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# Scrutiny Guide

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

JULY 2019

# 1. Preface

*Welcome to the latest edition of our guide to scrutiny at Southend, which has been produced on behalf of the Chairs' 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 that you continue to 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  
July 2019

## 2. What is ‘Scrutiny’?

Scrutiny is based on the parliamentary select committee model of governance. Scrutiny is the main activity for most Councillors who are not members of the Executive. The purpose of scrutiny is to ensure that decision-making in local government is efficient, transparent and accountable and that the best decisions are taken in the interests of residents.

### 2.1 Legislative Background:

#### (a) Scrutiny arrangements and powers:

The Local Government Act 2000 Act<sup>1</sup> 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 – scrutiny is independent and it holds the Executive to account by acting as a critical friend;
- 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.

The Scrutiny Committee arrangements were revised at Southend in 2013. 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.

The Government has recently issued further statutory Guidance on overview and scrutiny in local and combined authorities which local authorities must have ‘regard to’ in its scrutiny arrangements.

#### (b) External scrutiny: Health scrutiny:

The People Scrutiny Committee discharges the health scrutiny function, conferred by the Health & Social Care Act 2012. Health scrutiny powers are vested in upper tier local authorities (or social care councils) 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;

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<sup>1</sup> Local government scrutiny was formally introduced by the Local Government Act 2000 - however, law affecting scrutiny – in particular, scrutiny committees – goes back to the legislation which established modern local government, the Local Government Act 1972. Since 2000, there have been a number of Acts (and secondary legislation) which have increased the powers of scrutiny. Recent legislative changes are the Police Reform & Social Responsibility Act 2011, the Health & Social Care Act 2012 and recently Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities.

- 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) External scrutiny: Crime and Disorder scrutiny:**

The Police and Justice Act 2006 brought in statutory powers for scrutiny committees to investigate work being undertaken by Community Safety Partnerships. At Southend crime and disorder scrutiny sits with the Policy & Resources Scrutiny Committee. The Committee has had regular meetings with representatives from Essex Police to answer questions on current issues. All member briefing sessions are also being held quarterly, focussing on particular issues.

The Police Reform & Social Responsibility Act 2011 brought about significant changes to policing governance and accountability – notably the creation of the elected post of Police and Crime Commissioner, who is held to account by a Police, Fire & Crime Panel. The Council appoints a Member to the county-wide Essex Police, Fire and Crime Panel.

### **(d) Councillor Call for Action (CCfA):**

CCfA is one 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 amended the provisions relating to CCfA 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).

## **2.2 The four principles of good scrutiny:**

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

- provides ‘critical friend’ challenge to executive policy-makers and decision-makers;
- enables the voice and concerns of the public and its communities to be heard;
- is carried out by ‘independent minded people’ who lead and own the scrutiny role;
- drives improvement in public services and finds efficiencies and new ways of delivering services.

Scrutiny is not a complaints system, there is a separate corporate complaints procedure for use by members of the public and it cannot consider issues where other appeal processes exist e.g. planning decisions, licensing, schools admission.

## **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 five 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](http://www.southend.gov.uk)

The remits of the 3 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

### 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
- Flood & Waste Management
- All aspects of the Better Queensway Regeneration project (including Housing)
- Digital Futures

### Policy & Resources Scrutiny Committee:

- Corporate Planning & Policy
- Asset Management
- Corporate Services (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.

The Scrutiny Committees are chaired by Councillors from the opposition Groups on the Council.

Each Scrutiny Committee 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, including statutory co-optees with regard to the scrutiny of education functions (who have voting rights on education matters) and non-voting members representing the voluntary sector. In addition, there are two observers representing the Youth Council.

(c) The Chairs' Scrutiny Forum – this Forum is attended by the Chairs and Vice Chairs of the three Scrutiny Committees. The purpose of the Forum is to improve the scrutiny process, disseminate good practice and address any issues of concern.

## 3.2 How the Scrutiny Committees undertake their different roles:

Being a 'critical friend' threads through all of them.

### (a) 'Call-in':

This is a legal power of a Scrutiny Committee to review a Cabinet decision *but not yet implemented*. 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](mailto: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. The relevant Cabinet member will be in attendance at the Scrutiny Committees to answer questions.

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. The Committee's role is to consider whether the decision has been taken in accordance with the principles of good decision-making (as per Article 13 of the Constitution) and to consider corporate implications of the proposals which are set out at the end of all Cabinet reports e.g. financial implications, risk and equality implications.

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

Scrutiny Committees have the opportunity to probe, challenge and question all Cabinet decisions before they take effect and, where necessary, refer them back to Cabinet for re-consideration 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:**

This procedure is used in appropriate cases to give Scrutiny Committees the opportunity to consider issues prior to them going to Cabinet. In the 2017/18 Municipal Year, the Scrutiny Committees considered 3 matters in this way and a recent example is the Museums Disposal Policy. Other issues are also considered through working parties such as the future provision of secondary school places.

### **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 how plan to meet the growing demand for social rented housing and off site education provision for children and young people.

Copies of all scrutiny reports are published on the Council’s website and are available on request. A list of more recent projects undertaken since 2014 appears in [Appendix 1](#).

There are numerous positive outcomes from scrutiny taking an in-depth look at an issue. One example of this is the recent review ‘How the Council assists and excites individuals and community groups to achieve healthier lifestyles’ which has now led to the development and implementation of a physical activity strategy for Southend.

Monitoring of previous projects happens in a number of ways:

- reviewing progress of a project at a committee meeting;
- the Chairs’ Scrutiny Forum can also review the actions from previous projects;
- a monitoring sheet is published on the Council’s website;
- the Council’s committee minute system also tracks all Cabinet decisions, thereby facilitating more systematic monitoring.

### **e) Specific items of scrutiny:**

As well as carrying out major investigations, each Scrutiny Committee also carries out specific items of scrutiny. For example, following the inspection of Children’s Services in 2016, the People Scrutiny Committee established a dedicated panel to provide additional challenge to review and interrogate the improvement journey against the Ofsted recommendations and against the improvement plan.

### **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 Monitoring:**

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

The Council's Corporate Performance has also recently been reviewed to provide robust and transparent performance management to drive the delivery of the 5 Strategic Delivery Plans, developed through extensive consultation and engagement to articulate the Southend 2050 ambition. The Quarterly Corporate Performance Report will provide a high level summary of the Council's corporate performance and progression over the previous quarter on the high level strategic priorities. This enables Scrutiny Committees to challenge Cabinet Members on performance – and the scrutiny role complements the role / function undertaken by the separate Audit Committee.

There will also be an annual, place based report, and used as a tool for strategic reflection and peer accountability at partnership level.

## **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 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 which can discuss NHS service developments or variations at a regional level – membership comprises the health scrutiny chairs from the regions county & unitary councils.

## **i) Developing Roles for scrutiny:**

The scrutiny role continues to develop and the powers in the legislation emphasise the importance of partnership working in the delivery of public services. Being a 'critical friend' threads through all of scrutiny's various roles – i.e. holding to account, budget scrutiny, performance monitoring, policy review, policy development, external scrutiny.

# **4. The Roles of Scrutiny Members and Others:**

## **4.1 The role of the Scrutiny Committee Chairs:**

The role of the Scrutiny Chairs and Vice Chairs 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;
- challenge and scrutinise proposals, including risk and equality implications and make recommendations based on their deliberations;
- be responsible for the outcome of scrutiny.

## 4.3 The role of a 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.

For some guidelines for questions to ask at Scrutiny see [Appendix 2](#).

## 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 2 working days before the date of the ordinary meeting of the Scrutiny Committee – see Part 4(a) Paragraph 6B of the Council's 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 Peer Review of the Council in 2015 also made some very positive comments about the scrutiny function:-

*In line with our views about the existence of an effective performance management system being in place, we saw effective in year budget monitoring including the engagement of: cabinet, scrutiny, corporate management team and senior managers.*

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 Member workshop/ briefing sessions:

Presentations from officers and outside bodies are in the majority of cases now taken at training / briefing sessions rather than at Scrutiny Committee meetings. The main benefit to this approach is that it allows other Members to attend these 'cross cutting' presentations rather than just those members of the particular scrutiny committee.

Some recent sessions have been on Southend 2050 and South Essex 2050, Cyber Security, Better Queensway project and the lower Thames Crossing.

### 5.2 Development, Training & Scrutiny Skills:

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

Following local elections at the start of a Municipal Year, the Monitoring Officer and Scrutiny Officer provide training to Members and co-opted members. This induction session provides a brief overview of Council's decision making processes and how scrutiny operates within that; an introduction to the principles of scrutiny and health scrutiny and the work of the Scrutiny Committees in the previous year.

External trainers have also been commissioned to provide training for Scrutiny members as and when required.

Equality, diversity and cohesion and integration issues are central to all scrutiny work. The Scrutiny Committees can pursue equality and diversity issues when scrutinising call-ins, in their project plans and equalities are placed at the heart of our review work, by ensuring that recommendations are geared to meet the needs of all sections of the community.

For some issues, there is a need for a more in depth consideration of equality and diversity issues, requiring an Equality Analysis (sometimes called an Equality Impact Assessment) to be undertaken and this should be provided, with a report, or be available on request.

## 5.3 Role of Democratic Services Team:

The three Scrutiny Committees are supported by Fiona Abbott and Tim Row. Fiona Abbott is the Council's 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.

## 5.4 This Guide:

This guide has been and will continue to be enhanced and forms the basis of scrutiny training for new Members.

## 5.5 Finding out more:

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

Fiona Abbott  
[fionaabbott@southend.gov.uk](mailto:fionaabbott@southend.gov.uk)

Tim Row  
[timrow@southend.gov.uk](mailto:timrow@southend.gov.uk)

Robert Harris  
[Robertharris@southend.gov.uk](mailto:Robertharris@southend.gov.uk)

or email [committeesection@southend.gov.uk](mailto:committeesection@southend.gov.uk)

## 5.6 Other useful contacts:

Southend-on-Sea Borough Council: [www.southend.gov.uk](http://www.southend.gov.uk) – the main Council website gives details of Councillors, committees, local election information, publications, etc. This guide, and other useful information, can be found on the intranet and the Council's website, in the [library section](#) on the scrutiny page.

Centre for Public Scrutiny - [www.cfps.org.uk](http://www.cfps.org.uk) - 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.

The CfPS has recently published a 'good scrutiny guide' which is intended to provide advice on the operation of overview and scrutiny. It is written to complement the Government's statutory scrutiny guidance (published May 2019). Councils are obliged to "have regard to" this statutory guidance.

## Scrutiny project list

The Council has undertaken a number of in depth scrutiny projects and since 2014 has looked at the following areas:

- Re-imagining the Town Centre in the context of the vision for Southend 2050 - 2018/19 (Place & Policy & Resources Scrutiny Committee)
- In context of vision for Southend 2050 – what is the vision of young people which improves their lives and what are the pathways to achieve this ambition - 2018/19 (People Scrutiny Committee)
- Maximizing the use of technology – 2017/18 (Place Scrutiny Committee)
- Connecting Communities to avoid isolation – 2017/18 (People Scrutiny Committee – to be concluded in 2018/19)
- Additional enforcement resources for Southend – 2017/18 (Policy & Resources Scrutiny Committee)
- Alternative provision – off site education provision for children & young people – 2016/17 (People Scrutiny Committee)
- To investigate the case for additional enforcement resources for Southend – 2016/17 (Joint Place / Policy & Resources Scrutiny)
- 20mph speed limits in residential streets – 2015/16 (Place Scrutiny Committee)
- Transition arrangements from children’s to adult life – 2015/16 (People Scrutiny Committee)
- Control of personal debt and the advantages of employment – 2015/16 (Policy & Resources Scrutiny Committee)
- How the Council assists and excites individuals and community groups to achieve healthier lifestyles – 2014/15 (People Scrutiny Committee)
- The Council’s Community Leadership role in promoting safer communities – 2014/15 (Policy & Resources Scrutiny Committee)
- Understanding erosion taking place on the Foreshore – 2014/15 (Place Scrutiny Committee)

For further information please go to [www.southend.gov.uk](http://www.southend.gov.uk) and then to the Council & Democracy pages.

The projects have led to real improvements – see section 3.2 (d) of this guide for some detailed examples.

### Guidelines for questions to ask at Scrutiny

- Decide what type of question will get the information you want.
- Think about the specific question you need to ask.
- Ask specific, clear questions.
- Avoid leading, multiple and judgemental questions.
- 'Open wide and close in' – make initial questions wide and then close in to get detail.
- Give the witness time to understand the question and think of the response.
- 'Live with the silence': a silence often indicates a thoughtful question has been asked.
- Concentrate on listening to answers rather than thinking of your next question. It is often very effective to summarise the response as a way of checking understanding.