

www.canterbury.scrutiny.gov.uk





1. Introduction



Overview and Scrutiny was introduced at Canterbury following the Local Government Act 2000 which set up the Executive and Scrutiny model of leadership. Overview and Scrutiny's primary functions are to check the decisions being made by the Executive are the right ones and contribute views on proposed decisions in advance of them being made.

Since its inception, Overview and Scrutiny has changed and developed and more recently its role has grown to include a number of new powers.

This guide aims to explain:

- What Overview and Scrutiny is
- How it works at Canterbury
- What its powers are.

It is intended to be used by councillors, council officers and members of the public to help ensure that scrutiny at Canterbury is as effective as it can be.

Further information on the scrutiny function can also be found on the council's scrutiny website:

www.scrutiny.canterbury.gov.uk

Information on current and past scrutiny reviews and how to get involved.

www.cfps.org.uk

National reports, best practice, guidance, discussion and forums

Alternatively, please contact a member of the Scrutiny Team on **01227 862 332**.

2. What is scrutiny?



Under the Local Government Act 2000, councils are required to have at least one scrutiny committee made up of councillors who are not on the Executive to:

- Hold the Executive to account
- Create, develop and review policies
- Track and monitor issues and services
- Scrutinise other public organisations in the district.

This creates two separate roles for councillors:

- Making decisions
- Scrutinising decisions

Since 2000, there have been three more acts aimed to extend the powers of scrutiny:

- **Health and Social Care Act 2001**
Allows councils to scrutinise local health services.
- **Police and Justice Act 2006**
By law, council's must have a committee that scrutinises organisations who are working to reduce crime.
- **The Local Government and Public Involvement in Health Act 2007**
Gives councils the power to scrutinise other organisations. It also introduced the 'Councillor Call for Action' which is explained in more detail later in this guide.



City Life Scrutiny Review

3. Overview and Scrutiny structure at Canterbury



Entertainment Economy Scrutiny Review

At Canterbury there is an Overview and Scrutiny Committee which is supported by a Scrutiny Sub-Committee. The sub-committee may also set up scrutiny panels to take a detailed look at specific issues.

The key roles of these committees are explained here:



3.1 Overview and Scrutiny Committee

- Develops a programme of forward looking scrutiny in key policy areas based on project timetables for committee decisions.
- Conducts pre-decision scrutiny in advance of Executive decisions.
- Receives briefings from officers and external bodies on matters of major local interest that will or are likely to impact on future policy development.

3.2 Scrutiny Sub-Committee

- Takes Member call-ins from the previous Executive meeting.
- Comments on council wide performance data for particular services.
- Develops, manages and monitors the annual scrutiny programme.
- Considers Councillor Call for Action (CCfA).
- Considers crime and disorder matters.

4. Scrutiny reviews



Scrutiny Review Panels look at issues where concern has been raised or potential improvements identified.

At the beginning of each council year, the Scrutiny Sub-Committee decides on a scrutiny review programme. It can also add other topics to this work programme throughout the year to make sure we are looking at the right things at the right time.

The work programme is based on suggestions made by members of the public, councillors, officers, community groups and stakeholders.

To put forward a topic suggestion, the form at the end of this guide should be completed and submitted to the Scrutiny Team who will put forward the suggestion to the Scrutiny Sub-Committee to consider.

There are a number of different forms a review can take including:

- Presentation and questioning of an officer's report by the Overview and Scrutiny or Scrutiny Sub-Committee.
- One-off report on a topic requested by members.
- Short topic review taking approximately six meetings.
- In-depth review lasting approximately six months.

The Scrutiny Sub-Committee decides whether the topic needs a short or in-depth look using a set of agreed criteria which are set out at the end of this guide.

Short topic

- Based around specific projects or services of limited general interest to members or residents.
- Needs a relatively straight forward solution.
- The amount of background research needed is limited.
- Largely an operational rather than strategic matter.

In-depth

- Based around a broad issue that has a major strategic performance impact on the council or residents.
- High profile issue which members or residents have raised in public surveys.
- Politically contentious or sensitive, different view on the matter from members.
- Solutions may be relatively complex and multi-faceted.
- The matter crosses the boundaries of individual departments or corporate management groups.

4.1 Chairmanship

The chairmanship of panels should rotate among the parties broadly in line with the political make up of the council, that is: Conservative, Conservative, Liberal Democrat, and Conservative.

4.2 Panel membership

Membership must be drawn from non-executive members. Members must not scrutinise a decision they have made or with which they are associated, such as by membership of an Executive Working Party.

Membership will generally be politically balanced and may include those with some knowledge or expertise on the matter.

4.3 Co-option

The panel may also decide to co-opt additional members who might not be councillors. This could either be to bring a fresh perspective to a review or an expert opinion.

Co-option must be approved by the Scrutiny Sub-Committee and the panel members should decide whether to give co-opted members voting rights.

4.4 Terms of reference of scrutiny panels

Scrutiny reviews should follow the council's Project Management Toolkit. The flow chart at the end of this guide sets out the process each review should follow.

The lead officer should present a draft scope for the review to Management Team in order to gather information and set the review in context within existing council work. The review panel should then consider the specific issues it wishes to cover and report these back to Management Team and the Scrutiny Sub-Committee. The Scrutiny Sub-Committee has final approval of the scope.

4.5 Conduct of scrutiny reviews

The conduct of the reviews can be summarised as follows:

- Decide topic for review.
- Produce a scope for the review.
- Make contact with the right people and explain the purpose of the review to stakeholders.
- Obtain the necessary background information.
- Plan any questioning for witnesses involved in the review.
- Undertake site visits where appropriate.

- Hold series of meetings to consider the review information and gather evidence.
- Consider the results and decide what should happen next.
- Produce report with recommendations for improvement.
- Feedback to all participants involved in the review.

Once the review is complete the Scrutiny Sub-Committee monitor the action plan arising from the scrutiny review every six months until complete.

4.6 Support for scrutiny reviews

Scrutiny reviews are member-led. Members decide what evidence they want to receive and what questions they will ask.

A lead officer will support the review, undertaking research, sourcing examples of best practice and assisting in the drafting of the final report and action plan.

Management Team should also play an active part in the review process and note the progress being made by each review. They will:

- comment and make recommendations on the proposed scope;



Highway Scrutiny Review

- along with relevant Heads of Service, comment on the draft final report, its recommendations and action plan.

4.7 Executive sponsored scrutiny reviews

The Executive may also suggest topics for review. Any topics put forward for review by the Executive should be discussed with scrutiny members at the Joint Overview and Scrutiny and Executive Forum which meets quarterly.

Executive commissioned reviews are carried out in addition to the mainstream scrutiny programme. Therefore additional officer support is usually made available to lead or support the reviews.

5. Councillor Call for Action



5.1 What is a Councillor Call for Action?

Councillor Call for Action (CCfA) enables councillors to act on behalf of residents to resolve local issues.

A CCfA can only be raised when a local councillor has been unable to resolve a persistent problem through local action and discussion with the Executive or relevant services and agencies.

CCfA should be a last resort for councillors who cannot get issues resolved through any other means.

5.2 Resolving the issue

Once a councillor has decided to raise a CCfA, there are a variety of ways to resolve a concern including:

- Discussing the issue with officers from relevant council service.
- Raising the issue with partnerships or partner agencies such as the Police.

5.3 Referring the CCfA to scrutiny

The issue is persistent and unresolved:

When all mechanisms of resolution have been exhausted, then the councillor can refer the issue to the Scrutiny Sub-Committee. The Scrutiny Team and Management Team will need to consider if

everything has been done to try and solve the issue so they can give advice on the validity of the CCfA to the sub-committee.

The sub-committee decide whether to accept or reject the CCfA.

If the CCfA is rejected, the councillor who raised it will be given a written response explaining why.

If it is accepted, the CCfA will be referred to a future meeting of the sub-committee. Where the CCfA relates to one or more of the councils' partners they can be invited to attend the meeting. Once the sub-committee has considered the CCfA, they may wish to make recommendations to the Executive if the issue relates to a council function or to the relevant partner organisation.

Both the Executive and partner organisations are required to respond to the sub-committee. Although for partner authorities there is currently no timescale specified for a response.

Implementation of any recommendations made will be monitored by the sub-committee to assess the success of the CCfA.

6. Crime and disorder scrutiny



The Police and Justice Act 2006 set out new provisions for the scrutiny of crime and disorder issues.

The new provisions mean that every local authority is required to have a Crime and Disorder Committee with power to make recommendations regarding the functioning of the local Crime and Disorder Reduction Partnership (CDRP).

The Crime and Disorder Committee:

- will meet to scrutinise decisions made and other actions taken in connection with the discharge of their crime and disorder functions.
- can request information relevant to its functions from responsible authorities and cooperating bodies.
- can require attendance of officers or employees of responsible authorities and cooperating bodies to answer questions or to provide information.

Where a Crime and Disorder Committee makes recommendations, the responses from the relevant authorities should be returned within a period of 28 days or as soon as possible.



Debt Counselling Scrutiny Review



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7. Scrutiny of the CDRP at Canterbury



The Canterbury CDRP is called the Safer Canterbury District Partnership and the Scrutiny Sub-Committee serves as the Crime and Disorder Committee.

The sub-committee has a regular standing item on its agenda to consider crime and disorder matters. The sub-committee monitor the CDRP delivery plan and can also request reports and information on particular issues including anti-social behaviour management and CCTV.

Conclusion

Scrutiny is intended to give councillors a creative and forward looking role in ensuring council policies reflect changing circumstances.

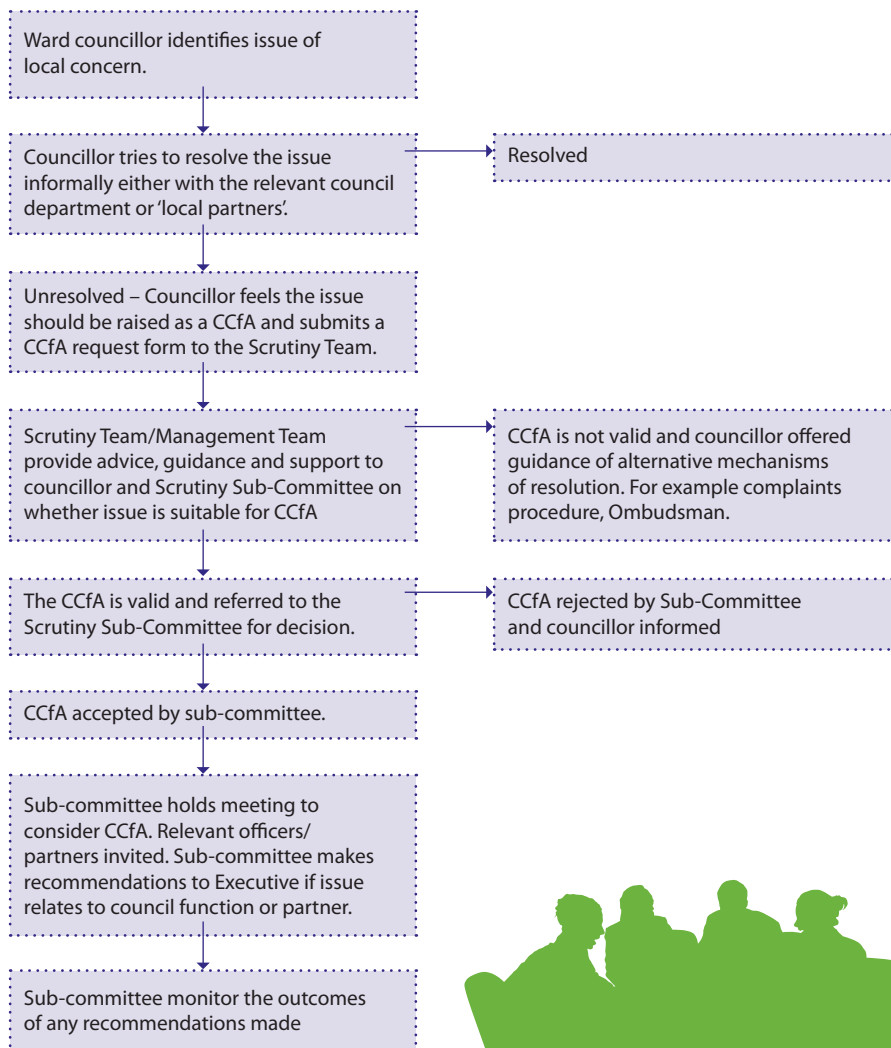
The role is not simply to criticise, but rather to get under the skin of issues, develop an understanding of them and recommend ways in which they may be changed to improve the way the council serve the community.

Criteria for selecting scrutiny review topics

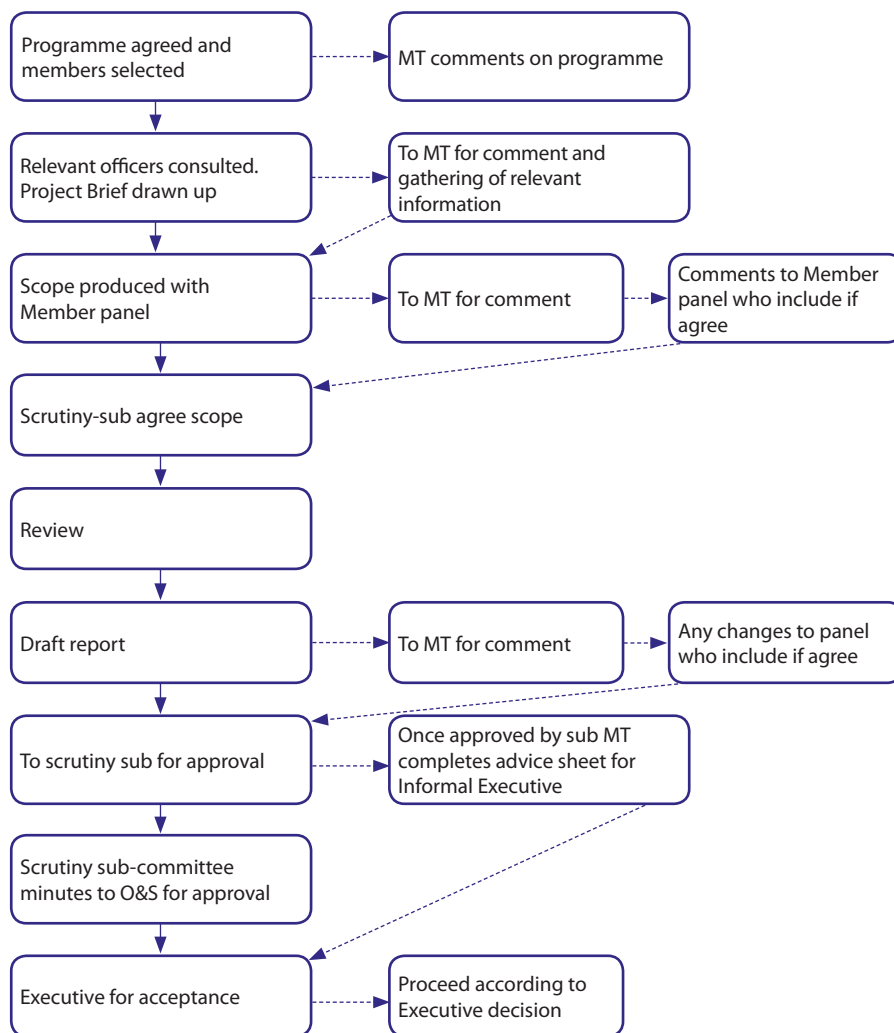


- Issues that members have suggested.
- Issues that members of the public have suggested.
- The relative importance of the issue to service users and non-users and the public, for example, issues raised in member surgeries, complaints received, results of residents' survey and any other consultative activities.
- Evidence of actual or imminent or perceived service or policy failure.
- Evidence of actual or possible public disquiet or press interest.
- Specific – capable of being worked into an approved scope.
- The degree of impact scrutiny can make on an issue.
- Direct requests from the Executive or from council to scrutinise a particular area.
- Identified in an external inspection or investigation for example, audit recommendation.
- Has the topic been covered elsewhere, for example, a review in place or an action plan being worked to?

Councillor Call for Action Process



Scrutiny Review Flow Chart





Form for submission as a scrutiny review topic

Item for Scrutiny Review

Topic

Why scrutinise this topic?

What will be achieved by doing so?

Suggested date for commencement and timescale?

(copies of this form can be obtained from Democratic Services Officers)

Contact details

If you would like to find out more about scrutiny or suggest a topic for review you can contact us in a number of ways:

Via our web pages:

www.scrutiny.canterbury.gov.uk

Or by contacting one of the Scrutiny Team below:

Dan Hamlin

01227 862 059

Charlotte Hammersley

01227 862 332

Scrutiny Team

Canterbury City Council

Military Road

Canterbury

CT1 1YW

Email: **scrutiny@canterbury.gov.uk**

This information is available in other formats, including Braille, large print, audio cassette and in other languages. Contact Canterbury City Council on **01227 862 000** or email **equalities@canterbury.gov.uk**

