

Southend-on-Sea Borough Council

scrutiny guide



An explanation
about how Scrutiny
operates in
Southend-on-Sea



1. Preface

Welcome to the latest edition of our guide to scrutiny at Southend, which has been produced on behalf of the Chairmen's Scrutiny Forum.

The purpose of this guide is to provide information and guidance on Southend's scrutiny arrangements. It contains practical guidance for Members, officers, the public, and our local partners.

The guide should be read in conjunction with the Council's Constitution, in particular the Scrutiny Procedural Rules and the Protocol on Member/Officer Relations.

We do hope you will find this document helpful, and that it will encourage you to attend the Scrutiny meetings and participate in the various projects, studies and enquiries.

*Fiona Abbott,
Designated Scrutiny Officer
May 2013*

2. What is ‘Scrutiny’?

“.....Scrutiny is an essential part of ensuring that government remains effective and accountable”.¹

2.1 Legislative Background:

Local government scrutiny was formally introduced in the *Local Government Act 2000*² and since then there have been a number of Acts (and secondary legislation) which have increased the powers of scrutiny.

The most recent legislative changes are the *Police Reform & Social Responsibility Act 2011* and the *Health & Social Care Act 2012*.

(a) General scrutiny arrangements and powers:

The requirement for Councils to adopt a Constitution which had an Executive/scrutiny split was brought in by the *Local Government Act 2000*.

¹ *IdEA 2010*

² *However, law affecting scrutiny – in particular, scrutiny committees – goes back to the legislation which established modern local government, the Local Government Act 1972*

This Act drew a clear distinction between the Executive's role in proposing and implementing policies and the role of non-Executive Members in:

- holding the Executive to account;
- reviewing policy and scrutinising Executive decisions; and
- scrutinising the work of other agencies providing local services.

Scrutiny Committees have the power to summon Cabinet Members and officers of the authority before it, to answer questions and to invite other persons to attend meetings to give their views or submit evidence.

In April 2013, the Council agreed to revise the Scrutiny Committee arrangements. Southend has three multi-party Scrutiny Committees which support the work of the Executive (Cabinet) and the Council as a whole:-

- the People Scrutiny Committee,
- the Place Scrutiny Committee,
- the Policy & Resources Scrutiny Committee.

(b) Scrutiny of Health:

The People Scrutiny Committee discharges the health scrutiny function, now conferred by the *Health & Social Care Act 2012*. Health scrutiny powers are vested in upper tier local authorities and the Scrutiny Committee has specific powers and roles including:

- ❖ to review and scrutinise the operation of the health service in its area, and to make reports and recommendations to NHS bodies and non-NHS organisations when commissioned to do so by e.g. by Clinical Commissioning Groups, in respect of that review and scrutiny;
- ❖ the right to refer to the Secretary of State any substantial variations of NHS services that are not in the interests of local people, or where the consultation has been inadequate;
- ❖ the right to establish joint health scrutiny committees to consider issues of concern to two or more existing health scrutiny committees.

Health bodies are required: to provide information, make arrangements for officers to attend health scrutiny committee meetings and answer questions, respond in writing to health scrutiny committee reports, and consult the health scrutiny committees

at an early stage on any plans for substantial variations or developments of health services.

(c) Crime and Disorder scrutiny function:

The *Police and Justice Act 2006* brought in powers for scrutiny committees to investigate work being undertaken by Community Safety Partnerships. The Council also had to set up a crime and disorder scrutiny committee, or designate a Scrutiny Committee as having this role. At Southend this function is now undertaken by the Policy & Resources Scrutiny Committee.

In April 2013 Scrutiny Members invited representatives from Essex Police to answer questions on current issues.

(d) Councillor Call for Action (CCfA):

CCfA is a mechanism for enabling elected Members to bring matters of concern in their Ward to the attention of the Council, via the Scrutiny process, once they have exhausted all other means of resolving the issue. The Protocol can be found in Part 5 (g) of the Constitution.

The *Localism Act 2011* amends the provisions relating to CCfA³ whereby the reference to ‘local government matter’ has been removed and providing the opportunity for Councillors to bring CCfAs on issues that relate to partnership business (so long as that is within the scope of the Committee’s terms of reference).

(e) Petitions and e-petitions – ‘listening to our communities’:

The *Local Democracy, Economic Development and Construction Act 2009* brought in the duty to promote democracy and requirements around petitions and in particular that Councils must have a Petition Scheme. The Council already had a well established Petition Scheme and this requirement enhanced the arrangements.

In 2010, the Council adopted a Petition Scheme which allowed for anyone living, working or studying (including the under 18’s) to sign or organise a petition. An e-petition scheme is also now in place⁴.

³ *Originally brought in by the Local Government & Public Involvement in Health Act 2007 (and subsequent statutory guidance in 2009 – still in force)*

⁴ *However, the duty to have a Petition Scheme has now been repealed - Localism Act 2011 section 46*

Each Scrutiny Committee can review the Council's handling of or responses to a *Petition requiring Debate* or *Petition requiring an Officer to be Called to Account* where the Petition Organiser is dissatisfied with the action taken.

(f) Police and Crime Panel:

The *Police Reform & Social Responsibility Act 2011* brings about significant changes to policing governance and accountability – notably the creation of the new elected post of Police and Crime Commissioner, to be held to account by a Police & Crime Panel. The Council appoints a Member to the Essex Police & Crime Panel.

2.2 The four principles of good scrutiny:

Scrutiny has a vital role to play in Southend – in brief it:-

- ❖ constructive, 'critical friend' challenge to the Cabinet / Cabinet Members, external authorities and agencies;
- ❖ enables the voice and concerns of the public to be raised;
- ❖ is led by 'independent minded people' who lead and own the Scrutiny role;
- ❖ drives improvement in public services.

2.3 Why Scrutiny matters:

Scrutiny matters in Southend for a number of reasons. It gives an opportunity for ‘back benchers’ to challenge and test ideas being put forward by the Cabinet, to scrutinise performance and to identify ways to improve services for local people.

Involvement in scrutiny is the prime role for back benchers and one which can be extremely valuable and rewarding. For example, involvement with the in-depth studies enables Members to ‘get their teeth into’ a particular topic and also to influence and shape proposals before they are implemented.

3. How Does Scrutiny Work at Southend?

3.1 Structure:

(a) Each of the three Scrutiny Committees meet on average six times a year, and the meetings are held in public. These generally take place at the Civic Centre, Southend-on-Sea. Information about the meetings is available on the Council’s website – see www.southend.gov.uk

The remits of the Scrutiny Committees are:

People Scrutiny Committee:

- All Child and Adult Education
- Youth Services
- Children's Social Services
- Adult Social Services
- Public Health
- Commissioning / Procurement for Children, Adults and Public Health
- Health Scrutiny Role

Place Scrutiny Committee:

- Planning, Highways & Transportation and Engineering
- Environmental, Waste Management and Public Protection (Regulatory Services)
- Regeneration and Economic Development
- Tourism and Events
- Leisure, Culture and Sport
- Foreshore

Policy & Resources Scrutiny Committee:

- Corporate Planning & Policy
- Asset Management
- Corporate Services (ICT, Data Protection, Human Resources)
- Corporate Finance Matters e.g. Localisation of benefits; Localisation of business rates
- Customer Services

- Crime and Disorder issues
- Corporate Procurement
- Core Client Housing Responsibilities, including Commissioning / Procurement

There are 17 elected Members appointed to each Scrutiny Committee. Each Committee must reflect the political balance of the full Council, which is made up of 51 Members.

All non-Executive Councillors have the opportunity to serve on at least one Scrutiny Committee.

Two of the Scrutiny Committees are chaired by Councillors from the Conservative Group and the third chaired by a Councillor from the Independent Group.

Each Scrutiny Committee has a Work Plan and also produces an end of year performance report looking backwards on its achievements and looking forward to next year.

(b) The People Scrutiny Committee has specialist co-opted members and observers that bring additional expertise and experience. There are 7 co-opted members on the Scrutiny Committee - two Diocesan representatives with voting rights on education matters, two elected parent governor

representatives with voting rights on education matters, three non-voting members representing the Southend Association of Voluntary Services (SAVS), Southend Healthwatch and the Southend Carers' Forum. In addition there are two observers representing the Youth Council.

(c) The Chairmen's Scrutiny Forum – this Forum is attended by the Chairmen and Vice Chairmen of the three Scrutiny Committees, and by representatives from other groups so that all groups are represented.

The purpose of the Forum is to improve the scrutiny process, disseminate good practice and address any issues of concern. At recent meetings, the Forum has spent time reviewing recommendations from previous scrutiny projects.

3.2 How the Scrutiny Committees undertake their different roles:

(a) 'Call-in':

Any two members can 'call in' a proposal of Cabinet within five days of the record of that decision being published. This involves advising the Democratic Services Team in writing or by email committeesection@southend.gov.uk by the deadline. At Southend the call-in process is used

quite regularly. The regular use of call-in means that significant Executive decisions going through the Council can be properly considered and scrutinised by a wider group of Members in a meeting which also takes place in public.

All Cabinet decisions are available for call-in to the appropriate Scrutiny Committee before taking effect. An urgency procedure to override call-in exists, but this has never been used.

In addition, the Cabinet can refer matters directly to a Scrutiny Committee. This is done on matters such as the Budget, and Monthly Performance Reports (see (f) and (g) below).

Scrutiny Committees can refer matters back to Cabinet for reconsideration. Although this occurs infrequently, there have been examples, such as the input made by the former Children & Lifelong Learning Scrutiny Committee in respect of proposals to address two failing schools. Comments made by the Committee, together with other representations, resulted in Cabinet changing its approach.

Scrutiny Committees can therefore probe, challenge and question all Cabinet decisions before they take effect and, where necessary, refer them back if they are not happy. In most cases, after considering the

item in more detail, the Scrutiny Committee is satisfied with the Cabinet's approach. However, this does not diminish the important challenge which the Scrutiny Committee performs in considering call-in items. In particular, the knowledge that call-in is likely, helps to ensure that reports are thorough and Cabinet Members are well prepared.

(b) Putting Items on the Agenda:

Members have the opportunity to place items of concern on Scrutiny Committee agendas. There are two mechanisms available:

- Standing Order 35.1 (d), enables an elected Member of the Council to place an item of business on a Scrutiny Committee agenda, provided it is relevant to the Committees' business and the Member has been unable to resolve the matter through normal channels. Standing Order 35.1 (d) can also be used for asking a question about a specific item on the Forward Plan. (The Forward Plan lists key decisions likely to be taken by the Cabinet in the next 4 months);
- Scrutiny Procedure Rule 8 allows any Councillor to request that an item relating to their Ward, which cannot be resolved through normal channels, to be placed on the Scrutiny Committee agenda for consideration. The

Councillor Call for Action (CCfA) is a long-stop and deemed to be an option of “last resort”.

(c) Pre-Cabinet Scrutiny:

There is a commitment here at Southend to the use of this procedure so that Scrutiny Committees consider issues prior to them going to Cabinet.

In the 2012 / 2013 Municipal Year, the Scrutiny Committees considered over 50 matters in this way and some recent examples are:

- ❖ Housing Stock & ALMO (October 2012);
- ❖ Proposed policy on residents parking schemes (November 2012);
- ❖ Strategy for Special Educational Needs (April 2013).

(d) Select Committee Style Inquiries:

Each Scrutiny Committee also holds public inquiries into matters of local concern. These lead to reports and recommendations which advise the Executive and the Council as a whole on its policies, budget and service delivery.

The in-depth projects are selected by each Scrutiny Committee at its first meeting at the beginning of each municipal year and the chosen projects

generally focus on corporate priorities. The work of each project is driven through a smaller group of Members (a Panel) and supported in its work by relevant officers. Some recent reviews have been on volunteering in cultural services and end of life care for adults.

Copies of all scrutiny reports are published on the Council's website and are available on request. A list of projects undertaken appears in Appendix 1.

There are numerous positive outcomes from scrutiny taking an in-depth look at an issue. An example of this is the preparations for the 2011 Census. The aim of the project was to help ensure the best Census result for Southend. Following the in depth project in 2009, the Economic & Environmental Scrutiny Committee continued looking at the issue – with special Scrutiny Committee meetings being held in October 2010 and February 2011, to which all Members of the Council were invited. The Scrutiny Committee also considered the draft 'quick guide for Councillors' in November 2010.

In 2008, the Council achieved national recognition for this in-depth scrutiny project on older people, which was highly commended in the 'Good Scrutiny Awards 2008' in the Community Engagement

through Consultation category (*Centre for Public Scrutiny*).

Each Scrutiny Committee monitors and reviews the outcomes from each of its in-depth reviews. Some examples of this are: (a) the Carers scrutiny project, which concluded in June 2009. Progress reports on actions were considered by the Community Services & Culture Committee in December 2010 and December 2011; (b) the Economic climate scrutiny project, which concluded in July 2010. A progress report was considered by the Economic & Environmental Scrutiny Committee in February 2012.

The Chairmen's Scrutiny Forum also reviews the actions from previous projects. For example, in September 2011, the Forum reviewed the recommendations / actions taken of the Regeneration of the seafront project, which had been carried out in 2006 / 07.

The Council's committee minute system also tracks all Cabinet decisions, thereby facilitating more systematic monitoring.

(e) Small Items of Scrutiny:

As well as carrying out major investigations, each Scrutiny Committee also carries out 'small' items of

scrutiny. A recent example of this was the consideration by the Economic & Environmental Scrutiny Committee of Pier maintenance and the arrangements in place to ensure that planned and ad-hoc maintenance and safety issues at the Pier are appropriately managed.

(f) Budget:

Members on the three Scrutiny Committees have the opportunity to scrutinise the proposed budget before it is considered by the full Council.

(g) Performance Management:

Each Scrutiny Committee considers the Monthly Performance Report, which contains details of key performance data focused on Corporate Priorities. (The Scrutiny role complements the role / function undertaken by the separate Audit Committee.)

This enables Scrutiny Committees to challenge Cabinet Members on performance, particularly since the data is presented in a way that enables comparison with other Councils, and the Committees consider the most up-to-date published data.

Scrutiny Committees also receive regular update reports on key issues and considering performance is often central.

(h) Health Scrutiny and Regional Health Scrutiny:

As mentioned in section 2.1 (b) above, Health Scrutiny is about examining any health issue which affects local people. It focuses on reviewing the planning, provision and operation of local health services, including the activity of the NHS and other organisations.

The health scrutiny function now falls within the remit of the People Scrutiny Committee, which will also work closely with local NHS organisations and with colleagues at Essex County and Thurrock Councils.

The Regional Health Scrutiny Chairs' Forum is an informal body established to monitor proposed NHS service development or variation at a regional level. Recently the Forum has reviewed this regional working to reflect the new health and scrutiny landscape.

(i) The New Roles for Scrutiny:

The recent legislative changes referred to at section 2 above will have implications for scrutiny for example, through the creation of the statutory Health & Wellbeing Boards, creation of Clinical Commissioning Groups, local HealthWatch, Police & Crime Panels. Powers in the recent legislation emphasise the importance of partnership working in the delivery of public services.

4. The Roles of Scrutiny Members and Others:

4.1 The role of the Scrutiny Committee Chairman:

The role of the Scrutiny Chairman, supported by their Vice Chairman, is to:

- ❖ provide leadership and direction;
- ❖ facilitate and encourage the active involvement of all members;
- ❖ promote a consensual approach to the Committee's activities;
- ❖ seek the endorsement of the full Committee to all recommendations and findings.

4.2 The role of a Scrutiny Committee Member:

The role of a Committee Member is to:

- ❖ provide leadership and direction for scrutiny process;
- ❖ to challenge and scrutinise and make recommendations based on their deliberations;
- ❖ be responsible for the outcome of Scrutiny.

4.3 The role of co-opted members:

As mentioned in 3.1(b) above, the People Scrutiny Committee has both voting and non voting co-opted members sitting on them. Co-opted members have rights of 'call in' and contribute fully to the work of the Committee.

As part of the in-depth project on Carers, the non voting co-opted members became involved in a 'stakeholder reference group' which supported the project team in its work.

4.4 The involvement of Cabinet Members:

Cabinet Members are required to attend Scrutiny Committees to answer questions on Cabinet proposals within their portfolio (or area).

From the Cabinet's perspective, the value of scrutiny includes:

- ❖ pre-decision scrutiny – to help inform the Cabinet before it makes any decision;
- ❖ call in which provides challenge;
- ❖ performance monitoring which provides challenge and contributes to improvement;
- ❖ in depth scrutiny projects which can identify real service improvements;
- ❖ providing challenge to other public services;
- ❖ enhances public engagement in terms of policy improvement and service delivery.

4.5 Role of other stakeholders:

Stakeholders include those who attend Scrutiny Committee meetings to 'give evidence' as part of in-depth projects. The Committees ensure that the 'evidence givers' know what to expect at the meeting and are also provided with the list of questions, or the parameters of the questions to be asked by the Members as part of the inquiry. Attendees are treated with respect and rules of good debate are observed.

The public can have a role and can be involved in the scrutiny process in a number of ways. They are invited to be part of in-depth projects as stakeholders for example the anti social behaviour project.

The public can also ask questions at ordinary Scrutiny Committee meetings. The timescales for sending in questions is 5 working days before the date of the ordinary meeting of the Scrutiny Committee – see Part 4(a) Paragraph 6B of the Councils Constitution for fuller details.

5. Making Scrutiny More Effective:

The last external Inspection of the Council as a whole made some very positive comments about the scrutiny function:

- ❖ call ins – shows decision making is clear and transparent;
- ❖ comprehensive training and development has been provided for scrutiny;
- ❖ had some positive impact on performance;
- ❖ good scrutiny work informed the older people's strategy.

The scrutiny process has evolved over time, in particular developing the capacity to undertake in-depth scrutiny reviews – which in turn influence policy, procedure and practice – and to challenge performance. There is recognition of the need to continue to build on this progress.

5.1 Development and Training:

A significant amount of development and training has been provided to Scrutiny members, to give them the skills to do the job.

Tim Young, associate with the Centre for Public Scrutiny (CfPS) provided development session for Members in October 2011 on Chairing skills, legislative developments and the new agenda for scrutiny and skills for scrutiny.

5.2 Role of Democratic Services Team:

The three Scrutiny Committees are supported by Fiona Abbott and Tim Row.

Fiona Abbott is the Councils dedicated Scrutiny Officer and her function is to promote the role of the Council's Scrutiny Committees and to provide support and guidance to those Committees and other members / officers in relation to the Scrutiny function. She is also the lead officer for the health scrutiny function.

The officers project manage the in-depth reviews. They also engage with local and regional scrutiny networks to help improve practice.

5.3 Scrutiny skills (including equality and diversity issues):

Equality, diversity and cohesion and integration issues are central to all scrutiny work. The Scrutiny Committees have regard to equality and diversity issues in their project plans and we place equalities at the heart of our review work, by ensuring that recommendations are geared to meet the needs of all sections of the community. The CCfA process will also provide Members with a means of bringing issues to the attention of Scrutiny Committees. This will be of potential benefit to all Southend residents and visitors.

5.4 This Guide:

This guide will be enhanced and forms the basis of training for new members.

6. Finding out more:

For further information about Scrutiny at Southend-on-Sea – contact:

Fiona Abbott
Southend-on-Sea Borough Council
PO Box 6
Civic Centre
Victoria Avenue
Southend-on-Sea
Essex SS2 6ER
fionaabbott@southend.gov.uk or email
committeesection@southend.gov.uk
01702 215104

Other useful contacts:

Southend-on-Sea Borough Council:
www.southend.gov.uk – the main Council website
gives details of Councillors, committees, local
election information, publications, etc

Centre for Public Scrutiny - www.cfps.org.uk -
provides a link to the home page of the Centre for
Public Scrutiny (CfPS).

This website acts as a vital resource for scrutineers
across the country. The Centre is a small charity
that promotes the value of scrutiny and

accountability in public services. It provides useful advice and guidance to councillors and officers with a scrutiny role, carries out research and delivers training and development to scrutiny practitioners.

APPENDIX 1

Scrutiny project list

The Council has undertaken a number of in depth scrutiny projects and to date has looked at the following areas:

- Housing – how we plan to meet the growing demand for social rented housing in the current poor national economic climate – 2012 / 13
- To identify improvements so that looked after children are given the best chances in life and that they do not become NEET statistics (not in education, employment or training – 2012 / 13
- Developing strong partnership links to encourage investment in the town and the supply of employment opportunity – 2012 / 13
- Child poverty – 2011/12
- Volunteering in Cultural Services - 2011/12
- Youth anti social behaviour – perception & reality – 2011/12
- End of life care for adults – 2010/11
- Economic climate – 2009/10
- Young Carers – 2010/11
- Preparation for the 2011 Census – 2008/09 & continued in 2009/10 and 2010/11
- Carers need Care too – 2008/09
- Buses – 2007/08
- Housing - a study to highlight some of Southend's most crucial housing issues – 2007/08

- To consider how well placed Southend is in relation to the independence and well being of older people - 2006/07
- Regeneration of the seafront – 2006/07 (& reviewed by Chairmen’s Scrutiny Forum in September 2011)
- Out of hours mental health services – 2004/05
- Contribution of further and adult education establishments in combating the skills deficit experienced by the residents of the borough – 2004/05
- Economic growth aspirations for Southend-on-Sea – 2004/05
- Harming the environment: its causes and solutions – 2004/05 (reviewed by Chairmen’s Scrutiny Forum in 2010)
- Progress and achievement in non-selective secondary schools – 2004/05
- Learning disability services – 2003/04
- Raising the attainment of pupils from disadvantaged communities – 2003/04
- Evaluation of the Census result for Southend-on-Sea – 2003/04
- Assessment of the effects of Decriminalised parking enforcement in Southend-on-Sea – 2003/04
- Access to primary NHS dental services (under separate health Scrutiny powers) - 2003
- Town centre – 2000/01
- Anti social behaviour (& reviewed by Chairmen’s Scrutiny Forum in 2010)

- Corporate Parenting – 2000/01 (& reviewed by Chairmen’s Scrutiny Forum in 2011)
- Pier and Foreshore – 2000/01

For further information please go to www.southend.gov.uk and then to the Council & Democracy pages. The projects have lead to real improvements – see section 3.2 (d) of this guide for some detailed examples.

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