The Commissions should make full use of the range of modes of operation available to them: 'select committee' procedures: task-and finish groups: spotlight reviews; public hearings etc. Formal committee settings should be used only when appropriate to the task, and 'items for information' should only be included when there is a demonstrable case for doing so.

(15) Options for extending the opportunities for public involvement in the work of the Commissions should be evaluated and, where appropriate, introduced. Possibilities include the use of co-optees, expert witnesses, and the taking of evidence from user groups and members of the public as part of a policy review.

(16) The existing criteria used in deciding whether a particular topic justifies an in-depth review (as set out in the Scrutiny Tool-kit) should be retained and applied systematically, when developing work programmes for the proposed Commissions.

Appendix B (6)

(17) The work of the Scrutiny Support Unit should be supported and strengthened by the introduction of a system of 'scrutiny link officers' in each council service area (and, when established, each WOC), part of whose job description would be to provide the Scrutiny Support Unit with any information or professional advice needed as part of a properly-constituted review.

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**FORWARD PLAN FOR THE PERIOD ENDING 31ST JANUARY 2020**

This Plan sets out the key decisions which the Executive expects to take over the period indicated above. The Plan is rolled forward every month. A key decision is defined in the Council's Constitution as:

"an executive decision which is likely –

(a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effects on communities living or working in an area comprising one or more wards or electoral divisions in the area of the local authority.

*For the purpose of the above, savings or expenditure are "significant" if they are equal to or greater than £1M."*

Reports relevant to key decisions, and any listed background documents, may be viewed at any of the Council's Offices/Information Centres 5 days before the decision is to be made. Copies of, or extracts from, these documents may be obtained on the payment of a reasonable fee from the following address:

Democratic Services Team
Cheshire East Council
c/o Westfields, Middlewich Road, Sandbach Cheshire CW11 1HZ
Telephone:  01270 686472

However, it is not possible to make available for viewing or to supply copies of reports or documents the publication of which is restricted due to confidentiality of the information contained.

A record of each key decision is published within 6 days of it having been made. This is open for public inspection on the Council's Website, at Council Information Centres and at Council Offices.

This Forward Plan also provides notice that the Cabinet, or a Portfolio Holder, may decide to take a decision in private, that is, with the public and press excluded from the meeting. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, 28 clear days' notice must be given of any decision to be taken in private by the Cabinet or a Portfolio Holder, with provision for the public to make representations as to why the decision should be taken in public.  In such cases, Members of the Council and the public may make representations in writing to the

Democratic Services Team Manager using the contact details below. A further notice of intention to hold the meeting in private must then be published 5 clear days before the meeting, setting out any representations received about why the meeting should be held in public, together with a response from the Leader and the Cabinet.

The list of decisions in this Forward Plan indicates whether a decision is to be taken in private, with the reason category for the decision being taken in private being drawn from the list overleaf:

1. Information relating to an individual
2. Information which is likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including to authority holding that information)
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority
5. Information in respect of which a claim to legal and professional privilege could be maintained in legal proceedings
6. Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment
7. Information relating to any action taken or to be taken in connection with the prevention, investigation of prosecution of crime

If you would like to make representations about any decision to be conducted in private at a meeting, please email:

Paul Mountford, Executive Democratic Services Officer
paul.mountford@cheshireeast.gov.uk

Such representations must be received at least 10 clear working days before the date of the Cabinet or Portfolio Holder meeting concerned.

Where it has not been possible to meet the 28 clear day rule for publication of notice of a key decision or intention to meet in private, the relevant notices will be published as soon as possible in accordance with the requirements of the Constitution.

The law and the Council's Constitution provide for urgent key decisions to be made. Any decision made in this way will be published in the same way.

Forward Plan

| Key Decision and Private Non-Key Decision | Decisions to be Taken | Decision Maker | Expected Date of Decision | Proposed Consultation | How to make representation to the decision made | Private/ Confidential and paragraph number |
|---|---|---|---|---|---|---|
| CE 18/19-65 SMDA Infrastructure Procurement Strategy | In accordance with the authority delegated by Cabinet to the Executive Director of Place on 8th May 2018:<br><br>To procure the infrastructure, utilities and ground stabilisation works at South Macclesfield Development Area; to enter into any contracts or agreements required under the SCAPE Civil Engineering and Infrastructure Framework; and to utilise an NEC ECC Type C construction contract with Early Contractor Involvement. | Executive Director Place | Not before 12th Jun 2019 | | | N/A |

| Key Decision | Decisions to be Taken | Decision Maker | Expected Date of Decision | Proposed Consultation | How to make representation to the decision made | Private/ Confidential and paragraph number |
|---|---|---|---|---|---|---|
| CE 18/19-66 SMDA Infrastructure and Funding Agreement | In accordance with the authority delegated by Cabinet to the Executive Director of Place on 8th May 2018:<br><br>To enter into a funding agreement (infrastructure agreement) with the principal landowner in respect of the Council's landholding at South Macclesfield Development Area. | Executive Director Place | Not before 12th Jun 2019 | | | Partly exempt by virtue of paras 3 and 5. |

| Key Decision | Decisions to be Taken | Decision Maker | Expected Date of Decision | Proposed Consultation | How to make representation to the decision made | Private/ Confidential and paragraph number |
|---|---|---|---|---|---|---|
| CE 18/19-69 Acquisition of the Willows, Macclesfield | In accordance with Chapter 2, Part 6, Paragraph 52 of the constitution of Cheshire East Borough Council dated 12th February 2019:<br><br>To approve the acquisition of the property known as The Willows, Macclesfield, Cheshire SK11 8LF and to instruct the Council's Legal Officers to proceed to legal completion of the purchase and any related legal documentation on terms and conditions to be determined by the Assets Manager and the Director of Governance and Compliance. | Executive Director Place | Not before 19th Jun 2019 | | | Fully exempt under para 3 |
| CE 18/19-67 Macclesfield Town Centre Regeneration - Strategic Regeneration Framework and Future Programme | Taking into account the outcome of a public consultation on a draft Strategic Regeneration Framework for Macclesfield Town Centre, to approve a final version of the Framework and agree further actions stemming from its recommendations. | Cabinet | 8 Oct 2019 | | Jo Wise | N/A |

| Key Decision | Decisions to be Taken | Decision Maker | Expected Date of Decision | Proposed Consultation | How to make representation to the decision made | Private/ Confidential and paragraph number |
|---|---|---|---|---|---|---|
| CE 19/20-11 Re-Commission of Children with Disability Short Breaks | To approve the re-commissioning of Children with Disability short breaks services and delegate authority to the Acting Executive Director People, following consultation with the Portfolio Holder for Children and Families, to make a decision on award of contract. | Cabinet | 8 Oct 2019 | | David Leadbetter | |
| CE 19/20-13 The Cheshire East Partnership Five Year Plan | To approve the Partnership Five Year Plan for submission to the Cheshire and Merseyside Health and Care Partnership and to authorise Officers to take all necessary actions to submit the Plan. | Cabinet | 8 Oct 2019 | | Guy Kilminster, Corporate Manager Health Improvement | |
| CE 19/20-5 Recommissioning of Housing-Related Support Contracts | To seek approval to the recommissioning of Housing-Related Support Contracts to be awarded from 1st April 2020, and to delegate authority to the Executive Director Place to authorise and award the contracts. | Cabinet | 8 Oct 2019 | | Karen Carsberg, Strategic Housing and Intelligence Manager | N/A |

| Key Decision | Decisions to be Taken | Decision Maker | Expected Date of Decision | Proposed Consultation | How to make representation to the decision made | Private/ Confidential and paragraph number |
|---|---|---|---|---|---|---|
| CE 19/20-7 Everybody Sport and Recreation Annual Performance Report 2018/19 and Leisure Centre Capital Improvement Programme | Cabinet will be asked to: 1. note the annual performance report for 2018/19 from Everybody Sport and Recreation; and 2. approve the letting of a series of contracts for future capital improvement works at leisure centre provision in Knutsford, Middlewich, Nantwich, Poynton and Wilmslow. | Cabinet | 8 Oct 2019 | | Mark Wheelton | N/A |
| CE 18/19-44 Local Transport Plan | Cheshire East Council as the Local Transport Authority has a duty to produce, and keep under review, a Local Transport Plan (LTP) in accordance with the Local Transport Act 2008. Council will be asked to approve the LTP for adoption following consideration by Cabinet. | Council | 17 Oct 2019 | | Richard Hibbert | N/A |

| Key Decision | Decisions to be Taken | Decision Maker | Expected Date of Decision | Proposed Consultation | How to make representation to the decision made | Private/ Confidential and paragraph number |
|---|---|---|---|---|---|---|
| CE 18/19-51 ASDV Programme Update | To authorise officers to take all necessary actions to implement the recommendations made in the ASDV Review report approved by Cabinet on 12th March 2019. | Cabinet | 5 Nov 2019 | | | Fully exempt - paras 3 & 4 |
| CE 19/20-22 Crewe Southern Link Road Bridge - Preferred Route | To seek approval for the selection of a preferred route and to continue to progress the design and development of the scheme and carry out work necessary to support a planning application. | Cabinet | 5 Nov 2019 | | Paul Griffiths | N/A |
| CE 19/20-19 Supplementary Planning Document - Brooks Lane (Middlewich) Development Framework (Masterplan) | To consider representations received to the draft Brooks Lane (Middlewich) Development Framework (Masterplan) public consultation held in January and February 2019; subject to that, to approve the publication of the document as a Supplementary Planning Document. | Portfolio Holder for Planning | Not before 20th Nov 2019 | | Jeremy Owens | N/A |

| Key Decision | Decisions to be Taken | Decision Maker | Expected Date of Decision | Proposed Consultation | How to make representation to the decision made | Private/ Confidential and paragraph number |
|---|---|---|---|---|---|---|
| CE 18/19-60 The Minerals and Waste Development Plan | To seek approval to consult on the first draft of the Minerals and Waste Development Plan. | Portfolio Holder for Planning | November 2019 | | Adrian Fisher, Head of Planning Strategy | N/A |
| CE 19/20-6 Care4CE | In connection with a strategic review of Care4CE, to seek approval to establish a wholly-owned community interest company (CiC), and to introduce new terms and conditions for new staff in the Single Legal Entity (SLE). | Cabinet | 3 Dec 2019 | | | N/A |
| CE 19/20-20 Highway and Infrastructure Schemes up to £5M in Value | To seek approval to deliver a number of highway and infrastructure schemes valued between £1M and £5M and to authorise the officers to take all necessary actions to implement the schemes. | Cabinet | 3 Dec 2019 | | Paul Davies | N/A |
| CE 18/19-54 Crewe Station Hub Area Action Plan - Publication Draft Plan | To seek approval for a further six week consultation period on the Crewe Station Hub Area Action Plan. | Cabinet | 3 Dec 2019 | | Adrian Fisher, Head of Planning Strategy | N/A |

| Key Decision | Decisions to be Taken | Decision Maker | Expected Date of Decision | Proposed Consultation | How to make representation to the decision made | Private/ Confidential and paragraph number |
|---|---|---|---|---|---|---|
| CE 19/20-18 Review of Council Tax Support Scheme for 2020/21 | To approve the Council Tax Support Scheme for 2020/21. | Council | 12 Dec 2019 | | Liz Rimmer | N/A |
| CE 19/20-17 Well-Managed Highway Infrastructure | To seek authority for the Executive Director Place, in consultation with the Portfolio Holder for Highways and Waste, to approve amendments to the Council's Highway Inspection Code of Practice and Adverse Weather Plan to ensure that they accord with the document ' Well-Managed Highway Infrastructure'. | Cabinet | 14 Jan 2020 | | Paul Traynor | N/A |

| Key Decision | Decisions to be Taken | Decision Maker | Expected Date of Decision | Proposed Consultation | How to make representation to the decision made | Private/ Confidential and paragraph number |
|---|---|---|---|---|---|---|
| CE 19/20-23 Crewe Hub Station - Project Development Output, Strategic Outline Business Case and Evidence Base | To approve the outputs of the Crewe Hub Station solutions stage project development work, approve the strategic outline business case for the enhanced Crewe Hub Station and its supporting evidence base and funding and financing strategy, progress the Hub station design to detailed design, and seek necessary Government commitments on funding. | Cabinet | 14 Jan 2020 | | Hayley Kirkham | N/A |
| CE 18/19-68 Medium Term Financial Strategy 2020-24 | To approve the Medium Term Financial Strategy for 2020-24, incorporating the Council's priorities, budget, policy proposals and capital programme. The report will also include the capital, treasury management, investment and reserves strategies. | Council | 20 Feb 2020 | | Alex Thompson, Director of Financial and Customer Services | N/A |

| Key Decision | Decisions to be Taken | Decision Maker | Expected Date of Decision | Proposed Consultation | How to make representation to the decision made | Private/ Confidential and paragraph number |
|---|---|---|---|---|---|---|
| CE 19/20-21 Site Allocations and Development Policies Document | To seek approval to submit the Publication Draft Cheshire East Site Allocations and Development Policies Document, along with its supporting evidence, for public examination. | Council | 20 Feb 2020 | | Jeremy Owens | N/A |

# Agenda Item 10

Cheshire East
Council

*Working for a brighter future together*

Key Decision N

Date First
Published: N/A

## Corporate Overview and Scrutiny Committee

**Date of Meeting:**    12 September 2019

**Report Title:**    Work Programme

**Senior Officer:**    Jane Burns, Executive Director of Corporate Services

### 1. Report Summary

1.1.    To review items in the work programme listed in the schedule attached, together with any other items suggested by committee members.

### 2. Recommendation

2.1.    To approve the work programme, subject to reviewing the proposed revisions in Section 6 of the report, as well as any other proposals to add items to, or delete items from, the work programme.

### 3. Reason for Recommendation

3.1.    It is good practice to regularly review the work programme and update it as required.

### 4. Background

4.1.    The committee has responsibility for updating and approving its own work programme. Scrutiny liaison meetings – held between the Chairman and Vice-Chairman of the committee, alongside the portfolio holders and key senior officers – ensure that there is continued awareness and discussion of upcoming policies, strategies and decisions within the committee's remit area.

### 5. Determining Which Items Should be Added to the Work Programme

5.1.    When selecting potential topics, members should have regard to the Council's three year plan and to the criteria listed below, which should be considered to determine whether scrutiny activity is appropriate.

5.2. The following questions should be considered by the committee when determining whether to add new work programme items, or delete existing items:

- Does the issue fall within a corporate priority?

- Is the issue of key interest to the public?

- Does the matter relate to a poor or declining performing service for which there is no obvious explanation?

- Is there a pattern of budgetary overspends or underspends?

- Is it a matter raised by external audit management letters and or audit reports?

- Is there a high level of dissatisfaction with the service?

5.3. The committee should not add any items to its work programme (and should delete any existing items) that fall under any one of the following:

- The topic is already being addressed elsewhere by another body (i.e. this committee would be duplicating work)

- The matter is sub-judice

- Scrutiny would not add value to the matter

- The committee is unlikely to be able to conclude an investigation within a specified or required timescale

## 6. Updates to the work programme since the last meeting

6.1. Since the last meeting on 3 October 2019, the following changes were made to items listed on the work programme.

6.1.1. 'Communications Protocol' was brought forward from February 2020 to January 2020.

6.1.2. 'Fly-Tipping Group update' has been removed from the work programme, with the intention for it to now be dealt with by the Environment and Regeneration Overview and Scrutiny Committee.

## 7. Implications of the Recommendations

7.1. **Legal Implications**

7.1.1. There are no direct legal implications.

7.2. **Finance Implications**

7.2.1. There are no direct financial implications.

7.3. **Policy Implications**

7.3.1. There are no direct policy implications.

7.4. **Equality Implications**

7.4.1. There are no direct equalities implications.

7.5. **Human Resources Implications**

7.5.1. There are no direct human resources implications.

7.6. **Risk Management Implications**

7.6.1. There are no direct risk management implications..

7.7. **Rural Communities Implications**

7.7.1. There are no direct implications for rural communities.

7.8. **Implications for Children & Young People/Cared for Children**

7.8.1. There are no direct implications for children and young people.

7.9. **Public Health Implications**

7.9.1. There are no direct implications for public health.

7.10. **Climate Change Implications**

7.10.1. There are no direct implications for the environment and climate change.

## 8. Ward Members Affected

8.1. All members are potentially affected.

## 9. Access to Information

9.1. The background papers can be inspected by contacting the report author.

## 10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: Mark Nedderman

Job Title: Scrutiny Manager

Email: mark.nedderman@cheshireeast.gov.uk

| Date: **31.10.19** Time: 10.00am Venue: Committee suite, Westfields | Date: **09.01.20** Time: 2.00pm Venue: Committee suite, Westfields | Date: **03.02.20** Time: 2.00pm Venue: Committee suite, Westfields | Date: **02.04.20** Time: 2.00pm Venue: Committee suite, Westfields |
|---|---|---|---|

| Item | Purpose | Lead Officer | Portfolios | Suggested by | Scrutiny role | Corporate priorities | Date |
|---|---|---|---|---|---|---|---|
| ORACLE (Best4Business) | To monitor the work of the joint working group with Cheshire West and Chester Council. | Executive Director of Corporate Services | Finance and Communications | Portfolio Holder | Monitor the development and progress of the project | Cheshire East has a strong and resilient economy | Every meeting starting on 05.06.19 |
| Pre Budget Consultation/MTFS | To comment on the pre-budget consultation for the 2020/21 budge.t | Executive Director of Corporate Services | All | Committee | Pre-decision scrutiny | A responsible effective and efficient organisation | 31. 10. 19 |
| Statutory Scrutiny Guidance / Scrutiny Health Check | To consider how the Council will have regard to new statutory guidance on Overview and Scrutiny issued by the Government in May 2019. | Executive Director of Corporate Services | Corporate Policy and Legal Services | Acting Chief Executive | Policy development | A responsible effective and efficient organisation | 31.10. 19 |
| Fly-Tipping Group | To receive a quarterly update report | Executive | All | Committee | Performance | A | 31.10.19 |

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| Item | Purpose | Lead Officer | Portfolios | Suggested by | Scrutiny role | Corporate priorities | Date |
|---|---|---|---|---|---|---|---|
| | on the activity and performance of the Fly-Tipping Working Group. | Director of Corporate Services | | | monitoring | responsible effective and efficient organisation | |
| | | | | | | | |
| Review of Councils Governance Structure | To review the financial implications of the Council potentially moving to a committee system. | Acting Chief Executive | Public Health and Corporate Services | Chairman | Performance Monitoring | A responsible effective and efficient organisation. | 09.01.20 |
| Anti-social Behaviour Task and Finish Group | To consider the future planned arrangements for how anti-social behaviour cases will be dealt with, and monitor the performance of housing association partners (Peaks and Plains Housing Trust, Guinness Partnership, Plus Dane Housing). | Director of Commissioning | Adult Social Care and Integration | Referred by the Health and Adult Social Care and Communities OSC | Performance monitoring / policy development | Our local communities are strong and supportive. | 09.01.20 |
| ASDV | There had been a review on alternative service delivery vehicles (ASDVs) to monitor the effectiveness of the new shareholders Committee. Update in 6 months' time to review progress. | TBA | Finance and Communications | Chairman | To review progress | A responsible effective and efficient organisation. | 09.01.20 |
| Communications Protocol | To review the Council's current communications protocols. | Executive Director of Corporate Services | Finance and Communications | Committee | Review the current protocols and arrangements and make recommendations | A responsible effective and efficient organisation | 09.01.20 |

| Item | Purpose | Lead Officer | Portfolios | Suggested by | Scrutiny role | Corporate priorities | Date |
|---|---|---|---|---|---|---|---|
| | | | | | for improvements as necessary. | | |
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| Performance Scorecard - Quarter 3 2019/20 | To scrutinise the three quarter year review of performance. | Executive Director of Corporate Services | Adult Social Care and Integration<br><br>Health<br><br>Corporate Policy and Legal Services<br><br>Finance and Communications<br><br>Leader | Committee | Performance Monitoring | A responsible effective and efficient organisation. | 03.02.20 |
| ICT Investment (IIP) | To scrutinise the joint ICT investment by Cheshire East and Cheshire West and Chester Councils. | Gareth Pawlett (Project Lead); Executive Director of Corporate Services | Finance and Communications | CLT | Performance monitoring | A responsible effective and efficient organisation | 03.02.20 |

| Item | Purpose | Lead Officer | Portfolios | Suggested by | Scrutiny role | Corporate priorities | Date |
|------|---------|--------------|------------|--------------|---------------|----------------------|------|
|      |         |              |            |              |               |                      |      |

**Possible Future Items/briefings notes**

Review the Council's working arrangements with partners and other third parties specifically in relation to value for money.

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