

LONDON BOROUGH OF **HAVERING**

A GUIDE TO **OVERVIEW & SCRUTINY**



INTRODUCTION

This handbook has been designed to provide information and guidance on the London Borough of Havering's Overview and Scrutiny (O&S) arrangements. It is targeted at Members, Officers, the public, local partner organisations and other interested stakeholders who are interested in O&S generally.

Overview & Scrutiny - the legal framework

The Local Government Act 2000 introduced new arrangements that defined a scrutiny role for elected members sitting on O&S committees. They were to hold the cabinet to account and to scrutinise the work of other agencies providing local services. It created a clear distinction between the executive's role in developing and implementing policies and the role of non-executive members in reviewing policy and scrutinising executive decisions.

O&S has the power to review decisions and policies of bodies other than councils operating in their areas and to require council officers and cabinet members to attend and answer questions. They are able to make recommendations and propose changes to be considered by the executive.

Through the scrutiny process Members have power to hold partner organisations to account.

Health scrutiny

The Health and Social Care Act 2012 gave councils responsibility for scrutinising local NHS trusts including primary care trusts.

It gives the power to summon officers of health trusts to meetings and to require information from NHS bodies on the planning and provision of health services. It can also initiate reviews on any topic that affects the health and well being of local residents.

NHS bodies must consult O&S on any substantial variations of service provision. If there is a substantial variation in service which affects more than one local authority, the authorities must set up a joint scrutiny committee. Havering is part of the Outer North East London Overview & Scrutiny Committee (ONEL). O&S has the power to refer contested NHS proposals to the Secretary of State.

Crime and disorder

Powers were further extended by the Police and Justice Act 2006 which provided powers to scrutinise the work of crime and disorder reduction partnerships.

The Act requires every Council to have a scrutiny committee with the power to review or scrutinise decisions made, or other action taken by the Council and the

other responsible authorities in the exercise of their crime and disorder functions. The other responsible authorities are the police, the police authority (Metropolitan Police Authority), the fire and rescue authority and the Primary Care Trust.

Councillor Call for Action

Councillor Call for Action (CCA) was introduced by the Local Government & Public Involvement in Health Act 2007. It enables a Member of the Council to ask Scrutiny to review an issue of importance to that Member's ward (excluding planning and licensing). It can be exercised by any Member, including those in the Cabinet.

CCA is intended to enable a Member to seek a resolution to a problem in the first instance but, if it cannot be resolved, to ask the relevant Sub-Committee to review it and, if need be, to report upon action needed to the Cabinet (which, under different legislation, is bound to consider that report).

Overview & Scrutiny in Havering

Governance of the Council

Full Council

The Council is made up of 54 ward councillors – three elected by each of the 18 wards within the borough. It sets the annual budgets and council tax and agrees the Council's Constitution. In Havering, Council delegates a number of its responsibilities to its committees, eg. planning, licensing and pensions. Such matters are specifically non-executive.

The Cabinet

The Leader is elected by the 54 members of the Council to serve a 4 year term of office. The Leader can select up to nine councillors to form the Cabinet. Each Cabinet member is allocated a specific area of responsibility.

Collectively, either at meetings of the Cabinet or individually, they take decisions about all matters which are not the responsibility of another part of the Council. Members of the Cabinet are responsible, together with officers, for delivering the Council's policies.

Overview & Scrutiny in Havering

Section 21 of the Local Government Act 2000, requires that the Overview & Scrutiny be empowered to undertake the following activities:

- a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Cabinet, including power—
 - (i) to recommend that the decision be reconsidered or

- (ii) to arrange for the Council to review that decision;
- (b) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are the responsibility of the Cabinet;
- (c) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Cabinet;
- (d) to make reports or recommendations to the Council or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Cabinet; and
- (e) to make reports or recommendations to the Council or the Cabinet on matters which affect the Council's area or the inhabitants of that area.

The Health Overview & Scrutiny Sub-Committee has powers under the National Health Service Act 2006; and the Crime & Disorder Scrutiny Sub-Committee has powers under the Police & Criminal Justice Act 2006. (except any referral to Secretary of State, which is reserved to the Council by resolution)

Overview and Scrutiny	Area of responsibility
Board	<ul style="list-style-type: none"> • Strategy and commissioning • Local Strategic Partnership • Partnerships with Business • Customer access • E-government and ICT • Finance (although each committee is responsible for budget processes that affect its area of oversight) • Human resources • Asset Management • Property resources • Facilities Management • Communications • Legal & Governance • Councillor Call for Action • Call-ins
People	<ul style="list-style-type: none"> • Pupil and Student Services (including the youth service) • Children's Social Care • Safeguarding Children • Adult education

	<ul style="list-style-type: none"> • Issues relating to the Children and Families Act 2014. • Personalised services agenda • Adult Social Care • Diversity • Scrutiny of NHS bodies including the Havering Clinical Commissioning Group, NHS trusts, NHS foundation trusts and other providers of NHS services within the borough or to residents of the borough • To consider and provide recommendations on any proposed substantial development of the health service in the borough or any substantial variation of health services currently provided which are referred to it by the relevant health service commissioner or provider. (except any referral to Secretary of State, which is reserved to the Council by resolution) • Councillor Call for Action
Place	<ul style="list-style-type: none"> • Environment • Local Development Framework and Strategic Transport • Transport for London • Environment • Community safety • Parking • Regulatory Services • Planning and Building Control • Town centre strategy • Licensing • Leisure, arts, culture • Housing Retained Services • Community safety • Social and economic regeneration • Parks • Exercise of the functions conferred by the Police & Justice Act 2006 • Councillor Call for Action

MEETING FREQUENCY

O&S Board

The intention is that the O&S Board shall hold 6 scheduled meetings each year. One meeting, at the start of the municipal year, shall agree the annual work programme of the Board. One meeting, in January, shall consider the Cabinet's budget proposals. The remaining meetings shall undertake the work programme and consider the reports from the topic groups.

O&S Committees

The intention is that the O&S committees shall hold 5 scheduled meetings each year. One meeting, at the start of the civic year, shall agree the annual work programme of the committee. The remaining meetings shall undertake the work programme and consider the reports from the topic groups.

The principles of effective scrutiny outlined by the Centre for Public Scrutiny are that O&S should aspire to be:

- **Member-led**

This means that each O&S committee determines its own work programme and decides what evidence to seek. Members take an active role in the scrutiny process, for example by going on visits and taking part in consultation activities with service users, residents and local organisations.

- **Consensual**

Effective O&S works towards developing a non-party political, consensus-based view of the service or issue under consideration, focussed on the needs of service users and residents.

- **Evidence-based**

O&S takes evidence from a wide and balanced range of sources in order to enable them to develop a rounded view of the service or issue under consideration. Recommendations made by O&S should be firmly supported through the evidence received.

There are three key roles scrutiny plays:

- **Policy review:** where a policy or service has been identified for consideration, O&S can conduct a detailed review and make recommendations to Cabinet before final decisions are taken.
- **Policy development:** O&S can play a part in developing and recommending new policies, often at the request of the executive but sometimes under scrutiny Members' own initiative.
- **Hold the Executive to account:** asking Cabinet Members or senior officers to attend O&S committee meetings provides the opportunity to assess performance of services against agreed standards and, where necessary, make recommendations for improvements. As a last resort, scrutiny committees can require the Cabinet, or a Cabinet Member, to reconsider a decision not yet implemented through **call-in**.

Overview & Scrutiny work programmes

At the start of each municipal year, each O&S committee decides its own work programme which is published on the Council's website and forms part of every O&S committee agenda. The aim is to prioritise issues for in-depth work where O&S can make an impact, add value or contribute to service development. Items for the programme are drawn from a number of sources, including:

- Issues arising from discussions with members of the public and other interested stakeholders
- Issues that the committee is required to consider by virtue of its terms of reference
- Decisions due to be made by Cabinet, individual Cabinet Member or officer
- Standard reviews of policy implementation or performance, which is based on a regular schedule (the Council's Continuous Improvement Model)
- Suggestions from officers
- Items requiring follow up from committee reviews and recommendations

When drawing up the draft work programme, O&S committees must ensure that the matters suggested can be delivered in the time available, taking into account the capacity of Members and officers. Meetings are two and a half hours long and it is generally advised that there should be three to four items per meeting in order to allow sufficient time for proper scrutiny of items on the agenda.

As well as agenda items for committee meetings, the work programme can include a small number of topics identified as being suitable for in-depth scrutiny by a topic group. It is recommended that there should be a maximum of two topic groups per O&S committee in operation at any one time, with the aim of completing a maximum of four topic groups a year per committee. The number completed will of course depend on how extensive the scope of each topic group review is.

At the start of each municipal year a topic selection workshop is held to which all councillors, co-opted members and senior officers are invited. The committee clerk will provide a list of potential scrutiny topics as a basis for discussion at the workshop. This list is drawn from suggestions received from councillors, officers, partner organisations, local community and voluntary organisations and individual members of the public.

Workshop participants discuss each of the items in the list and prioritise these in accordance with the work programme prioritisation flowchart. In particular, participants are encouraged to prioritise issues that relate to the Council's strategic priorities or where there is underperformance; issues of public interest or concern and issues where O&S could make a difference.

A work programme prioritisation process flowchart is detailed below which should be used to assist in identifying those matters which the committee

O&S Work Programme – Prioritisation Process



Topic Group reviews

Topic Group reviews are the projects which enable Members to make the most effective contribution to service and other improvements. That is because it provides the time and resources to enable solid evidence to be gathered on which good recommendations are based. An evidence-based approach is important if O&S is to succeed in making the case for their recommendations to Cabinet and Full Council.

As explained previously, topic group reviews vary in scope and scale. Some reviews are undertaken by Groups consisting, typically, of three or more Members nominated by the parent O&S committee. These can last up to a year and end by making recommendations formally to the parent O&S committee, Cabinet or Full Council. At the other end of the scale, a smaller number of Members could engage in a small review examining a tightly-defined issue over one or two evidence-gathering meetings. Topic Group reviews produce the best results where the Members who sit on them have a particular interest, or even some level of previous experience, in the topic.

When topic groups are established by the parent O&S Committee, the committee will:

- appoint the members of the task group (membership of a topic group should be open to all O&S members, not just those on the parent O&S committee)
- appoint a Chairman
- provide clear terms of reference and a timescale, with a finish date for reporting back to the parent body

The topic group will develop its own work programme, within the agreed terms of reference, and report back on progress to the parent O&S committee as and when appropriate. It will be the responsibility of the Topic Group Chairman to undertake this task.

Each topic group will inform the relevant Cabinet Member(s) of its terms of reference, timescale and work programme and will invite them to a meeting in order to discuss its recommendations before they are finalised. This discussion helps to develop a joint understanding of the purpose and intention of the recommendations and enable any potential difficulties to be resolved informally.

The topic group will present a written report of its findings and recommendations to the parent O&S committee for its approval. The report will be presented by the topic group's chair. The report will be evidence based, drawing on and reflecting the wide range of written and oral evidence received.

Recommendations should be SMART, that is:-

- _ Specific
- _ Measurable
- _ Achievable
- _ Realistic
- _ Timely/time-specific

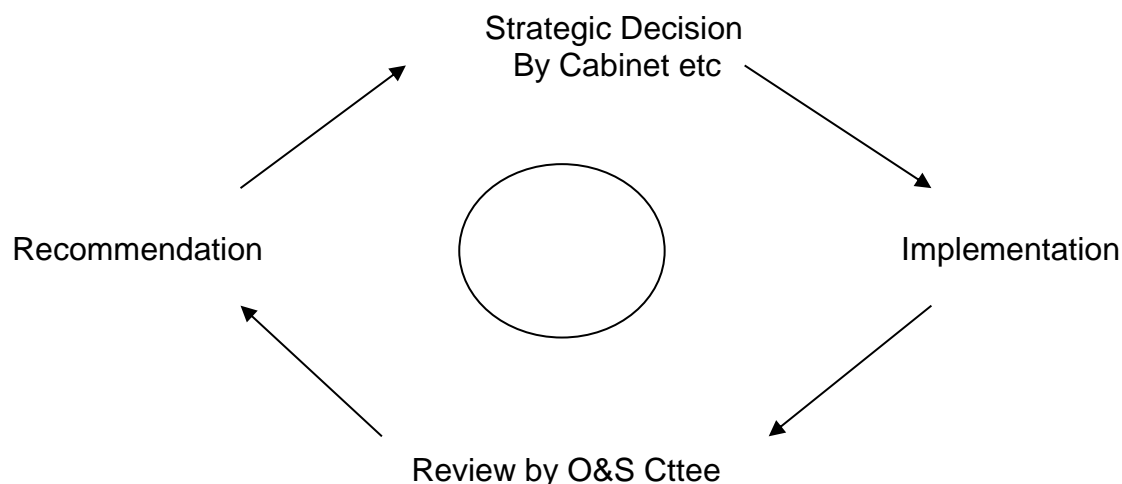
The O&S committee will then send the report to the Cabinet for consideration and response. The report will normally be presented to Cabinet by the chair of the topic group.

The Cabinet is required by law to respond to the report within two months. This response should, for each recommendation, set out how and when the recommendation will be implemented. Reasons should be given for the non-acceptance of any recommendation.

After twelve months, the parent O&S committee checks the outcomes of the agreed recommendations to see whether the intended benefits have been achieved. This can be incorporated as part of the Council's Continuous Improvement Model (see below).

The Council's Continuous Improvement Model (CCIM)

First introduced in 2008 and a model specific to Havering, the Council's Continuous Improvement Model aims to place O&S at the forefront of continuous improvement in service delivery. The model encourages O&S to review key policies and decision made by the Executive to ensure it contributes to learning and a culture of continuous improvement using the model below.



This model suggests that Cabinet strategy decisions are to be put to the O&S Board after a given period subject to O&S choosing to review that policy. While the O&S Board and committees can pick and choose which policies they would like to examine, it is desirable that any review of the policy chosen is undertaken in the context of the Council's declared policy priorities. The O&S Board oversees this process.

Call-in

On occasion, there will be decisions made by the Cabinet, individual Cabinet Member or officer which cause concern to some councillors to the extent that they believed the decision should be revisited. It should be noted however that day-to-day management decisions or routine operational matters are not subject to this process.

The call-in procedures are set out in the 'Overview & Scrutiny Rules of Procedures' within the Council's Constitution.

In brief:

- Executive decisions subject to call-in are included in Calendar Brief (published each Thursday); published on the Council's website and notified by email to all councillors
- The call-in period (3 working days) starts at midnight on the Sunday following publication of Calendar Brief and runs until midnight Wednesday the following week;
- The request for call-in must be made in writing to the Head of Democratic Services by 2 councillors from 2 different political groups; and
- The request must specify the reasons for the call-in.

All call-ins are referred to the O&S Board for consideration which aims to meet within 10 working days of the request being received. Those Members who submitted the call-in are expected to attend the O&S Board meeting considering the matter to explain the reasons for the call-in. The Cabinet Member with responsibility for the service subject to the call-in is also expected to attend to answer questions from the O&S Board. There are specific rules regarding Cabinet Member attendance at O&S committee meetings in the Council's Constitution.

The Board can either uphold the call-in and refer the matter to Cabinet for further consideration, or dismiss the call-in at which point the decision can be acted upon.

Roles and responsibilities

Councillors

Councillors from all political groups are involved in O&S, and should work towards developing a non-party political, consensus-based view of the service or issue under consideration, focussed on the needs of service users and residents. It should be recognised that O&S is an important mechanism for enabling councillors to represent the views of their constituents and other service users, and to ensure that these views are taken into account in the development of policy.

The membership of O&S is drawn from those councillors who are not members of the Executive, and are often referred to as non-Executive members.

The allocation of seats on the O&S Board and committees is done so on the basis of political balance to reflect the political make up of Council. The membership of each committee is agreed by the respective Groups with the positions of Chairman and Vice-Chairman appointed by full Council. Topic Groups are not however bound by political proportionality rules but must not include executive members.

The role of the O&S Member

In terms of role, members of O&S committees:

- provide leadership and direction for scrutiny;
- are responsible for the outputs (ie what they actually do, and how that translates into what is produced) and outcomes of scrutiny (ie what is actually achieved by having reviewed an issue); and
- make recommendations based on their deliberations.

All O&S members have an individual and collective responsibility to play an active part in O&S meetings by reading agenda papers, contributing to discussions, asking questions, suggesting lines of inquiry, assessing evidence, and producing recommendations. Overall the success or otherwise of a review is intricately linked to the contribution made by each individual member who should take a proactive and equal part in a review.

Four broad responsibilities of Members involved in OS are set out below:

- **Challenge** - Challenging how and why the Council or a partner under review delivers its services. This should be done in the form of a critical friend.
- **Accountability** - Being reliable, trustworthy, and not afraid to stand by decisions.
- **Leadership** - Setting an example by showing strategic vision, working alongside each other, thinking corporately, and engaging with the community.

- **Innovative** - Being forward thinking, innovative and open to new ideas, while continuing to develop knowledge away from the environment of an O&S committee meeting or topic group.

The role of the O&S Board and Committee Chairmen

One of the principals for effective scrutiny is that it is Member-led. The role of the Chairman is therefore critically important in setting the agenda and building solid relationships with Members, officers and other interested parties involved in the scrutiny process.

A number of key tasks fall to those persons who assume the role following their appointment by Full Council:

1. Take lead responsibility in setting agenda and developing the work programmes.
2. Liaising with officers to discuss the progress of items in the committee work programme and topic groups.
3. Ensure that the debate at meetings is focussed and inclusive, and that there is a clear understanding of the outcome of the discussion. Often being required to start or stimulate the discussion, to provide a concise summary and to suggest further courses of action.
4. Acting as the spokesperson for the committee and therefore usually being the one to present and champion the findings and recommendations that are developed through scrutiny processes on behalf of the committee.
5. Provide an annual report to O&S Board outlining the activity of the committee and outcomes achieved.

Key Skills

It is essential that Members have the necessary skills to fulfil their influencing role and deliver a positive impact for scrutiny. It will likely require Members to work in new ways with a new set of skills.

The key skills that a Member will need to be successful in Overview and Scrutiny are:

- **Questioning skills** - the ability to probe witnesses for information and ask the right questions without appearing aggressive and avoiding interrogation of witnesses.
- **Analytical skills** - to be able to review and interpret data and information and reach conclusions
- **Team working** - to be able to work effectively as a team with Members from other Political Groups as well as their own to achieve a common goal.

- **Listening skills** - to be able to listen to the information being put forward and the views of others whose views may differ from their own in order to be entirely objective and make evidence based recommendations.
- **Chairing skills** – aside from the Chairman of an O&S committee, a Member may be asked to lead a Topic Group review. In that role the Member will need to work with the officers to plan meetings, ensure that all Members are given an equal opportunity to contribute and are briefed, to ensure that meetings remain focused on achieving outcomes and to encourage all witnesses to fully engage in the O&S process.

Commitment to ongoing training and development

It is accepted that involvement and participation in O&S requires particular competencies and members have identified this as an ongoing development need. O&S training has featured in previous member development programmes and is something in which the Council must continue to invest in order to equip new and experienced members with the skills to undertake effective scrutiny and to contribute to the improvement and review of services.

Continuous training and development should:

- help members to understand the role of O&S,
- give members an awareness of how their communication skills impact upon the effectiveness of scrutiny, and
- build confidence and develop the skills of individual members, which will in-turn strengthen O&S as a collective.

Furthermore specific training will be provided for chairmen and vice-chairmen of committees with a view to developing and refining their chairing skills in relation to a scrutiny meeting.