

## Rother District Council

<b>Report to:</b>	Overview and Scrutiny Committee
<b>Date:</b>	5 June 2023
<b>Title:</b>	Role and Functions and Recommendations of the Scrutiny Improvement Review
<b>Report of:</b>	Deputy Chief Executive
<b>Ward(s):</b>	N/A
<b>Purpose of Report:</b>	To outline the role and functions of the Overview and Scrutiny Committee

### Officer

**Recommendation(s):** It be **RESOLVED**: That

- 1) the report be noted; and
- 2) the Overview and Scrutiny Committee meet informally to consider in detail the outcome and recommendations of the Scrutiny Improvement Review and agree future working arrangements in light of the review's findings.

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## Introduction

1. As part of the Members' Induction process for 2023, a report outlining each Committee's roles and responsibilities will be presented to the first meeting of each Committee in the new municipal year.
2. The Local Government Act 2000 states that Councils must have at least one Committee that has the power to review or scrutinise decisions or actions which affect the authority's area or its residents. The more recent Local Government Act 2007 provides for wider scrutiny powers to include external scrutiny of other organisations. The Scrutiny Committee acts as a critical friend to the Cabinet (Executive) and other local service providers, helping to monitor performance and develop policies, and also has the power to hold the Cabinet to account by "calling in" decisions before or after they have been taken.
3. This report also documents the recommendations of the Scrutiny Improvement Review that concluded in January this year.

## Background

4. The Overview and Scrutiny Committee (OSC) is comprised of 12 Members appointed in accordance with political balance rules. All Members of the Council are entitled to attend meetings of this Committee and are able to address it with the Chair's consent. Although this Committee is governed by the Council Procedure Rules that apply to all meetings of Committees and Sub-Committees (Part 4-1 of the Constitution), meetings are usually conducted in a more informal way.

5. The OSC receives reports largely on the external facing services of the Council, as well as partner organisations and stakeholders. The Annual Work Programme reported elsewhere on this agenda will give an understanding of the types of reports that will be submitted to the Committee over the coming municipal year. When considering the Work Programme, this is an opportunity for Members to discuss potential items that they may want to include on it.

### **Terms of Reference and Functions**

6. Attached at Appendix A is a copy of the OSC's Terms of Reference and Functions. The Chair of the Overview and Scrutiny Committee must be elected from the Members of the Major Opposition Group who sit on the Committee.
7. The Committee makes recommendations to Cabinet on relevant matters and direct to full Council in accordance with Article 6 of the Council's Constitution when making an annual report and call-in report. A copy of the Committee and Decision Making Structure of Rother District Council is attached at Appendix B.
8. The Overview and Scrutiny Procedure Rules that specifically apply to the Committee can be found in the Council's Constitution at Part 4-5 and found at the following link: [Overview and Scrutiny Procedure Rules](#). Members appointed to the Committee should familiarize themselves with these Rules.
9. The general responsibilities of the OSC (in accordance with Article 6 of the Constitution) include:
  - assisting the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
  - considering and implementing mechanisms to encourage and enhance community participation in the development of policy options; and
  - reviewing and scrutinising the performance of other public bodies in the area and inviting reports from them by requesting them to address the OSC and local people about their activities and performance.
10. The remaining dates arranged for meetings of the Committee for the 2023/24 municipal year are as follows:  
**2023:** 10 July; 11 September; 16 October; and 20 November.  
**2024:** 22 January; 18 March; and 22 April.  
  
However, the Chair may call additional meetings throughout the year as required.  
  
During the last Council, meetings of the OSC were held on Monday evenings at 6:30pm.
11. As part of the Council's commitment to Member training and development, specific Committee training has been arranged. The Overview and Scrutiny Training day for this year took place on Friday 26 May and was facilitated by an external trainer.

## Scrutiny Improvement Review 2022

12. During the last administration, the Council commissioned the Centre for Governance and Scrutiny (CfGS) to carry out a review and evaluation of the Council's scrutiny function, as one of the recommendations that came out of a review of the Council's Constitution conducted during 2021/22.
13. The CfGS commenced the review in July 2022 which involved evidence gathering in person and online through conversations with Members and officers. They met with elected Members and officers, including the Council Leader and Cabinet Members, the Scrutiny Chair, Members of the Scrutiny Committee, and the Council's Senior Leadership Team (SLT).
14. As part of the feedback stage a facilitated workshop was held with Members and officers in January this year to reflect on the review and to discuss options for improvement. Attached at Appendix C are the original recommendations of the CfGS, together with an officer response and Appendix D, the themes that came from the workshop discussion, which are broadly reflected in the recommendations at Appendix C.
15. Given the make-up of the OSC has changed significantly since the elections, it is suggested that the OSC meets informally to consider in detail the outcome and recommendations of the Scrutiny Improvement Review and agree future working arrangements in light of the review's findings.

## Conclusion

16. This report outlines the key role and functions of the OSC.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	No
Crime and Disorder	No	External Consultation	No
Environmental	No	Access to Information	No
Risk Management	No	Exempt from publication	No

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Appendices:	A Overview and Scrutiny Committee – Terms of Reference and Functions B Decision Making Structure Chart C Scrutiny Improvement Review Recommendations D – Workshop Themes
Relevant previous Minutes:	N/A
Background Papers: Reference Documents:	None

## Article 6 - Overview and Scrutiny Committees

### 6.1 Terms of Reference

The Council will appoint at least one Overview and Scrutiny Committee to discharge the functions conferred by Section 9F-9FI of the Local Government Act 2000.

### 6.2 General Role

Within their terms of reference, Overview and Scrutiny Committees will:

- (i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- (ii) make reports and/or recommendations to the Council and/or the Cabinet and/or any joint or area Committee in connection with the discharge of any of the functions of the Council or the Cabinet, as appropriate;
- (iii) consider any matter affecting the area or its inhabitants; and
- (iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet and/or any Area Committees appointed.

### 6.3 Specific Functions

**(a) Policy Development and Review:** Overview and Scrutiny Committees shall:

- (i) assist the Council and the Cabinet in the development of its budget and policy framework by in-depth analysis of policy issues;
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- (iv) engage with and question Members of the Cabinet and / or Chief Executive, Deputy Chief Executive, Director – Place and Climate Change and Heads of Service or such other officers as may be determined by the Chief Executive, about their views on issues and proposals affecting the area; and
- (v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.

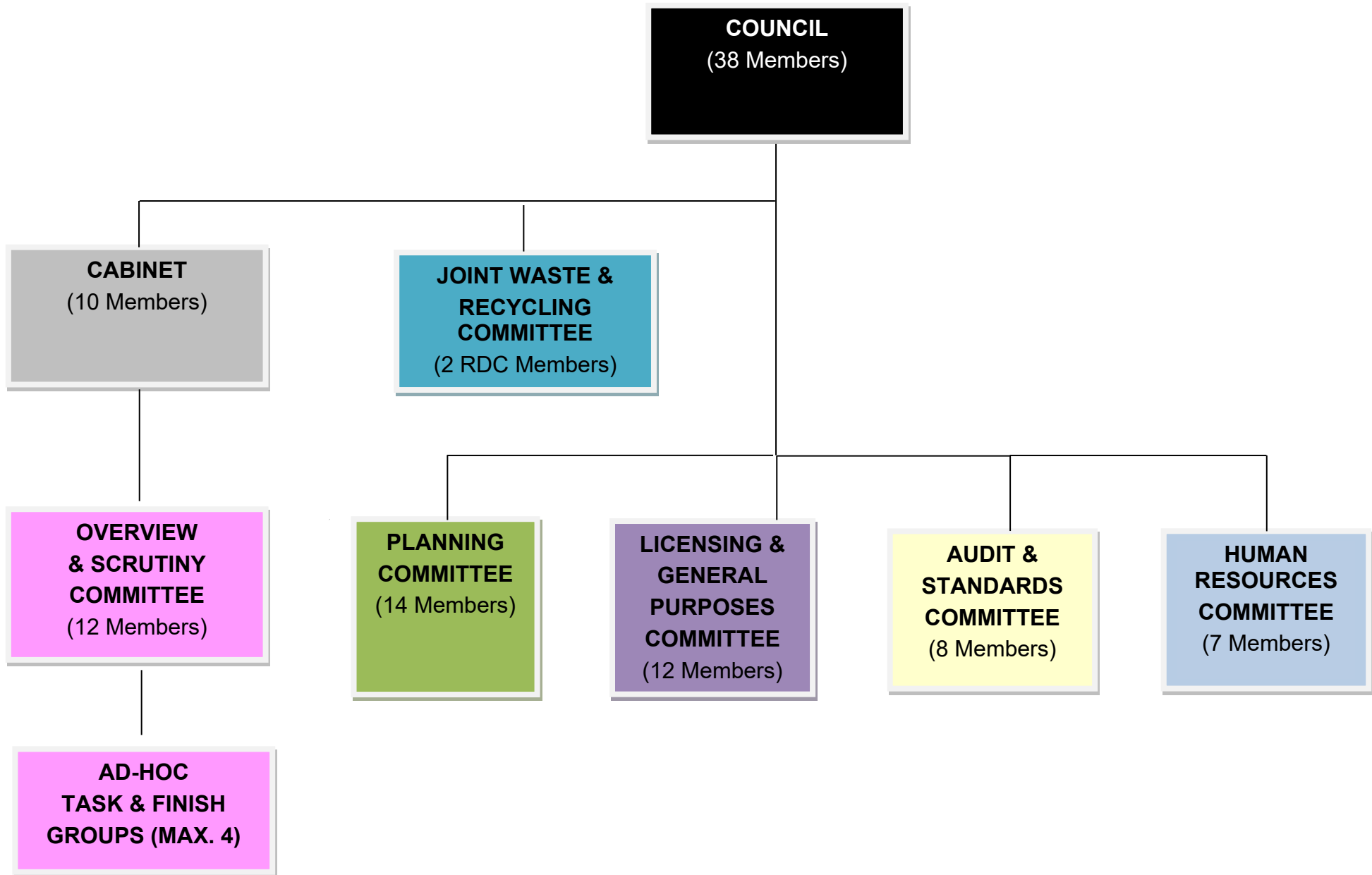
**(b) Scrutiny:** Overview and Scrutiny Committees may:

- (i) review and scrutinise the decisions made by and the performance of the Cabinet and/or Council officers both in relation to individual decisions and the impact of those decisions over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) engage with and question Members of the Cabinet, Chief Executive, Deputy Chief Executive, Director – Place and Climate Change and Heads of Service or such other officers as may be determined by the Chief Executive, about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;

- (iv) make recommendations to the Cabinet and/or Council arising from the outcome of the scrutiny process;
  - (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and residents about their activities and performance; and
  - (vi) engage with and question and gather evidence from any person (with their consent).
- (c) **Finance:** Overview and Scrutiny Committees may exercise overall responsibility for any finances made available to it.
- (d) **Annual Report:** Overview and Scrutiny Committees must report annually to the Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

#### **6.4 Proceedings of Overview and Scrutiny Committee**

Overview and Scrutiny Committees and any appointed formal Sub-Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.



## Original CfGS Recommendations:

Recommendation	Officer Comment / Action	By Whom / When
<p>1. <b>Extending the development process for Members and Officers to enable them to refresh their knowledge and understanding of the role of scrutiny</b> – this could include learning activities such as workshops supported with materials and case studies.</p>	<p>Annual Overview and Scrutiny training is already delivered to elected Members, with an emphasis on scrutiny committee Members. Future sessions will include separate and combined sessions with officers and Cabinet Members. All elected Members and senior officers need to have an understanding and awareness of the overview and scrutiny processes, its legal status and the added value it can bring to the democratic processes at RDC.</p>	<p>Investigate and arrange joint training opportunities / Democratic Services / December 2023</p>
<p>2. <b>Creating and articulating a protocol between Cabinet and Scrutiny around the role of Scrutiny in policy development</b> – identify how and when policy development items come to scrutiny and how recommendations are embedded in Council processes and timelines.</p>	<p>The Council's Constitution (Budget and Policy Procedure Rules) sets out how the policy framework is developed. Officer training and process maps should assist service officers and Members in understanding the processes and knowing when and to whom policy development reports are made.</p>	<p>Produce process maps - officer training / Democratic Services / December 2023</p>
<p>3. <b>Embed the practice of Cabinet Member or Leader being the focus of scrutiny</b> – Cabinet Members responsible decision-making, policy-setting and key decisions should be regularly accountable through scrutiny. This should supersede any preference for scrutinising officers, who we suggest should have a supporting role to Cabinet at scrutiny meetings.</p>	<p>The OSC routinely invites the relevant Cabinet Portfolio Holder to attend OSC meetings when reports concerning their portfolios are discussed. Portfolio Holders to be encouraged to take the lead in presenting the relevant report at OSC meetings with the assistance from the service officer.</p>	<p>As 1. Above.</p>
<p>4. <b>Supporting dialogue between Members and Officers to help both groups understand their role and needs</b> – issues such as work planning and reporting to scrutiny that are considered later in this report would be good examples of how dialogue can support the overall functioning of scrutiny.</p>	<p>Joint training essential in understanding their differing roles in the scrutiny processes.</p>	<p>As 1. Above.</p>

<p>5. <b>Mapping collaboration opportunities for scrutiny across a full range of local and system partners and stakeholders</b> – this can then be used in the scoping of scrutiny reviews and the identification of key lines of enquiry.</p>	<p>Opportunities to involve local stakeholders are taken as and when appropriate; recent example Bexhill Conservation Area Technical Advice Note for windows.</p>	<p>Improve scoping process to ensure stakeholder engagement / Service Officers / on-going. As 1. Above.</p>
<p>6. <b>Consider ways to build the engagement of external partners in Rother drawing on examples of good practice from some of the task &amp; finish group projects.</b></p>	<p>Invite local stakeholders to be present for relevant items that come to OSC or at Member Briefings.</p>	<p>Service Officers / Democratic Services / on-going.</p>
<p>7. <b>Review and enhance the scrutiny work planning process</b> – supporting a Member-led work plan that is able to prioritise and add value.</p>	<p>In non-election years an annual work programming meeting takes place to which all non-executive Members are invited, together with the Corporate Management Team to consider the work programme. In an election year (this year), the evidence gathered by councillors during canvassing is fed into the Council and forms part of this process.</p>	<p>OSC / Work Programme Report / June 2023.</p>
<p>8. <b>Consider how written reports to the Scrutiny Committee can be presented in ways that enable Members to identify key issues, areas for challenge and opportunities for service improvement</b> – this includes reviewing the ways that information and data is presented, the use of additional briefings and education sessions, and effective summaries linked to key lines of enquiry.</p>	<p>Officer training on how to write reports for OSC could be provided, within the constraints of the corporate report template. Informal Member Briefing sessions be used more effectively to educate prior to issues being discussed at formal meeting to allow focussed debate.</p>	<p>As 1. Above. Programme of Member Briefing Sessions to reflect OSC Work Programme / on-going.</p>
<p>9. <b>Develop the current annual scrutiny review process for committee members to explore their learning and impact and identify lessons for future work priorities.</b></p>	<p>The OSC makes an annual report to full Council that sets out the work of the committee in the preceding year, the issues they have considered, reviews undertaken, recommendations made to Cabinet and the work of the Task and Finish Groups. Members could use this opportunity to consider their own learning and impact in future.</p>	<p>OSC Members to take more “ownership” of Annual Report / on-going – April 2024.</p>



<p>10. <b>Learning and confidence from the task and finish groups should be transferred to the formal scrutiny committee context</b> – to build the confidence of Members to work creatively in the public arena.</p>	<p>This will only come with practice.</p>	<p>OSC Members / on-going. As 1. Above.</p>
<p>11. <b>Continue to use the task and finish group approach</b> – to ensure the most effective use of time and resources.</p>	<p>Agree the best OSC work has been conducted through the informal task and finish groups.</p>	<p>OSC to consider when agreeing Work Programme / June 2023.</p>
<p>12. <b>Further work to develop effective recommendations from the scrutiny reviews and activities</b> – including the development of recommendations, tracking of impact and review of learning.</p>	<p>Officer and Members needs to work together on this.</p>	<p>OSC / Service Officers / on-going. As 1. Above.</p>
<p>13. <b>Exploring a wider range of creative approaches to scrutiny</b> – drawing on case studies and examples to explore new tools to triangulate data, develop questions and explore strategic issues in Rother.</p>	<p>Officers can facilitate and access case studies from other authorities through the CfGS and make these available to Members / Service Officers.</p>	<p>Promote good scrutiny practice elsewhere / Democratic Services / on-going.</p>
<p>14. <b>Develop a group working agreement for all members of the scrutiny committee</b> – focusing on expectations, behaviours and support for participation.</p>	<p>Agree this would be helpful but will be for the new OSC to agree.</p>	<p>OSC to consider.</p>
<p>15. <b>Further skills development support is offered for the key roles of Chair and Vice-Chair</b> – to support them to develop their approach to leading scrutiny and to reflect on learning.</p>	<p>The Council's Member Training and Development is well embedded at RDC and this will continue.</p>	<p>No Action – training programme in place.</p>
<p>16. <b>Enhance (re-introduce) cross-party pre-meetings for scrutiny</b> – including briefing, agenda setting and developing key lines of enquiry in advance of the formal meetings.</p>	<p>This is an area for Members to decide – these meetings are not facilitated nor attended by officers – it is for the Members to come together before the formal meeting and agree their approach – this</p>	<p>OSC to consider</p>

	could be done via MS Teams either the week before (perhaps after Chair's briefing) or indeed the day of the formal meeting. These could be set up by Democratic Services but not attended by them.	
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**Workshop Themes – captured by Paul Cutler, Consultant CfGS**

- Identify ways to use the Forward Plan more proactively with the scrutiny work planning approach and agenda setting. Align scrutiny with internal decision-making and policy schedules.
- Agree a system for tracking recommendations across scrutiny reviews.
- Explore ways for scrutiny to use and engage more with Council data.
- Position scrutiny more generally as a development opportunity for Members and Officers. This has the potential to create a collaborative approach, share workloads and build the parity of esteem for constructive challenge and non-executive scrutiny.
- Develop the system of Member briefings to support Members prior to scrutiny sessions, leaving more space in the formal meetings for questions and exploration.
- Use the work planning process to focus and prioritise scrutiny – ensure a distinction between broad topics and the particular issues that scrutiny wishes to explore through key lines of enquiry and creative approaches.
- Establish pre-meetings before scrutiny sessions to prepare, coordinating questioning approaches, promote collaborative behaviours, support the Chair and ensure Members get the most from the meetings.
- Provide additional support and tools for financial scrutiny – make sure there are key lines of enquiry during reviews that can interrogate the financial data and plans.
- Offer training on scrutiny to Officers to support their engagement and participation in the scrutiny process. This could cover the framework of scrutiny including powers, duties, statutory guidance and examples of best practice.
- Support Members with further training on constructive challenge skills and question development.
- Explore new and creative methods for undertaking scrutiny reviews and engaging with the public and local stakeholders.
- Revisit the Public Realm document and track key recommendations.
- Demonstrate the impact of scrutiny