

Overview and Scrutiny Healthcheck

Scrutiny Chairman's Group

February '19 – April '19

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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



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.

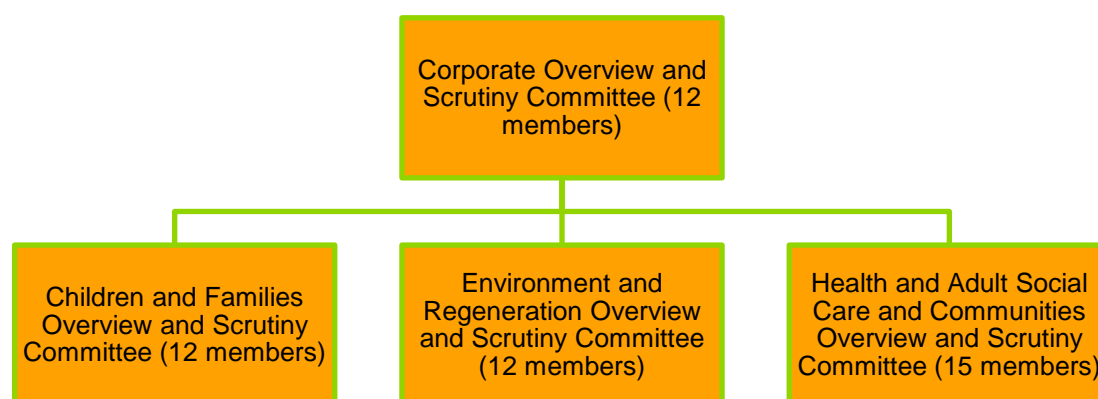


Figure 1. Cheshire East Council's present overview and scrutiny committee organisation.

- 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.

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.

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.)

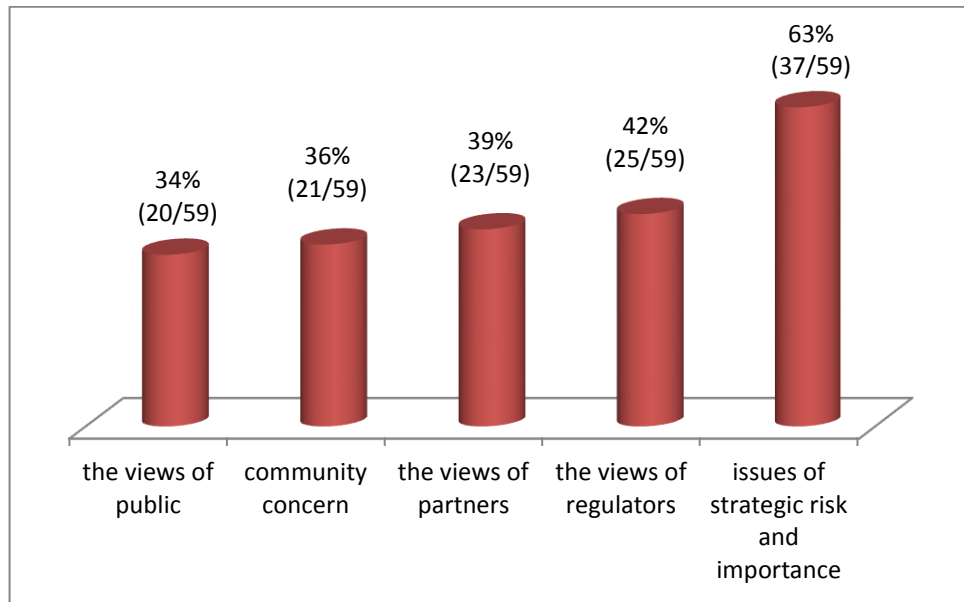


Figure 5. Overall proportion of members, officers and stakeholders that agreed that the scrutiny work programming process took into account the views of the public, partners, regulators, community concern and issues of strategic risk and importance. (In brackets next to each percentage figure are the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

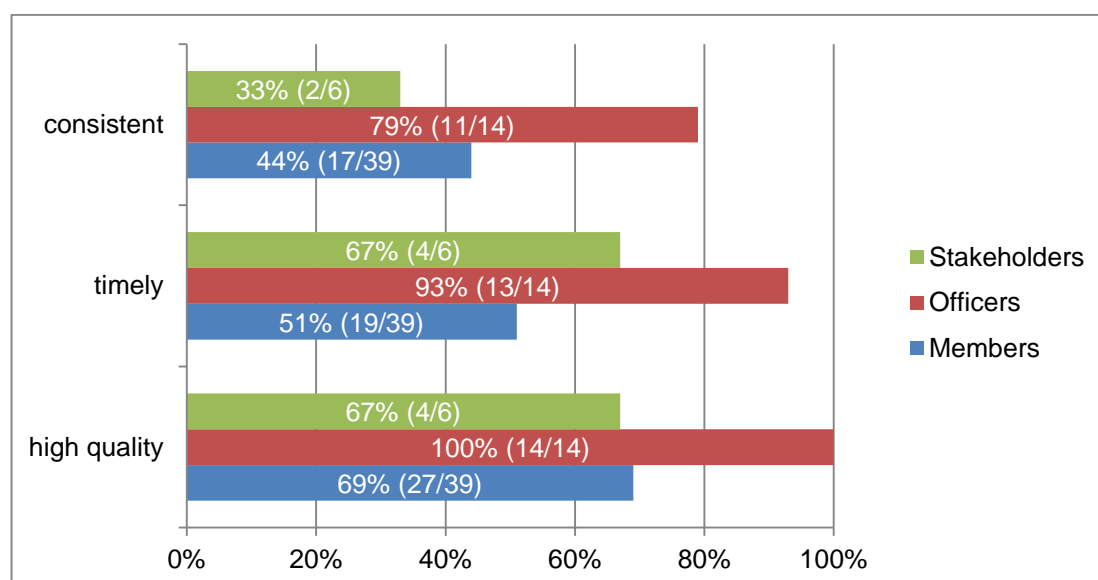


Figure 6. Proportion of members, officers and stakeholders that agreed that information provided to the overview and scrutiny committees is consistent, timely and of high quality. (In brackets next to each percentage figure are the number of respondents that agreed with the above statements, out of the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

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-

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 "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.

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 be seen as a disruptor to party leadership.

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

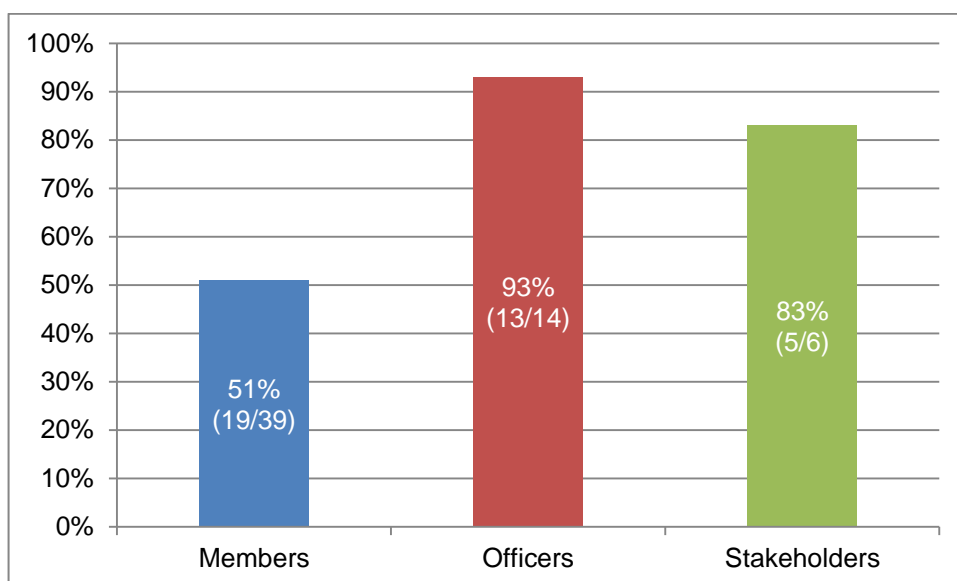


Figure 7. The proportion of members, officers and stakeholders that agreed portfolio holders and officers give public account for themselves and their portfolio responsibilities at meetings. (In brackets next to each percentage figure are the number of respondents that agreed with the above statements,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

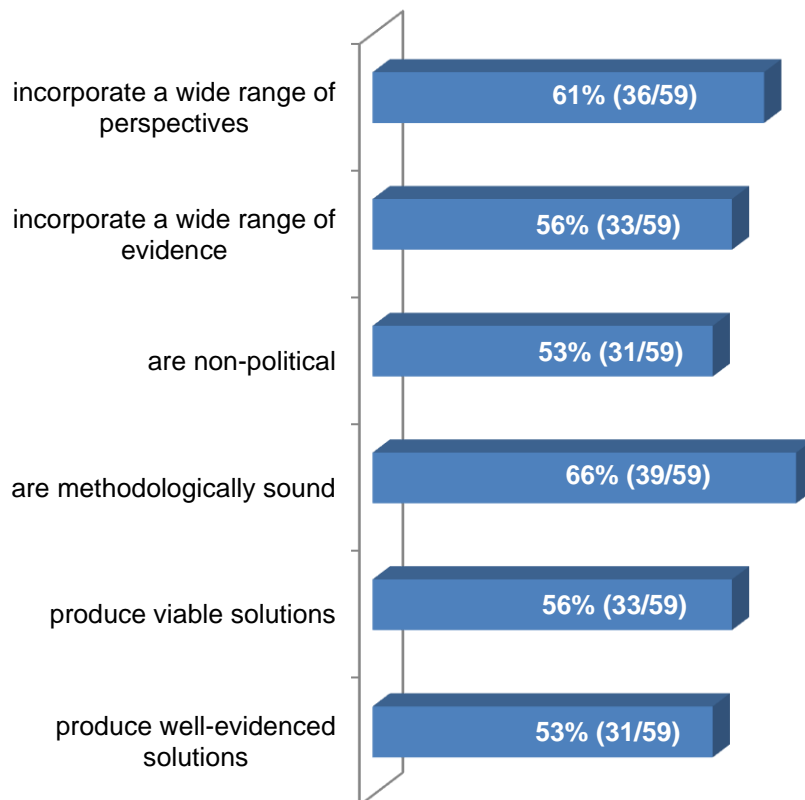


Figure 8. Combined responses of elected members, officers and stakeholders in response to how strongly they agreed that overview and scrutiny inquiries achieved the above aims. (In brackets next to each percentage figure are the number of respondents that agreed with the above statements, out of the 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.

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.

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.

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 as 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.

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,

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.

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:

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